

Application No: 16/6237M

Location: Priory Park, PRIORY LANE, MACCLESFIELD, CHESHIRE, SK10 4AE

Proposal: Demolition of existing clubhouse, erection of new clubhouse, laying out of new pitches and residential development of 76 dwellings.

Applicant: Jones Homes North West Ltd and Macclesfield Rugby Union Football Club

Expiry Date: 27-Apr-2017

SUMMARY 16/6237M

The application is a full application for the redevelopment of Macclesfield Rugby Club to provide new facilities and the reconfiguration of playing pitches. The proposal is described as an enabling development proposal and includes 76 dwellings in total.

The site is located within the Green Belt where there is a presumption against inappropriate development. A viability exercise has demonstrated clearly that the level of investment required to redevelop and enhance the club facilities is genuine, and that the receipt for the land requires that level of development in order to be viable and to be able to provide mitigation.

The proposal is not fully policy compliant in terms of obligations, namely affordable housing which does suffer as a result of the viability of the development. As part of the application process, the club has proposed the only option as being the full redevelopment of the site rather than it being piecemeal or on an ad hoc basis over time.

Having carefully considered the application, it is considered that whilst a case for very special circumstances has been put forward, which includes the enhancement of the rugby club facilities and the provision of housing at the site, these do not outweigh the harm to the Green Belt by way of inappropriateness or any other harm which includes the impact on the openness of the Green Belt, and the issues with the design and amenity mentioned in the officers report. The proposal does not represent a sustainable form of development.

It is considered therefore that in this case the benefits of the scheme do not outweigh the harm. The proposal is contrary to policy PG3 of the Cheshire East Local Plan Strategy, policy SE1 of the Cheshire East Local Plan Strategy and policy saved policy DC38 of the Macclesfield Borough Local Plan.

SUMMARY RECOMMENDATION Refuse

PROPOSAL

The application is a full application for the redevelopment of Macclesfield Rugby Club to provide new facilities and the reconfiguration of playing pitches. The proposal is described as

an enabling development proposal and includes 76 dwellings in total, 8 of which are affordable tenure 3 intermediate and 5 social rented. The applicant proposes to sell a proportion of the land associated with the club along the frontage with Priory Lane for development which will then fund the new clubhouse building and associated facilities.

The proposed housing mix is as follows:

Hollin x 3 – 4 bed detached
Bowdon x 3 – 5 bed detached
Banbury x 14 – 4 bed detached
Latchford II x 3 – 5 bed detached
Styal x 2 – 4 bed detached
Davenham 17 x 11 – 4 bed detached
Thornton x 4 – 3 bed semi-detached
Langley x 12 – 3 bed semi-detached
Cranford x 14 – 2 bed mews
1 Bed Apartment x 4
1 Bed Bungalow x 6

The existing clubhouse will be demolished and a new modern clubhouse erected on the site. The proposed clubhouse will be at a different orientation. The existing clubhouse is located to the south of the main pitch, with the length of the building orientated north/south. The proposed clubhouse would be located to the west of the proposed main pitch which will also be re-orientated. The proposal includes a total of the following facilities:

- New Clubhouse
- U6/7s Pitch
- U8s Pitch
- U9/10s Pitch
- U11s Pitch
- 2 Adult Grass Pitches
- 1 Adult 3G Pitch

The proposal also includes formalising of the existing car parking arrangements. The application will see the loss of 4 small pitches. There is an existing artificial pitch to the south of the site which will be retained. The proposal includes ball stop fencing along the north and western boundary with the proposed dwellings, there will be a buffer zone between the dwellings to the northern portion of the site and the proposed rugby pitches.

The proposals have been subject of several amendments over the course of the application. The clubhouse has been redesigned following comments from the Council, further the layout and house types have been amended following discussions with the Council.

The application has been viability tested and as a result of the viability exercise which would enable the full funding of the facilities proposed the development can provide the following benefits which would be secured by a Section 106 agreement.

- 8 of the dwellings proposed would be affordable at a full policy compliant tenure split

- £225,270 towards education – providing 11 x £17,959 x 0.91 = £179,770.00 (secondary)
1 x £50,000 x 0.91 = £45,500.00 (SEN)
- £50,000 towards public open space
- £50,000 towards highway improvements
- £48,350 towards an air quality improvement package

The application proposes a shared access road which will be used by the rugby club and the proposed residential development.

SITE DESCRIPTION

The application site extends to approximately 11.6ha located to the west of Priory Lane, and comprises the Macclesfield Rugby Club. The Macclesfield Rugby Club has expanded over time with additional pitches. The site has been used by MRUFC since September 1980. The site is bounded by hedgerows with a number of large trees to the front of the site. The site has Fallibroome School located to the south which has a footpath link. There are two properties immediately to the south of the site, and one property to the north on the crossroads with Priory Lane and Alderley Road.

The frontage along Priory Lane has detached dwellings in generous plots located opposite the northern portion of the site, to the southern portion of the site along Priory Lane opposite the rugby club is a higher density housing development leading south towards the town of Macclesfield.

To the north of the site is a crossroads with Alderley Road which leads to Macclesfield in a south easterly direction. Macclesfield Town Centre and railway station are located approximately 2.72km from the site as the crow flies, however the route into Macclesfield is relatively direct. Along Priory Lane are Macclesfield Leisure Centre, Fallibroome Academy and Macclesfield Rugby Club forming a sporting corridor.

RELEVANT HISTORY

9704P, Rugby Pitch and screen planting, Approved, 23-Mar-1977

51466P, Three floodlighting columns, Approved, 08-Jan-1988

76168P, Raise ground level to form rugby pitch (no.7) erection of 8 floodlights to existing pitch (no.1) and associated landscaping, Approved, 01-May-1994

33398P, Illuminated box sign, Refused, 05-May-1983

26943P, 8 Floodlights around pitch 1kw strength & 20ft high, Approved, 22-Jul-1981

23747P, 4.5 Metre wide private driveway, Approved, 19-Sep-1980

16309P, 6 squash courts (outline), Approved, 22-Nov-1978

12505P, Clubhouse, Approved, 16-Nov-1977

97/2029P, 8 Floodlights mounted on 8 metre high columns (pitch no 4), Approved, 27-Nov-1997

03/3114P, Golf driving range, Withdrawn, 15-Jan-2004

04/0474P, Golf driving range (resubmission of 03/3114P), Approved, 01-Apr-2004

16/5798S, EIA screening opinion for new clubhouse, pitches, associated facilities and 75 dwellings, EIA not required, 14-Feb-2017

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030 July 2017

The following are considered relevant material considerations

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 2 Enabling Business Growth Through Transport Infrastructure

CO 4 Travel Plans and Transport Assessments

SC 1 Leisure and Recreation

SC 2 Outdoor Sports Facilities

SC 5 Affordable Homes

IN 1 Infrastructure

IN 2 Developer Contributions

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

PG 3 Green Belts

EG 1 Economic Prosperity

Macclesfield Borough Local Plan

In addition to the now adopted LPS, saved policies of the Macclesfield Borough Local Plan also form part of the development plan.

The relevant Saved Policies are: -

Environment

NE3 – Protection of Local Landscapes

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

Housing

H9 – Occupation of Affordable Housing

Recreation and Tourism

RT5 – Open Space

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

Development Control

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children’s Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

National Policy:

National Planning Policy Framework

Of particular relevance –

Part 3 – Supporting a prosperous rural economy

Part 6 – delivering a wide choice of quality homes

Part 7 – requiring good design

Part 8 – promoting healthy communities

Part 9 – Protecting Green Belt land

Decision-taking

Other Material Considerations:

National Planning Practice Guidance

CONSULTATIONS

Housing – No objection to housing numbers based on robust viability exercise, however objects to the layout with affordable units in a single cluster

Not pepper-potted across the site.

Education - Conclusion: No objection subject to developer contribution of £225,270.00.

Cheshire East Council Greenspace Comments – Commuted sum of £50,000 required. Onsite Recreation Open Space (ROS) proposed sufficient to alleviate requirement for a contribution.

Cheshire East Council Indoor Sport Comments – Whilst under the new CELPS policies there would normally be a requirement for a contribution from 76 dwellings towards indoor sport & recreation, given the investment in new sport and recreation as part of the application it is considered that this should be waived.

Highways – In these circumstances the application is considered acceptable subject to a financial S106 contribution of £50,000 to provide additional pedestrian facilities at the junction of Alderley Road/Macclesfield Road/ Prestbury Road and conditions.

Environmental Protection – No objections subject to conditions and financial contribution.

PROW – I have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Environment Agency - This site is Flood Zone 1 and there are no "main river" watercourses on/adjacent, so Flood Risk Standing Advice will apply, we advise that the LLFA are consulted.

We have reviewed the Preliminary Geo-Environmental Assessment, for Priory Lane, Prestbury, prepared by RSK, ref: 321807, dated 25th September 2015 with respect to potential risks to controlled waters from land contamination.

Based on the information provided the report does not indicate that the site is likely to pose a significant risk to controlled waters, therefore, we have no requirements for additional works at this time or recommendations for planning conditions to be imposed in respect of controlled waters.

United Utilities – No objections subject to conditions

Flood Risk Team – No objections subject to conditions

Sport England – Objection removed following submission of further information

VIEWS OF THE TOWN COUNCIL

Macclesfield Town Council -

- i. Removal of the green gap
- ii. Merging of conurbations (Macclesfield & Prestbury)
- iii. Compaction of highways issues associated with the recently approved and adjacent King's School development
- iv. Noise pollution based on proximity to sports club
- v. Design quality due to over development
- vi. Over development of the proposed site
- vii. Development on the green belt without properly demonstrating exception circumstances as required by the National Planning Policy Framework
- viii. Public health risks due to increased traffic pollution, identifying recent Cheshire East air quality data for Macclesfield (Cheshire East Council has a statutory duty to implement the Local Air Quality Management function (LAQM) for its area in accordance with legislative requirements laid down in part IV of the Environment Act 1995.)

Prestbury Parish Council –

1. This development is situated in the green belt and is not an allocated site within the local plan. It does not meet any of the very special circumstances set down in NPPF 55. This site is a very important piece of green belt as it is the gateway to Prestbury Village.
2. We consider this to be an inappropriate development in the local settlement pattern as stated in the Village Design Statement and does not meet the criteria of Paragraph 56 of NPPF.
3. We consider that the increase in the size of the new club house by 50% is inappropriate development in green belt in accordance with Policy PG3.
4. We consider that the development does not meet the design guidance in terms of density, design and appearances when located adjacent to open space or the countryside
5. We are very concerned about the removal of a number of trees which provide a significant contribution to the amenity of the area and is in contravention of local plan policy DC9 and local plan strategy SE5.

REPRESENTATIONS

Macclesfield Civic Society –

1. we see no objection to new or improved pitches, a new club house (subject to suitable siting, materials and design and no unacceptable loss of openness of the Green Belt).
2. we note the highway consideration is based on the assumption that the double roundabout junction at Priory Lane/Alderley Road is in place by 2020 - as this is not yet secured surely the residential element is premature even if it was acceptable in principle (which it is not).
3. the residential development cannot be regarded as an enhancement given the urban design comments.
4. the sole justification for the residential element of the scheme (as "very special circumstances") remains financial - it is not considered that this represents sufficient weight to rebut the presumption against inappropriate development in the Green Belt.
5. if permission is granted it would represent planning by expediency - not a rational, reasoned or reasonable approach.

115 letters received in total (7 of which relate to the latest reconsultation)

In objection

- Neighbour at 70 Priory Lane, modification to the type of housing adjacent to property is welcome, although scale and nature of development remains unchanged.
- Traffic issues at Prestbury Road/Priory Lane Junction
- Concerns over Japanese Knotweed concerns have been considered and support the recommendations of the additional surveys and control of Japanese Knotweed and Himalayan Balsam.
- Fallibroome School – development will add 76 dwellings to the local area, increase in traffic causing hazard to students in morning and after school. Move of Kings School to the area will add further traffic.
- Danger to children at adjacent school through additional traffic
- MRUFC already has a clubhouse above the standard of many clubs and has a first class grass pitch on a natural sandbed draining well.
- The existing clubhouse facility could be extended on the present site.

- MRUFC is a members club all paying subscriptions of around £110 annually so not a community facility.
- Proposed development will link Upton Priory to Prestbury
- Application is predicated on high ambitions for the club for the future rather than current needs.
- Noise generated by the proposed development
- Residential part of the plan is not driven by need – not in the local plan.
- Need for funding the rugby club is not strong enough to justify allowing residential development that encroaches into the Green Belt outside the local plan.
- Location of affordable housing is not pepper potted and crammed under powerlines
- Community groups will need to be able to pay to use the community facility
- No mains sewer on Priory Lane
- Other community facilities are already available in the area
- Proposed houses are standard boxes not in keeping with the area
- Please consider a roundabout

In support

- What the local community needs – a modern sports facility to compliment the nearby leisure centre
- The proposal will welcome schools, football clubs, ladies teams etc.
- 76 dwellings will have a minimal effect on traffic if any

Original consultation responses

In support

- Caterer for Macclesfield Rugby Club in support of the planning application.
- New clubhouse will see more use from the local community company would expect to employ an extra person.
- No disabled access to existing function room, the new development would have a lift in the clubhouse.
- Facilities are often offered for free for sporting events
- Macclesfield RUFC is instrumental in supporting the Macclesfield School Sport Partnership
- **England Rugby** – The rugby club has served the local community, providing access to rugby for young and old. The club provides coaches and support for local schools and allow them to use their facilities on a regular basis. The proposals would allow the club to diversify and grow their rugby offer to the local schools and community. The new facility would allow the club to try and recruit a womens/girls section for the first time which would be heavily supported by the RFU's local delivery team. The new facility would allow the club to grow their social offer, allowing older/lapsed players back to the game fixtures on Friday evenings, supported by the RFU. The club has one of, if not the largest Mini and junior section in the country. Their new facility and AGP will help them to improve their offer and cut down on games/training sessions lost to bad weather.
- Facilities when related to other rugby clubs are good, however if the club is to maintain this superior status it has to move on. Facilities are now aged and tired, inadequate standards. Playing pitch cannot stand up to constant use.

- Improvements are long overdue
- Proposal will benefit those in surrounding areas not just immediate
- Soccer teams also use rugby club facilities
- Object to a development so close to the centre of Prestbury Village
- 3G pitch welcomed
- Strongly support the future development of a community club
- Housing is much needed in the area
- Excellent opportunity for Macclesfield as a whole
- Good for health and wellbeing
- Year round facility
- Would compliment local facilities
- The loss of the rugby club would have a greater impact than the loss of some unused wasted Green Belt land.

In objection

- Not a community facility – private subscription paying members club, unable to manage finances
- Housing is not in keeping with density and style locally
- Traffic impact
- Pedestrian safety
- Affordable housing under pylons is disappointing
- Kings School will be providing flood lit pitches to benefit the local community so proposed Macclesfield Rugby Club benefits are reduced.
- The original rugby club is an example of poor planning due to the positioning of the clubhouse.
- Traffic surveys done in August
- Proposal will destroy the Green Belt
- If the pitches had been correctly maintained in the past this would not be required
- Level of affordable housing not to requirements
- The development along with Kings School development will cause additional traffic problems
- Concerns that pitch lighting will affect neighbour environment, lighting from Falibroome School is very bright.
- Air pollution

APPLICANT'S SUPPORTING INFORMATION

- Bat survey and further bat survey
- Complete Arboricultural Statement
- Lighting Details
- Redacted enabling development statement
- Arboricultural impact assessment
- Design and access statement
- Ball stop fencing specification
- Dusk and night bat surveys – daytime bat survey
- Air quality assessment
- Noise impact assessment

- Statement of community involvement
- Tree Survey
- AGP fencing specification
- Ground conditions
- Flood Risk Assessment
- Preliminary Geo-Environmental Assessment
- Planning Statement
- Existing pitch drainage information
- Existing topographical survey
- Landscape and Visual Impact Assessment
- Transport Assessment

APPRAISAL

Key Issues

- Principle of development
- Green Belt
- Very Special Circumstances
- Local Plan Update
- Affordable Housing and Housing Mix
- Education
- Public Open Space & Recreation
- Indoor Sport
- Highways
- Public Rights of Way/Access
- Urban Design
- Landscape Impact
- Trees
- Ecology
- Amenity
- Flood Risk
- Viability
- Section 106 agreement
- Representations
- Conclusions
- Recommendation

Principle of development

The site is located within the Cheshire Green Belt on the edge of the town of Macclesfield. The site is an existing Rugby Club facility.

Developments for outdoor sport and recreation are considered to be a complimentary and acceptable use within the Green Belt, paragraph 81 of the NPPF states that:

Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

The Macclesfield Rugby Club is well established at the site and has been in situ since 1980 at Priory Park. The following teams use the site:

- First Senior Team, known as 'The Blues'. The first team currently competes in the National Division One (i.e. the third tier in English Rugby Union league structure);
- Second Senior Team, known as 'The Lions'. The second team compete in the Bateman Premier League (i.e. North West Regional League);
- Third and Fourth Senior Teams both play in a regional league system sponsored by the University of Salford;
- Youth teams and adult teams, play competitive rugby every week and are supported by an extensive coaching and medical team;
- Mini and junior rugby teams; and
- MRUFC junior football.

The site has been used for rugby for 38 years and is located entirely within the Green Belt. It is considered that the upgrading of facilities, such as the 3G pitch and the reconfiguration of facilities is considered to be an acceptable form of development within this area as they utilise the existing site. The proposal for the reconfiguration of the pitches is not considered to conflict with the purposes for including land within the Green Belt as they do not encroach beyond the existing perimeter of the site.

The hardstanding however will be formalised towards the centre of the site for a more efficient car parking layout. This engineering operation will result in an additional area of hardstanding covering an area of around 2220sq.m according to the plans provided, which results in a 32% increase in hardstanding. The hardstanding itself is not considered to be harmful to openness, however it would result in an encroachment into land which currently has grass pitches which are compatible with the Green Belt status of the site. Further the use of the land for car parking especially during peak times is considered to be harmful to openness, the harm increasing and decreasing based on the level of use. Therefore in order to justify the increase in hardstanding proposed a case for Very Special Circumstances must be demonstrated.

The proposed 3G pitch is considered to be an acceptable use in this location, where an existing rugby pitch is located. The existing pitch to be replaced is not currently usable, due to previous poor management of the engineering of the pitch. The top soil is not a suitable playing surface as it contains large pieces of debris which are not safe for players.

There is a current need within Macclesfield for a new floodlit 3G pitch which is set out in the Council's Playing Pitch Strategy. The provision of such a facility locally which would be open to the public to use as a community would meet this requirement.

The proposal includes the redevelopment of the pavilion. The existing pavilion is located to the south of the main playing pitch with the proposed pavilion to the west of the main playing pitch which is to be rotated.

Within the Green Belt replacement buildings are an acceptable form of development, providing they are in the same use and are not materially larger than the building to be replaced.

In this case the floor area of existing pavilion is 728.2sq.m and the proposed pavilion measures 1159.9sq.m. The increase in floor area proposed is 59%. Therefore the proposed building is considered to be materially larger than the building it is proposed to replace. Whilst

this is a building for the purposes of outdoor sport and recreation, the proposed building would have an impact on the openness of the Green Belt, therefore would not comply with the requirements of paragraph 89 of the NPPF or policy PG3 of the CELPS. Therefore in order to justify the increase in size proposed a case for very special circumstances must be demonstrated.

The proposals also include a housing proposal in order to generate the income required to redevelop the rugby club and to make it more sustainable and self sufficient in the longer term. Throughout the planning application process, a viability exercise has been carried out which has demonstrated that in order for the land value to be high enough to enable the proposed redevelopment the level of housing proposed is required. However it is not viable for the housing element to be completely policy compliant if the full suite of rugby facilities proposed is to be provided.

Whilst the housing scheme is not fully policy compliant it does provide 8 affordable units, a full education contribution, a contribution to road improvements on the local highway network, a contribution to air quality improvement measures and a contribution towards public open space, as this is not provided on site.

Development for market housing within the Green Belt constitutes inappropriate form of development as it is not listed as an exception in paragraphs 89 of 90 of the NPPF nor in policy PG3 of the CELPS. Therefore a site making provision for 76 dwellings can only be justified in very special circumstances, to outweigh the harm and any other harm. Although not isolated due to development further to the east of the site, the harm associated with a level of development such as this is significant. It would see a significant level of encroachment in an area which is free from development at the current time.

The Case for Very Special Circumstances

A detailed case for very special circumstances has been put forward as part of the proposals which include the enabling development report to justify the level of development proposed. The planning statement argues that there would not be a significant loss in openness as a result of the proposed development. However this point is not agreed due to the scale of development proposed.

The planning statement sets out the case for very special circumstances which includes the following:

- Upgrade of the rugby club

The upgrading of the rugby facilities to provide a community facility encouraging people to access the Green Belt for sport and recreational facilities.

Financial viability information has been provided in support of the application. This demonstrates that without the sale of the land for residential development, the Club would not be able to finance the improved facilities and without a more sustainably based income, the future of the Club or at the very least the maintenance of the existing substantial facilities will remain in doubt. The functional and financial justification for the proposals and future business plan are set out in detail in the further reports supporting the application. Those points are not expanded upon in detail here as they rely on confidential financial information, however in summary the improvements proposed are commensurate with the level of development proposed.

The upgrade of the rugby club facilities enhance the beneficial use of the Green Belt for (amongst other things), providing opportunities for outdoor sport and recreation and improving damaged land. In accordance with paragraph 81 of the NPPF.

The proposals within this application are driven by a desire in need to improve and provide opportunities for outdoor sport and recreation not only for the rugby club but for the wider community on a long term and sustainable basis. These facilities cannot be provided in the absence of the realisation of the development value that the residential development brings but the driving force and primary objective is the sport and recreation provision in accordance with paragraph 81 of the NPPF.

In addition, the proposals have been brought forward to address a very unfortunate situation with the usability of the pitches intended to be provided in accordance with planning permission 99/0072P. That application allowed the importation of waste materials to facilitate the levelling of land and creation of additional pitches. Unfortunately the substandard specification of the fill operation has left an area that is largely unusable because of the migration of sub-material to the surface and now requires significant remediation. This area can rightly be described as damaged land, which requires improvement if it is to be an asset to the Club and the proposals are the only means by which that work can be financed. The improvement of the land would be in accordance with paragraph 81.

- Accommodating new residential development

Releasing land at the Rugby Club not only meets the Council's housing needs but at the same time provides an additional community benefit. This in itself becomes a very special circumstance.

- Very special circumstances – five year housing land supply

At the time of submission, the CELPS was not adopted. At that point the Council could not demonstrate a 5 year housing land supply. The planning statement places weight on the lack of 5 year housing land supply, further it goes on to discuss the presumption in favour of sustainable development. However the Council can now demonstrate a 5 year housing land supply, and due to the location of the development, even if the Council could not demonstrate a 5 year housing land supply and the Local Plan was not adopted, the presumption in favour of sustainable development would not apply.

Paragraph 14 of the NPPF states that: *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or— specific policies in this Framework indicate development should be restricted.*⁹ Footnote includes – *'For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt...'*

Therefore due to the location within the Green Belt the presumption in favour of sustainable development would not apply in this case.

As set out above the applicants case for very special circumstances comprises 3 elements.

The upgrade of facilities for the rugby club; accommodating new housing development and the contribution to the Council's 5 year housing land supply.

The NPPF states the following at paragraphs 87 and 88 in relation to very special circumstances:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Therefore in this case, it is for the Local Planning Authority to determine whether or not the case put forward above amounts to the very special circumstances required to outweigh the harm by reason of inappropriateness and any other harm.

The upgrade of the rugby club facilities:

On visiting the rugby club and from the information provided it is clear that the existing pavilion is in a tired condition. There is clearly a lot of support for the redevelopment of the club from members which has been demonstrated through representations received. It is clear that the changing facilities at the club were basic. The function and bar areas and spectator areas appeared to be satisfactory, although not fully accessible. The club building can currently only accommodate men's changing facilities which are existing and it is an aspiration of the club to host women's rugby for which a separate changing facility would be required. Further, female referees are unable to have a separate changing area currently. The shower facilities are basic, probably original to the building. It is therefore clear why it is an aspiration of the club to enhance the facilities, and the statements provided suggest that the most economical way to enhance the facilities would be through the demolition and rebuilding of a new bespoke building rather than upgrading and building ad-hoc additions to the building. This would make the building more economical and desirable. The changing facilities would be modern as would the function spaces. It is considered by the club that better function spaces will help maintain the club into the future by providing a revenue stream.

The rebuilding of the clubhouse would also include repositioning which would be better placed at an east/west juxtaposition rather than north/south. An existing problem expressed by the club, is that during the playing season, often the main pitch is unusable due to it being frozen.

The clubhouse building dates back to the 1980s, a relatively short lifespan for a building. It is unfortunate that when the club house building was originally designed and built, the orientation of the building in relation to the sun was not considered.

The proposals also include the 3G sports pitch for which there is a need identified in the Cheshire East Playing Pitch Strategy for Macclesfield. This provision is welcomed. The upgrading of the rugby club is considered to be desired by many members of the club. There is no doubt that the management of the club has been to its detriment in the past which is the case for the pitch to the west of the site where the 3G pitch would be placed.

It is clear that the proposals would improve the existing situation significantly to be a very high standard facility, and provide the potential for women's rugby which is an aspiration of the RFU as set out in their representation. It would also provide the club with a more stable

revenue stream, and would provide a better facility for the numerous clubs and groups who use the site on a regular basis enjoying participation in outdoor sport.

Information provided with the application in relation to the club's accounts do demonstrate that the club's maintenance costs along with all overheads outweigh profits, and it is running at a loss. The club have stated that this is only set to deteriorate further in the future, and the club relies on one off donations to survive, which are never guaranteed. Improved facilities could make the club more sustainable and encourage greater participation, especially through the 3G pitch, function facilities and making the club more attractive to increase subscriptions.

The club is an important asset to Macclesfield which has been demonstrated through the information provided, however the question remains as to whether the site requires the full transformation funding immediately, and whether this could not be done in a more holistic way over time. The view of the applicant is that this is the only option. However does this justify the cost to the Green Belt which is significant. The case for the new facilities is a benefit to which moderate weight is attached.

The release of land to accommodate housing and 5 year housing land supply:

The site would make provision for 76 dwellings. Housing does provide numerous benefits, especially with the provision of some affordable housing. The proposal is within a sustainable location on the edge of a large town. The housing development would also provide contributions which without the proposed development would not be forthcoming, albeit some being mitigation. However, the Council is of the view that it can currently demonstrate a 5 year housing land supply and whilst this proposal would go some way to helping to maintain this position it is not considered to be as beneficial at the current time to outweigh the harm. Housing constitutes an inappropriate form of development and on this scale the benefits of this are something to which moderate weight is attached.

Green Belt Conclusions

The harm to the Green Belt as a result of the proposals is significant, particularly the housing element. The Green Belt provides a series of important purposes as set out in paragraph 80 of the NPPF. The larger clubhouse would have a greater impact on openness than the building it replaces, the increased level of hardstanding across the site would see an encroachment albeit within the curtilage of the site, and the housing element would see a significant amount of built development which is an inappropriate form of development.

The proposals however would see a vast improvement to an important and well used community facility in Macclesfield Rugby Club which provides access to outdoor sport for all ages, and makes a huge contribution to the health and wellbeing of users, a local and national aspiration, through the promotion of, and participation in sport, an ethos enshrined in Green Belt policy by providing access to such facilities.

Due to the scheme constituting inappropriate development, the proposals must be beneficial enough to outweigh the harm by inappropriateness and any other harm through the presence of very special circumstances. The circumstances put forward are beneficial, especially the redevelopment of the rugby club, however, it is not considered that these outweigh the harm arising by reason of inappropriateness or the other harm identified which is the impact on openness. Other harm which would have arisen as a result of the scheme is largely considered to be adequately mitigated through measures set out in report which have been

viability tested and through the amendments sought during the course of the application process. However further harm is identified through the proposal not being fully policy compliant with regard to design due to matters that have not been resolved through amendments, further harm has also been identified through the amenity of future residents being compromised by virtue of overlooking, with particular reference to plots 63, 64 and 65 of the proposed development.

Local Plan Update

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years) . In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a

'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

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 Housing Mix

The Cheshire East Local Plan (CELP) and 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 76 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 23 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Macclesfield per year up to and including 2018 is for 103x 2 bedroom and 116x 3 bedroom dwellings. The SHMA also shows a need for 80x 1 bedroom Older Persons. These Older Persons dwellings can be via Flats, Cottage Style Flats and Bungalows.

The SHMA shows an oversupply of 1 and 4 bedroom General Needs dwellings and 2 bedroom Older Persons.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1019. This can be broken down to 525x 1 bedroom, 336x 2 bedroom, 136x 3 bedroom and 22x 4 bedroom dwellings. On this site a mix of 1, 2, 3 and 4 bedroom General Need's dwellings with a provision of 1 bedroom Older Person dwellings would be acceptable.

15 units should be provided as Affordable/Social Rent and 8 units as Intermediate tenure.

The applicant has supplied a Viability Study that has been verified. This study shows the development can only afford to provide 8 Affordable dwellings. These 8 on site have been

shown to be split to 5 Rented and 3 Intermediate Tenure, which is policy compliant. However the location on site is in a corner of the development and are clustered together but should be pepper-potted across the site. Therefore the housing officer objects on this basis.

With regard to the housing mix proposed, this includes 3 x 5 bed units, 30 x 4 bed units, 16 x 3 bed units, 14 x 2 bed units and 10 x 1 bed units. The 8 affordable units are 1 bed units comprising bungalows and apartments.

It is considered that the proposed mix is sufficient across the site.

Due to the small number of affordable units, it is more difficult to genuinely pepper-pot these across the site, however they meet the required mix based on a robust viability exercise. It is not considered that the positioning of the units in this case would alone warrant a reason for refusal of the application.

Education

The development of 76 dwellings is expected to generate:

13 primary children (76 x 0.19) – 1 SEN child
11 secondary children (76 x 0.15)
1 SEN children (76 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Priory Park application will exacerbate the shortfall. The 1 SEN children who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.

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

11 x £17,959 x 0.91 = £179,770.00 (secondary)
1 x £50,000 x 0.91 = £45,500.00 (SEN)
Total education contribution: £225,270.00

Without a secured contribution of £225,270.00, Children's Services raise an objection to this application. This is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 11 secondary children and 1 SEN child would not have a school place in Macclesfield. The objection would be withdrawn if the financial mitigation measure is agreed.

Public Open Space and Recreation

The applicant has provided details of housing types and numbers, 66 of which are 2 bed+ family dwellings. In line with the Policy SE6 of the CEC Local Plan, there is a public open space requirement of 65m² per family dwelling totalling 4290m² of POS. Play provision should be provided to support the new community. A LEAP play area would be required in line with Fields in Trust Guidance. There is no provision for play on the proposed master plan. Therefore a commuted sum of £50,000 will be required for off site provision of play and amenity improvements to Lanark Walk open space and Juniper Rise play area.

The lack of buffer zones between the residential and sports club facilities to the southern portion of the site raises concerns about the quality of the development for the new community due to the potential for conflict between themselves and the users of the sports facilities.

There is a requirement for Recreation and Outdoor Sport (ROS) and indoor sports facilities in line with policy SC1 and SC2 CEC Local Plan.

The Playing Pitch Strategy identifies a need for a 3G artificial pitch in Macclesfield. The master plan shows there will be an increase to the overall pitch quality including a 3G artificial pitch. The club also plans a new pavilion. This is in line with the PPS Action Plan to support the Rugby Club with its aspirations for site development and in its aspirations to develop a World Rugby compliant 3G pitch.

The upgrades and additions to the outdoor sports facilities would add to the network of affordable and sustainable facilities. Therefore, the new and improved provision is an acceptable level of ROS contribution for this development.

Indoor Sport

The application is considered to be in line with both Policy SC1 - Leisure & Recreation and Policy SC2 – Indoor & Outdoor Sports Facilities of the new Local Plan. In addition, unlike the Playing Pitch Strategy, whilst not specifically referenced as an action within the recently adopted “Indoor Built Facility Strategy” the application detail as outlined in the Design & Access Statement (December 2016) supports its Vision and Objectives (Pages 27 -35) –

Vision –

“To create a network of high quality, accessible, affordable and sustainable sport and leisure facilities, which offer inclusive services for all; enabling the inactive to become active and more residents to fulfil their potential by participating in sport and physical activity, thus improving their long-term health and well-being”

Objectives -

1 Maximise the potential sports facility development opportunities created through Cheshire East’s housing and population growth

5. Enhance the quality of the existing sports facility infrastructure and improve its longer term financial sustainability by ensuring sufficient capital funds are available for improvement and upkeep.”

The re-provision of existing and development of new sports facilities is also very much in line with ensuring that the “sports hub” proposal is sustainable for the longer term, something which the Council would be keen to ensure happens. The need for longer term sustainability

is critical to larger sports organisation such as Macclesfield Rugby Club which is the principal rugby football union club for Macclesfield and the surrounding area. The club is growing and has a wide range of teams from juniors right through to the First XI which plays at a high level most recently in National League One (2016/17), and with the recent addition of a ladies team.

In terms of the facilities mix the following is noted –

- The retention of the current 3G provision (even without floodlights) is to be welcomed as it will enable a wider sporting use including support for hockey, netball and football. This will further enhance the sustainable nature of the sports hub
- From a review of its specification the proposed new 3G, in addition to supporting competitive rugby, can also be used for football which will again improve the overall financial sustainability of the club and maximise the use of the investment
- The new clubhouse with its improved accessibility, community room and supporting facilities will further enhance flexibility of use particularly for group events for which the club has a longstanding track record
- Finally the upgrade of the facilities will further enhance the wider sporting corridor within this area of Macclesfield, with the synergies already available from Macclesfield Leisure Centre and the Fallibroome Academy and in due course the new facilities to be provided by the Kings School development.

Whilst under the new policies there would normally be a requirement for a contribution from 76 dwellings towards indoor sport & recreation, given the investment in new sport and recreation as part of the application it is considered that this should be waived.

Sport England has raised no objections to the proposals following the submission of further information.

Social Sustainability Conclusion

The proposals for the residential development will make an affordable housing contribution of the correct tenure which would be secured through a Section 106 agreement. Albeit this is not at the expected policy compliant levels. The proposals will make huge enhancements to a sports club which is a social facility providing outdoor sport and recreation opportunities for many, contributing to the health and wellbeing of the local community, and those travelling from further afield to use the facilities.

The proposed development will make a full education contribution and makes an off site contribution for POS and ROS and would enhance the sporting corridor therefore it is considered that the proposal makes a positive contribution to the health and wellbeing of the future residents of the dwellings and the wider area.

Overall the development is considered to be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Highways

The access to the site would be provided via the existing access point, this is to be improved up to adoptable standard with a 6.3m wide access, two 2.0m footways and a large radius on entry.

The access is from Priory Lane that connects with Alderley Road, Macclesfield Road to the south and Broken Cross to the north. Priory Road is an important local connector road and provides access to residential properties and also serves as access to local schools.

Assessment of Impact

The traffic impact of the proposed development will occur at different times on the road network, the peak demand of the rugby club will be either in the evenings or at the weekend. The residential element will impact in the traditional peak hours, the morning peak usually 08.00-09.00 and 17.00- 18.00. Given the existing levels of traffic flow on the local road network, it is clear that the main impact is in the morning peak hours where the traffic generation will coincide with the local school traffic and this is borne out by the congestion that occurs at the key road junctions close to the site.

The applicant has considered the impact at 2018 and in 2023 and traffic growth has been included in the assessment. An important consideration is the approval of the Kings School at Derby Fields as the application will add further traffic to the road network in similar locations to this development proposal. The applicant has considered the implications of this development in the traffic assessment submitted.

The trip generation associated with the 76 residential dwellings is 57 two way trips in the morning peak hour and there are very little or no existing trips made to the rugby club between 8am and 9am. However, as part of the redevelopment proposals it has been indicated that 20 trips would be made in the morning peak to attend the small conference at the RUFC clubhouse. The peak demand for the rugby club is on a Saturday in the afternoon where it is expected that 56 trips would be generated onto the road network. Given that the existing traffic flows on Priory Lane are considerably lower on the weekend than the weekday morning peak hours the additional traffic can be accommodated. The main impact of this development proposal is the additional flow that will be generated by the residential scheme in the morning peak hours, the evening weekday peak and weekend peak do not have the same congestion problems as the weekday morning peak.

A number of junction assessments have been undertaken to assess capacity of the junctions on the local road network.

Priory Park Access/ Priory Lane – Site Access
Alderley Road/Macclesfield Road/ Prestbury Road
Priory Lane/Churchway – mini roundabout.

The junction capacity assessments for both the access and the mini roundabout junction indicate these will operate with significant spare capacity, this would be expected given current traffic flow demand. It is the staggered junction at Alderley Road/Macclesfield Road/Prestbury Road that has excessive queues and congestion in the AM peak hour.

As the Kings School relocation to Derby Fields has been approved, it is necessary to assess the Alderley Road/Macclesfield Road/Prestbury Road junction with the agreed junction improvements in place and this was the double mini roundabout scheme. The applicant has

assessed this scheme with the development traffic added and the results indicate that the junction operates at capacity in AM peak 2018 but within capacity for all other time periods. The 2023 scenario has slightly longer queues in the AM period and again the other time periods operate satisfactorily.

The applicant has concluded that the additional development proposed at the rugby club including the residential development would not result in a material severe impact to the local highway network. Whilst this conclusion can be accepted for the weekday evening peak hours and at weekends, there is a significant congestion problem in the AM period that will only be extended by this development proposal.

Internally, the residential element of the scheme is located at the front of the site and the main spine road extends into main car parking area for the rugby club. The number of parking spaces currently serving the site is 260 and the proposals would increase this to 284 spaces. The site is connected to the footway network and there are existing footways on both sides of Priory Road. There are existing bus services that route along Priory Road and the bus stops are located only a short distance away from the main site access.

Highways Summary and Conclusions

The Macclesfield RUFC has been located on the site for a number of years and also has an existing access from Priory Lane. It is proposed to increase the facilities available at the rugby club and these additional uses will increase the trip generation mainly in the off peak period although there will be some increases in the morning peak. The residential element of the scheme is new and will generate additional traffic in the morning and evening peaks and although the generation from 76 units will be relatively modest it will add to the existing traffic flow and congestion that occurs at the junctions that are close to the site.

It is clear from the capacity tests undertaken at staggered junction at Alderley Road/Macclesfield Road/ Prestbury Road that there is significant queuing in 2018 with and without the development traffic added. Whilst congestion occurs in the AM and PM periods, it is the AM peak that is of concern as this the period where the longest queues are formed. Although the resultant increase in queue length is small it does cumulatively add to the congestion being experienced during the busy morning period.

The new Kings School to be located at Derby Fields will provide an improvement to the Alderley Road/Macclesfield Road/Prestbury Road junction, the double mini roundabout scheme does reduce queue lengths significantly although in the AM period this scheme does still operate at capacity.

Therefore, this scheme does rely on the road improvement scheme at Alderley Road/Macclesfield Road/ Prestbury Road staggered junction coming forward to provide the additional capacity on the local road network. The double mini roundabout scheme approved had a number of pedestrian crossings provided although the scheme did not include any pedestrian facilities on the western side of the junction on Alderley Road. As pedestrian access will be required for people wanting to walk to this site which is located on the western side of the junction, a contribution to provide additional footway and crossing facilities at the double mini roundabout junction is required.

In these circumstances the application is considered acceptable subject to a financial S106 contribution of £50,000 to provide additional pedestrian facilities at the junction of Alderley Road/Macclesfield Road/ Prestbury Road and conditions.

Public Rights of Way/Access

The proposals do not affect a public right of way. The site has footpath links through to Fallibroome School currently which would be maintained. For the residential element of the scheme there is a footway along Priory Lane, with footways to local shops and services such as schools. There is a bus stop outside of the site which is served by a footpath. It is considered therefore that the site is well connected for pedestrians.

Urban Design

Following discussions with the applicant the original scheme has been amended. The elevational treatment of Rugby Club pavilion has been amended, the green wall will make it appear lower from views across the countryside and the timber panelling breaks up the massing, the roof appears to have a lower pitch and has a more modern styling.

With regards to the housing layout, following discussions this has been amended and through conditions high quality boundary treatments where boundaries are visible from the road/street they should be secured to be high quality (brick) to future proof the quality of development, especially on the public face.- such as plots 42,63,66,68,73 & 76. Through the amendments a detached garage to the entrance/termination point has been lost which is a benefit to the scheme.

Front of plot, in curtilage parking would benefit from elements of soft landscaping to avoid cars being dominant in the streetscape which can be secured through a landscaping scheme along with the provision of curtilage trees and floorscape surface treatment to streets.

As a number of the plots are visible across the countryside, the rear elevation is as important as the front. Of the information on types submitted, the rear elevations appear to have less character and detailing in comparison with the front. (plots 39-62 in particular but not excluding 20-38)

In terms of the design of the site it is important that the two halves of the site read as one in terms of quality of design, materials and detailing. The apartment block and bungalows are noticeably different in quality of detail to the rest of the development, these are the affordable units so are not fully tenure blind.

Whilst the Design Guide encourages bespoke design solutions that take reference to the immediate high quality housing stock, it is observed that a standard type is being used and whilst the types are being tweaked to reflect local materiality, the styling has not.

A more reserved approach to the mock Tudor detailing is desirable (Banbury 4) across the site.

The current house types do not show all corner plots to be dual aspect which is required in order for the proposed design of the development to be acceptable. As this is a full application, these matters must be addressed at this stage. Should further amendments be received to address these points this will be reported to members by way of an update.

However as it stands the application would be refused on design grounds, the proposal would be contrary to the principles as set out in the Cheshire East Design Guide and policy SE1 of the CELPS which requires new developments to be of a high design quality creating a sense of place, with particular reference to the reasons mentioned above.

Landscape Impact

The landscape officer has been involved in the amendments sought and it is considered that following amendments to the scheme the proposals will not have a detrimental landscape impact. The proposed development will introduce enhanced landscaping mitigation. Various amendments have been made, particularly to the buffer between the rugby pitches and the proposed housing. Due to the amendments, it is considered that the social proximity of the dwellings to the pitches is acceptable.

The landscape officer has recommended a series of conditions, to ensure that the proposed landscaping detail is acceptable including site levels, which are undulating at the front of the site.

Trees

Following initial comments the proposals have been amended in relation to trees, due to the proposed removal of TPO trees at the site, which meant that the arboricultural officer could not support the scheme.

However the latest position following the most recent consultation will be provided to members by way of an update.

Ecology

Great Crested Newts

A small population of this species is known to occur at a pond within 250m of the proposed development. The application site however offers limited habitat for great crested newts and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

It is advised that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

In order to deliver an enhancement for this species and biodiversity in general as required by the NPPF it is advised that the submitted plan be amended to include the provision of a wildlife pond as recommended by the submitted survey report. To be secured by condition.

Bats

Evidence of what appears to be a minor bat roost was recorded in the club house proposed for demolition. Following consultation comments from the ecologist, a further dusk and dawn bat survey was carried out in June 2017 and no bats were found to be roosting. Therefore in 2016 and 2017 no bats were found to be present at the site.

A number of trees were identified by the submitted habitat survey as having potential to support roosting bats. It is not clear whether these trees would be retained as part of the proposed development. It is advised that the further bat survey should include any trees identified as having potential to support roosting bats that would be affected by the proposed development. An update in relation to this matter will be provided to members by way of an update prior to the committee meeting.

Badgers

No confirmed evidence of badger activity was recorded during the updated badger survey. It is therefore advised that the proposed development is not likely to have an adverse impact upon this species. However as the status of badgers on a site can change it is recommended that an updated badger survey be undertaken if development is has not commenced by May 2018.

Stream

There is a watercourse along the south eastern boundary of the site. Therefore a condition must be placed on any consent ensuring that an 8m buffer zone is fenced off for the duration of the construction period.

Nesting Birds and Breeding Birds

Provision should be made for the safeguarding of nesting birds and breeding birds in the event of an approval.

Himalayan Balsam and Japanese Knotweed

These two non-native invasive plant species are present on site therefore a method statement for the control of the species is required which would be secured by condition.

Following comments from the Council's ecologist there are no objections on ecology grounds to the proposed development subject to mitigation.

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. The proposals should not cause undue harm by overlooking, loss of light or loss of privacy to future or existing residents. The nature of the proposed uses could cause a conflict between users of the rugby club facilities and future occupiers.

Therefore amendments have been made in order to ensure that the proposals do not have a detrimental impact on each other or on existing residents nearby. Ball stop fencing is proposed which is 6m in height, and floodlighting is proposed on the 3G pitch, therefore would be a significant distance from the proposed dwellings.

Noise

The proposal is for the demolition of the existing clubhouse and erection of a new clubhouse and 76 dwellings. The applicant has submitted a Noise Impact Assessment Report produced by REC Ltd - Ref AC100077-1R5, dated 19th December 2016 in support of the application.

The report recommends noise mitigation measures designed to ensure that occupants of the proposed properties are not adversely affected by traffic noise, noise from Fallibroome School, sports pitch noise and entertainment noise from the Clubhouse. The conclusions of the report and methodology used are acceptable.

Air Quality

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015)

The applicant has submitted an air quality impact assessment report in support of the application produced by Bureau Veritas dated June 2016, reference 6352278. The report considers whether the development will cause an increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. A number of modelled scenarios have been considered within the assessment. These were:

- 2015 Base Case (2015 BC) – Without development base flows for the base year (2015)
- 2018 Base Case (2018 BC) – Without development base flows for the proposed earliest year of completion (2018)
- 2018 Development Case (2018 BC) – With development flows for the proposed earliest year of completion (2018)
- 2018 Cumulative Case (2018 CC) – With development flows for the proposed earliest year of completion (2018) and the addition of proposed development of nearby King's School

The assessment uses the DMRB (Design Manual for Roads and Bridges) screening tool to model NO₂ and PM₁₀ impacts from additional road traffic associated with this development. An air quality damage cost calculation has also been undertaken. The damage costs associated with emissions arising from vehicle movements from the development for 5 years have been calculated as £8,312 for NO_x and £1,358 for PM₁₀ per year. The cost of mitigation to be implemented to offset the impact of emissions should reflect this value.

The diffusion tube data used in the modelling was taken from 2015. During the preparation of the 2016 Annual Status Report, anomalies were spotted with respect to the 2015 monthly diffusion tube data. As a result, a full audit of all the diffusion tube data for 2013, 2014 and 2015 has been undertaken.

The report concludes that the air quality impacts as a result of the construction, operational and cumulative effects of the development would not be significant. It should be noted that the model has been verified against inaccurate data for 2015 mean NO2 diffusion tube concentrations due to the authors using un-adjusted data from 2015. However the results they have used are higher than the final adjusted values and as such can be considered a worst case assessment.

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

Whilst the report states that the impact of the development will not be significant, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality

Air Quality Monitoring undertaken at Broken Cross and Park Lane, Macclesfield indicates that the annual mean nitrogen dioxide limit value was exceeded for the years 2014 and 2015, with further exceedances in 2014 for Chester Road and Hibel Road. The Council is currently undertaking a verification process in accordance with the Local Air Quality Management regime to declare an Air Quality Management Area and the due process involved in that decision.

The report states that the developer should implement an adequate demolition and construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal. However, this office disagrees with the report's conclusion that "no mitigation measures are considered to be necessary for the operation phase of the development on the grounds of air quality." Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. The proposals set out are considered to be acceptable subject to the financial mitigation set out above and conditions.

Contaminated Land

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

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

Geo-environmental site assessments and investigation reports have been submitted with the application. The contaminated land team comment as follows:

-A gas monitoring addendum report was to be produced upon completion of the six rounds of ground gas monitoring. This report should be submitted for approval.

-The preliminary geo-environmental site assessment states that "additional chemical testing may be required to confirm that existing site topsoil proposed for re-use is chemically suitable for use." This recommendation is agreed as only 1 sample of topsoil has been subject to chemical analysis. As such, proposals for the sampling frequency and the chemical analysis suite should be submitted.

-The supplementary intrusive investigation (RSK Letter report) concludes that the made ground beneath the practice pitch at the western edge of the site is suitable for re-use in the proposed residential development, subject to screening to remove unsuitable and large items from the material. Given the variable nature of the made ground, further testing should be carried out if the material is to be used within residential gardens. Again, proposals for the sampling frequency and the chemical analysis suite should be submitted.

-Confirmation should be provided as to the fate of the material contained within the large bund in the eastern part of the site. Further information is required regarding the sufficiency of testing of this previously imported material, if it is proposed for reuse within residential gardens.

It is considered that subject to conditions the proposed development is acceptable in terms of contaminated land and gas.

Residential Amenity

The nearest dwelling to the site is located 26m and 30m from nearest properties on the revised layout, it is not considered that the proposed development will result in overlooking of the existing property, nor will the existing properties result in overlooking of new dwellings.

The proposed apartments would back on to the rear of the properties, resulting in overlooking of these properties from the rear. There are driveways to the rear of the apartments, however the back to back measurements are at 14m and 16m which is contrary to policy DC38 of the Macclesfield Borough Local Plan which requires at least 25m for facing habitable room windows. Therefore it is considered that plots 63, 64, 65 and the first floors of the apartment building would result in direct overlooking to habitable room windows. Therefore this element of the layout is unacceptable.

It is considered that save for the plots above the remainder of the scheme would not result in direct overlooking, loss of privacy or loss of light to future occupiers. However due to the impact of overlooking on the bungalows the amenity of future occupiers is compromised.

Flood Risk

The site is located within flood zone 1 however a watercourse does run adjacent to the site. The flood risk team has commented on the application and raises no objections subject to conditions. In addition to this United Utilities has commented on the application and raised no objections to the proposals. No objections have been raised in relation to flooding and drainage subject to suitably worded conditions.

Environmental sustainability conclusions

It is considered that the proposed development is not environmentally sustainable. The proposed design of the site is broadly acceptable, particularly the layout, however certain house types require alterations in order to comply with policy requiring high quality developments and to comply with the requirements of the design guide, therefore does not comply with policy SE1 of the CELPS which requires design solutions to achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. There would be overlooking to certain plots with particular reference to the southern portion of the site, contrary to policy DC38 of the MBLP, there are conditions required in respect environmental matters raised above.

ECONOMIC SUSTAINABILITY

Employment

The proposed development will provide employment in the short term during the construction phase of the development in the area, and the growth of the rugby club could provide additional employment and ensure that the club can be self sufficient into the future.

Economy of the wider area

The addition of 76 units within the town would 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 the site which is part of a wider strategic allocation.

Viability

The consultants have provided the following information in relation to the viability of the club, Macclesfield Rugby Club is in a state of disrepair and does not conform to RFU and DDA regulations in respect of training and club house facilities. If nothing happens they will not have the finances to exist within the next two years. Through an extensive review period with Sport England, the RFU and sport consultants on club design the proposed redevelopment of the Club facilities is considered to be a minimum requirement in order to meet Sport England and the RFU requirements for the Club to be viable and sustainable going forward. The Club is loss making and therefore cannot obtain appropriate funding to undertake the works required and is not eligible for grant funding. It currently relies upon the capital from a significant donation provided two years ago to stay afloat.

The only option available is to sell a proportion of land not required for sporting use for residential development to raise the funds for the required works. This has resulted in Enabling Development principles being applied on the basis that the Club is a valued community asset that encourages a positive use of the Green Belt, which the applicant believes equates to very special circumstances. The applicant states that has been allowed elsewhere through the planning process at Helsby Sports Club, Lymm Rugby Club and Ingol Golf Club.

The applicant submitted an Enabling Development report, produced by Savills, to set out the enabling development requirement and impact on affordable housing delivery. The costs of the new / upgraded facilities are c. £4m and this is therefore the sum of money required by the Club through the sale of part of the site for residential development. The report concludes the development can be policy compliant in terms of S106 requirements in all areas except affordable housing. This report has been reviewed by the Councils advisors, Keppie Massie and WYG, who agree that based on the amount of land receipt required by the club, the

development is not sufficiently viable to support a policy compliant level of affordable housing. Keppie Massie have considered viability with reference to a number of different options. Based on the option of the required land value of c.£4m to cover all of the costs for the new / upgraded facilities, Keppie Massie have assessed the impact of this on the ability to deliver affordable housing on site along with the other Section 106 contributions. Their assessment shows that on this basis the development could viably support the provision of 8 affordable units and a Section 106 contribution of £375,000. The applicant and Savills agree with this assessment and propose to provide this accordingly.

Section 106 agreement

The following planning obligations have been secured through the application process, the application has been through a robust viability process, the conclusions of which allow the development to make the following contributions on top of the redevelopment of the rugby club in full.

All financial contributions sought have been met, however the level of affordable housing that can be provided by the proposed development is significantly lower than that would be usually required which would be 30% which would be 25 units. Through the viability process, the cost of the rugby club redevelopment has been set out, and the cost that the development could afford after making a reasonable profit has been set out. Following the viability exercise, an additional affordable unit has been secured taking it to 8 units.

- 8 of the dwellings proposed would be affordable at a full policy compliant tenure split
- £225,270 towards education – providing 11 x £17,959 x 0.91 = £179,770.00 (secondary)
1 x £50,000 x 0.91 = £45,500.00 (SEN)
- £50,000 towards public open space
- £50,000 towards highway improvements
- £48,350 towards an air quality improvement package

A total of £373,620.

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 meet the Council's requirement for policy compliance particularly given the policy requirements of the allocation. 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, many in support of the application and many in objection to the application. The material planning considerations raised have been considered and addressed in the report. Many objections relate to highways matters, which have been addressed above, many have stated that the

redevelopment of the rugby club is not required, and others discuss safety of pedestrians. Many of the matters raised can be adequately mitigated.

In addition to objections raised, many letters of support have been received, welcoming the enhancement of the club facilities, and stating that its recent decline in facilities is a trend set to continue if action is not taken soon. Several have commented on the number of rugby matches cancelled, as a result of the poor positioning of the clubhouse and the drainage of the pitches. Clearly from the representations received there is a desire to improve Macclesfield Rugby Club which is not disputed.

CONCLUSIONS

The site is located within the Green Belt where there is a presumption against inappropriate development. A viability exercise has demonstrated clearly that the level of investment required to redevelop and enhance the club facilities is genuine, and that the receipt for the land requires that level of development in order to be viable and to be able to provide mitigation.

The proposal is not fully policy compliant in terms of obligations, namely affordable housing which does suffer as a result of the viability of the development. As part of the application process, the club has proposed the only option as being the full redevelopment of the site rather than it being piecemeal or on an ad hoc basis over time.

Having carefully considered the application, it is considered that whilst a case for very special circumstances has been put forward, which includes the enhancement of the rugby club facilities and the provision of housing at the site, these do not outweigh the harm to the Green Belt by way of inappropriateness or any other harm which includes the impact on the openness of the Green Belt, and the issues with the design and amenity mentioned in the officers report. The proposal does not represent a sustainable form of development.

It is considered therefore that in this case the benefits of the scheme do not outweigh the harm. The proposal is contrary to policy PG3 of the Cheshire East Local Plan Strategy, policy SE1 of the Cheshire East Local Plan Strategy and policy saved policy DC38 of the Macclesfield Borough Local Plan.

Therefore the application is recommended for refusal.

RECOMMENDATION

The application is recommended for refusal for the following reasons.

- 1. The proposal represents an inappropriate form of development within the Green Belt. The proposed pavilion building would be materially larger than the building it replaces, the proposal will introduce a significant increase in hardstanding resulting in encroachment of built development and the housing proposal is an inappropriate form of development within the Green Belt by definition. A case for very special circumstances has been put forward however this does not outweigh the harm to the Green Belt by way of inappropriateness and does not outweigh the harm identified in terms of design and amenity. Therefore the proposal is contrary to policy PG3 of the Cheshire East Local Plan and saved policy GC1 of the Macclesfield Borough Local Plan.**

- 2. Whilst amendments have been made to the scheme through the application process, it is considered that the absence of dual aspect properties on all corner plots, the lower level of detailing on certain units producing a noticeable difference in terms of design across the two halves of the site, and the styling of the standard house types has not been amended to reflect local distinctiveness. Therefore the proposals do not fully comply with policy SE1 of the Cheshire East Local Plan Strategy which requires that new development should create a sense of place by ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.**

- 3. The proposed apartments within the scheme would back on to the rear of the properties, resulting in overlooking of these properties from the rear. The back to back measurements are at 14m and 16m which is contrary to saved policy DC38 of the Macclesfield Borough Local Plan which requires at least 25m for facing habitable room windows. Therefore it is considered that plots 63, 64, 65 and the first floors of the apartment building would result in direct overlooking to habitable room windows and would injure the amenities of future occupiers contrary to policy SE1 of the Cheshire East Local Plan which states that all new developments should ensure that there is an appropriate level of privacy for new and existing residential properties.**

In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence Vice Chairman) of the Strategic Planning Board to correct any technical slip or omission in the wording of the resolution, including wording of conditions and reasons, between approval of the minutes and issue of the decision notice. Should the application be subject to any appeal, the Heads of Terms as set out in the Section 106 part of the report should be secured as part of any S106 Agreement.

