

## **ITEM 2**

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| <b>Application Reference</b> | DC/089049   |
| <b>Location:</b>             | Orrishmere Primary School<br>Worcester Road<br>Cheadle Hulme<br>Cheadle<br>Stockport<br>SK8 5NW   |
| <b>PROPOSAL:</b>             | Variation of Condition 1 of Planning Permission reference DC/086026 for Public Service Infrastructure - Demolition of existing buildings on site and construction of a part-one, part-two storey SEN Secondary School with associated landscaping, MUGA, playspace and parking. |
| <b>Type Of Application:</b>  | Public Service Infrastructure Development   |
| <b>Registration Date:</b>    | 21 <sup>st</sup> June 2023  |
| <b>Expiry Date:</b>          | 30 <sup>th</sup> August 2023  |
| <b>Case Officer:</b>         | Rebecca Whitney   |
| <b>Applicant:</b>            | Morgan Sindall Construction   |
| <b>Agent:</b>                | DPP   |

## **DELEGATION/COMMITTEE STATUS**

The application is an amendment to planning permission reference DC/086026 which was considered to constitute a departure from the development plan, therefore this application is also a departure. The application can therefore only be approved by the borough wide Planning and Highways Regulation Committee.

Should Cheadle Area Committee be minded to grant permission, under the Delegation Agreement, the application should be referred to the Planning & Highways Regulations Committee.

Members are advised that the public consultation period is currently live and will expire on 3<sup>rd</sup> August 2023. The recommendation to grant planning permission subject to conditions is also subject to no new substantive issues being raised during the remainder of the public consultation period.

## **DESCRIPTION OF DEVELOPMENT**

The application follows the granting of planning permission reference DC/086026 for the demolition of the existing school and nursery buildings and the construction of a new special educational needs (SEN) secondary school.

This application seeks to vary Condition 1 of planning permission DC/086026 which sets out the approved plans. Since the consideration of the previous application

there has been a change in contractor and therefore the development would be a traditional build rather than the modular build initially proposed, with some minor amendments. The amendments to the plans are described within the submitted Covering Letter and can be summarised as follows:

- a. Amendments to the internal arrangement
- b. Materials to be two-tone red brick to the elevations rather than grey cladding with coloured feature panels as approved
- c. Roof protection to be brick parapet rather than railings
- d. Alterations to the size, shape and placement of windows and doors
- e. Addition of solar panels and a green roof
- f. Additional soft landscaping to the entrance plaza
- g. Additional paving at the emergency access gates and adjacent to the MUGA
- h. The green space to the south of the MUGA was to be fenced off, and this is to be opened up to extend the forest school/nature area which would have an informal/mown path route
- i. Fence line proposed between the staff car park and forest school/nature area
- j. Amendments to the arrangement of the external classroom areas
- k. Relocation of the canopies to the external classroom areas (with the exception of those to the southern elevation)
- l. The design aims to be net zero carbon in operation and includes a bio-solar roof.

In accordance with the original consent, the proposed school building would be part single storey and part two storey in height, with the maximum height being comparable to that of the neighbouring dwellinghouses. The proposed school building would be located to the centre of the site, set further south and east than the existing school buildings. The proposed building layout would be 'J' shaped with car parking proposed to the west of the site, drop off areas to the north, and ancillary development around the building itself, including a MUGA, kitchen garden and sensory garden to the south-west of the site, and outdoor spaces for each of the classrooms provided around the building.

Should planning permission be granted, the conditions attached to the original planning permission reference DC/086026 shall be imposed except where they are varied by the current application. The legal agreement associated with that planning permission includes wording which will ensure that the agreement continues to be effective should planning permission be granted pursuant to an application made under Section 73 of the Town and Country Planning Act 1990, as in this instance.

## **SITE AND SURROUNDINGS**

The site comprises the former Orrishmere Primary School and Elm Cottage Day Nursery, which are now vacant. The site is bound to all sides by residential development within a Predominantly Residential Area, and access is taken via Worcester Road.

The majority of the site is designated Local Open Space, in particular the playing fields to the south and east of the buildings. This land is grassed, and there are mature trees to the south-eastern corner of the site, on the boundary between the site and the rear gardens of the residential properties along Princess Avenue and

Buckingham Road. There are also mature trees toward the centre of the site, separating the buildings from the playing fields.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

### **The Statutory Development Plan includes:-**

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011

### **Saved policies of the SUDP Review**

EP1.7: Development and Flood Risk

EP1.10: Aircraft Noise

L1.1: Land for Active Recreation

MW1.5: Control of Waste from Development

NE1.1: Sites of Special Nature Conservation Importance

NE1.2: Sites of Nature Conservation Importance

NE3.1: Protection and Enhancement of Green Chains

CTF1.1: Development of Community Services and Facilities

CDH1.2: Non Residential Development in Predominantly Residential Areas

CDH1.9: Community Facilities In Predominantly Residential Areas

UOS1.3: Protection of Local Open Space

### **LDF Core Strategy/Development Management Policies**

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

SIE-5: Aviation Facilities, Telecommunications and Other Broadcast Infrastructure

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

## **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

The following are relevant to the determination of this application:

Open Space Provision and Commuted Payments SPD

Sustainable Design and Construction SPD

Sustainable Transport SPD

Design of Residential Development SPD

## **National Planning Policy Framework (NPPF)**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **RELEVANT PLANNING HISTORY**

Reference: DC/086026; Type: PSI; Address: Orrishmere Primary School, Worcester Road, Cheadle Hulme, Cheadle, Stockport, SK8 5NW; Proposal: Public Service Infrastructure - Demolition of existing buildings on site and construction of a part-one, part-two storey SEN Secondary School with associated landscaping, MUGA, playspace and parking; Decision Date: 02-JUN-23; Decision: GTD

## **NEIGHBOUR'S VIEWS**

78 neighbouring properties were consulted by letter. 4 site notices were displayed at the site, and a notice was published in the local press.

At the time of writing this report, one neighbour objection has been received on grounds which can be summarised as lack of consideration given to trees, green areas and wildlife, and in particular the loss trees within the group G7 as identified in the supporting information.

The neighbour consultation will remain live until 3<sup>rd</sup> August and Members will be advised of any further representations received by way of a verbal update.

## **CONSULTEE RESPONSES**

SMBC Highway Engineer - No objection.

Manchester Airport Safeguarding Officer – No objection.

SMBC Planning Policy Officer (Energy) – No objection.

## **ANALYSIS**

### **Principle of Development**

The principle of education development and the associated loss of open space was established through planning permission reference DC/086026 which remains extant. The current application seeks to make amendments to the approved plans, as set out above.

It should be noted that the proposed rearrangement of internal spaces would not be subject to planning control.

### **Impact on the Character and Appearance of the Area**

The plans submitted in support of application DC/086026 showed that the proposed building would have a flat roof, and the elevations would be finished in vertical cladding with coloured panels proposed to break up the bulk of the elevations. This was considered acceptable in principle, however it was advised that consideration should be given to the materials proposed (and their colour) and the detailing, in order to ensure that the overall building design is of high quality. The amended plans submitted under the current application show that the proposed building would have a flat roof, and the elevations would be finished in red brick with two-tone contrasting red brick features. This amendment is welcome as the use of two-toned brickwork is considered to more positively respond to the surrounding context. It is recommended that a condition is attached to any planning permission granted to require that details of materials are provided in order to ensure that the proposed development is of high quality, in the interest of visual amenity and in order to ensure compliance with Core Strategy Policy SIE-1.

In accordance with Core Strategy policies CS8 and SIE-1 and the NPPF, it is considered that the proposed built form would appear acceptably within the locality of the area, due to the proposed siting, design, scale, massing and context of the scheme.

The proposed development is considered to appropriately respond to the constraints of the site, and subject to conditions to require details of landscaping, tree planting and materials details (as attached to planning permission DC/086026), is considered to be in accordance with Core Strategy policy SIE-1, regarding designing quality places.

The Council's Conservation Officer and the Greater Manchester Archaeological Advisory Service assessed application DC/086026 and did not find the site to be of heritage significance or to have archaeological implications. In light of the above, the proposed development is considered to be in accordance with Core Strategy Policies SIE-1 and SIE-3.

### **Highway Safety, Traffic Generation and Parking**

The proposed amendments include reorientation of the drop off bays within the car parking area so that vehicles can reverse in and drive out in a forward gear which would improve disembarkation for wheelchair users.

The Highways Engineer has assessed the proposal and raises no objections. The Highways Engineer has no concern with the revised site layout drawing, presuming that conditions covering matters of detail will be imposed on any variation approval thereby issued. The conditions attached to planning permission reference DC/086026 regarding highway safety, traffic generation, parking and access would be attached to any amended permission granted.

In light of the above, the proposed development is considered to be compliant with Core Strategy Policies CS9, CS10, T-1, T-2 and T-3.

### **Manchester Airport Safeguarding**

The Safeguarding Officer for Manchester Airport has been consulted on the proposal as the plans show solar panels and a green roof on the flat roof. A holding objection was initially raised as the development has the potential to cause hazards to flight safety and will require robust management in perpetuity due to the addition of a green roof.

Officers have liaised with the Safeguarding Officer and it is agreed that it is recommended that the condition attached to the original permission to require the submission of a Bird Hazard Management Plan (Condition 2) should be amended to also require details of how the green roofs will remain unattractive to birds that are hazardous to aviation. This must include roof access arrangements, monitoring programmes, action plans should the roofs attract birds that are hazardous to aviation and protocols for communication with Manchester Airport. On this basis, the Safeguarding Officer has withdrawn their objection.

The Safeguarding Officer for Manchester Airport has commented that their comments in response to application DC/086026 remain relevant. In relation to that application, no objections were raised subject to the imposition of conditions to require measures to minimise and manage dust and smoke, measures to prevent birds being attracted to the site, and to restrict permitted development rights to require that all exterior lighting is capped at the horizontal with no upward light spill and to restrict permitted development regarding the installation of solar panels. Informatives were attached to the permission with regard to upward facing lighting, and cranes and tall equipment.

Subject to the imposition of the conditions outlined above, the application is therefore considered to be acceptable in terms of safeguarding aerodromes and aviation facilities, pursuant to saved policy EP1.9 and Core Strategy policy SIE-5.

### **Energy**

The Planning Policy Officer for Energy has been consulted on the proposal as the plans show solar panels on the flat roof.

The covering letter which accompanies the proposal states the following:

*“The design targets NET Zero Carbon in operation, the proposed design includes a bio-solar roof which allows the school to generate its own renewable energy on site while reducing the building’s carbon footprint.”*

...

*“The application includes newly proposed solar panels to the roof, enabling the school to be net-carbon zero in operation in line with DFE standards”*

The Planning Policy Officer notes from reviewing the amended plans that there a large number of solar panels included on the roof of the school building. However, no technical information has been supplied to confirm the statements made in the covering letter regarding the proposal achieving net zero carbon in operation.

In principle, the Planning Policy Officer is strongly supportive of the revised plans and the inclusion of solar PV panels, as this was something that was sought during the determination of the original planning application reference DC/086026. However, the information submitted at this stage is not sufficient for approval.

Members are advised that a condition (Condition 41) was attached to planning permission DC/086026 which requires the submission of a Carbon Reduction Plan within 6 months of the occupation of the school, and this will be attached to any amended planning permission granted. It is noted also that a condition (Condition 40) was attached to restrict permitted development rights for the installation of solar panels in the interests of flight safety, and therefore details of the solar panels will need to be agreed in writing by the Local Planning Authority in consultation with the Safeguarding Officer for Manchester Airport.

Subject to the conditions outlined above, the proposal is considered to be compliant with Core Strategy Policies CS-1 and SD-3.

### **Impact upon Residential Amenity**

Officers do not consider the amendments to the approved development to result in a significant increase in overlooking of neighbouring properties, and the proposed development is not considered to result in significant loss of light or overbearing impacts on neighbouring properties by virtue of its scale, layout and siting.

Similarly, Officers do not consider the amendments to the approved development to result in a significant increase in noise and disturbance such that it would result in harm to the amenity of neighbouring occupiers.

The proposed development is therefore considered to comply with the requirements of Core Strategy Policy SIE-3 in respect of the impacts upon the residential amenity of the neighbouring occupiers.

### **Trees, Landscaping and Biodiversity**

It is noted that a neighbour objection has been received which raises concern that due consideration has not been given to the trees, green areas and wildlife, and in particular, the loss of trees within the group G7 as identified in the supporting documents.

The application includes minor amendments to the approved landscaping scheme, and would not result in the loss of trees and other planting. These amendments are considered acceptable, and it is noted that tree planting (Condition 23), hard and soft landscaping details (Condition 27) and a Landscape and Ecological Management Plan (Condition 34) were required by conditions of the original planning application reference DC/086026 and these requirements would remain extant.

### **CONCLUSION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The principle of education development and the associated loss of open space was established through planning permission reference DC/086026 which remains extant.

The proposed amendments are considered to be acceptable in respect of their impact upon the character and appearance of the area, and on residential amenity. The proposed amendments are considered to be acceptable in relation to highway safety, aerodrome safeguarding and energy, subject to the conditions referred to within the analysis above.

Should planning permission be granted, the conditions attached to the original planning permission reference DC/086026 shall be imposed except where they are varied by the current application. The legal agreement associated with that planning permission includes wording which will ensure that the agreement continues to be effective should planning permission be granted pursuant to an application made



under Section 73 of the Town and Country Planning Act 1990, as in this instance.

The National Planning Policy Framework (NPPF) advises that “the purpose of the planning system is to contribute to the achievement of sustainable development.” The proposed amendments to planning permission DC/086026 serve to balance the three overarching economic, social and environmental objectives of the planning system, to achieve a sustainable form of development.

#### Summary

In considering the planning merits against the NPPF, the proposal would, as a whole, represent a sustainable form of development; and therefore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 would require that the application be granted subject to conditional control.

#### **RECOMMENDATION**

Grant subject to:

- a. Conditions;
- b. No new substantive issues being raised during the remainder of the public consultation period.