

Application No: 14/1338M

Location: LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD,  
MACCLESFIELD

Proposal: Reserved matters application for residential development of up to 162 dwellings - access, appearance, landscaping, layout and scale

Applicant: Chris Dobson, Redrow Homes

Expiry Date: 20-Jun-2014

## **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

## **MAIN ISSUES**

**Principle of the Development**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Open Space**

**Education**

**Flood Risk and Drainage**

**Archaeology**

**Other**

## **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a reserved matters application to a strategic site in excess of 4 hectares. The outline application was previously presented to Board.

## **DESCRIPTION OF SITE AND CONTEXT**

The application relates to 5.6 hectares of land situated 1.5 miles to the north of Macclesfield, in Tytherington.

The site is bounded by the A538 (Manchester Road) to the west and Tytherington Business Park to the east. Tytherington Lane is north of the site, whilst Pool End Close and Pool End Farm lie to the south.

The site consists of scrubland, with a watercourse running through the site, with some small ponds. The site is undulating with land to the south at a higher level. The western part of the site is the most visible from public vantage points along Manchester Road and Tytherington Lane.

The eastern boundary is open to the Business Park. The northern and southern boundaries abut existing dwellings. There are a number of trees and hedges around the perimeter of the site. Some of the trees are noted as being worthy of formal protection whilst others located to the south and east of the site are already protected by a 1956 Tree Preservation Order.

Access to the proposed site will be gained off Manchester Road.

Planning permission has recently been granted for engineering works to include a 'cut and fill' earthworks exercise and importation of approximately 32,250m<sup>3</sup> of inert material to facilitate the anticipated housing development site (planning application No. 14/1341M). The earthworks have now commenced on site.

## **DETAILS OF PROPOSAL**

This is a reserved matters application for 133 dwellings. The issues which are to be determined at this stage relate to the access, appearance, landscaping, layout and scale of the development.

The access to the site would be served off Manchester Road. A spine road is proposed to run through the site, which will serve as a link between Manchester Road and Tytherington Business Park. The link road was secured by way of condition attached to application 12/4390M, which required the developer to complete the proposed link road up to the boundary.

The site would include the provision of 30% affordable housing, a LEAP, the creation of public open space (which will encompass wildlife ponds for habitat creation), informal open space and new footpaths. The majority of the POS would be located centrally within the site.

The development would consist of 1, 3, 4 and 5 bed houses, 30% of which would be provided as affordable units. The properties proposed are two storey traditional dwellings which are to be largely constructed in render with stone detailing.

## **RELEVANT HISTORY**

14/1341M      Cut/fill earthworks exercise including import of approx. 32,250m<sup>3</sup> of inert material to facilitate the approved housing development site.  
Approved subject to condition 23<sup>rd</sup> May 2014

12/4390M      Outline planning application for up to 162 dwellings

Approved 20<sup>th</sup> December 2013 subject to a Section 106 and conditions

10/3139M      Extension of time to 07/1041P

Resolution to grant planning permission subject to the signing of the S106 Agreement

07/1041P      Erection of 9 three storey buildings for class B1 (Business) use, 1 two/three storey building for C1 (Hotel) use together with associated highways, car parking and landscaping infrastructure.

Approved 28.08.2007

83318P Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing.

Approved at Appeal 19.06.2007

02/1441P      Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse).

Undetermined - N/A

97/2379P      New estate road (For Business Park)

Approved 27.03.2000

99/0664P      Outline application for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)

Approved 26.07.1999

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan policy**

DC1 – New Build

DC3 – Amenity

DC5 - Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC17 – DC20 - Watercourses

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

### **Transport**

T2 - Integrated Transport Policy

## **Environment**

NE11 - Protection and enhancement of nature conservation interests  
NE17- Nature Conservation in Major Developments

## **Housing**

H1- Phasing policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Housing  
H8 – Provision of Affordable Housing  
H9 - Occupation of Affordable Housing  
H13- Protecting Residential Areas

## **Recreation and Tourism**

RT5 and RT6- Open Space

## **Implementation**

IMP1- Development Sites  
IMP2- Transport Measures

## **Local Plan Strategy (Submission Version) March 2014;**

MP 1: Presumption in Favour of Sustainable Development  
PG 2: settlement Hierarchy  
PG 6: Spatial Distribution of Development  
SD 1: Sustainable Development in Cheshire East  
SD 2: Sustainable Development Principles  
SC 1: Leisure and Recreation  
SC 2: Outdoor Sports facilities  
SC 3: Health and Wellbeing  
SC 4: Residential Mix  
SC 5: Affordable Homes  
SE 1: Design  
SE 2: Efficient Use of Land  
SE 3: Biodiversity and Geodiversity  
SE 4: The Landscape  
SE 5: Tress, hedgerow and Woodland  
SE 6: Green Infrastructure  
SE 9: Energy Efficiency Development  
SE 12: Pollution, Land contamination and land Instability  
SE 13: Flood risk and Water Management  
CO 1 Sustainable travel and Transport  
CO 4: Travel Plans and Transport Assessments

## **Other Considerations**

- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- SPG Planning Obligations (2004)

- Tytherington Business Park - A Development Brief – (Macclesfield Borough Council April 1989)

## **CONSULTATIONS (External to Planning)**

**Environment Agency:** The Environment Agency has raised no objections to the proposed development subject to condition.

**United Utilities:** No objections

**Strategic Highways Manager:** No objections

**Environmental Health:** No objections subject to the following conditions:  
relating to construction hours, piling hours, noise mitigation measures, dust control and the submission of a detailed Remediation Strategy

**Parks and Management Officer-** No objections

**Public Rights of Way:** A public right of way will not be effected by the proposed development, however the proposal does present an opportunity to improve walking and cycling facilities for both travel and leisure purposes. Pedestrian and cycle ways are referred to within the applicant submission. The legal status of new routes proposed within the development site would require agreement with the Council as Highway Authority and it would be anticipated that future maintenance be undertaken by the management company of the public open space of the site. The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes and appropriate destination signage should be included within the design of routes

## **VIEW OF THE PARISH COUNCIL**

**Bollington Town Council** – Raise no objections to this application

## **OTHER REPRESENTATIONS**

Letters of representation have been received from 32 local households (26 objecting, 5 commenting and 1 in support of the application; The following comments were raised (in brief):

### ***LEAP/ Open Space***

- *Concerns have been raised over the location of the proposed LEAP areas;*
- *The playground located along the southern boundary will create excessive noise level and will encourage teenagers to loiter;*
- *It would be more appropriate for the play area to be sited within the centre of the site;*
- *The proposed greenway does not provide a protective safe buffer as allocated within the Local Plan;*
- *The proposal is considered to contravene the public open space policy and -Policies RT6 and RT5 within the Macclesfield Borough Local Plan, which allocated a green buffer measuring between 20- 55m a long the southern boundary and a greenway cycle and public footpath;*
- *The proposal is also contrary to the National Planning Policy Framework;*

- The proposal should include a 20m buffer to the south of the site, which should include planting and screening for existing residential properties;
- The proposed development does not provide the required amount of open space (3.7 hectares of amenity space);
- The proposed playgrounds do not comply with Policy DC40 of the Local Plan;
- The proposed play area will not have natural surveillance
- Objections with regards to the removal of the green link/buffer zone and cycleway.
- All development submitted since 1981 have included a green buffer none have eroded the buffer zone as much as Redrow

### **Affordable housing**

- The proposed development shows a lack of “pepper potting” which will result in an uneven balance of occupants on site;
- Is there a valid reason why most of the affordable housing has been placed near to the Tytherington Business Park;

### **Amenity**

- Dust and noise measure should be secured as part of the proposed development;
- Concerns raised with regard to pile driving on the site and impact upon neighbouring properties;
- Construction hours should be restricted from 9am to 4pm
- Would like to see the development of a “true” Brownfield site rather than a -Greenfield site. As a Greenfield site there should be an emphasis for protecting natural habitat and creating a “quality of life”;
- The proposed development will increase noise, light dust and traffic pollution;
- security fencing should be placed around the boundaries of the site during and after in order to ensure security of neighbouring properties;
- the proposal will cause a loss of value to neighbouring properties;
- the location of the play area will encourage crime /disturbance to the area
- The proposed development will effect the residential amenity of neighbouring properties in terms of existing environment, privacy overlooking and loss of light

### **Trees**

- Concerns are raised over the protection of existing trees and hedging within and along the boundaries of the site;
- The hedgerow at the end of Poole End Road within this site is considered to form part of an ancient hedgerow and should therefore be protected;
- The proposed housing will be very close to mature protected oak tree;

### **Nature**

- The proposed green corridor is in place to protect existing wildlife
- The proposed development will have a negative impact upon existing wildlife such as bats, foxes, badgers and barn owls;
- The proposed greenway along the south of the site would have served as an access for wildlife across the site;
- This area of land is used for dog walkers and is the only area of “wilderness “ left within Tytherington;
- Light pollution will effect the wildlife;

### **Link Road**

- *It is paramount that this development provides a link road between Springwood Way and Manchester Road;*

### **Highways**

- *The proposed development will significantly reduce the amount of traffic going to the site when compared with the previously proposed commercial use on the site;*
- *The location of the proposed traffic lights will inevitable cause a build up of traffic which will be dangerous to highway safety;*
- *The proposal seems to be devoid of a bus lay by;*
- *Should the proposed Manchester road junction be signalised or a roundabout;*
- *Is therefore provision for a bus service to run along the proposed spine road;*
- *Are there plans to have yellow lines along Manchester Road in order prevent parking;*
- *Is therefore sufficient parking within the site for new residents;*
- *The proposal will severely effect the traffic onto Manchester Road*
- *Construction traffic should be phased to leave via the Business Park no solely via Manchester Road;*
- *There is no information on Traffic Management;*

### **Layout /Design**

- *The layout and disposition of housing plus open space should provide for an interesting development;*
- *There is a good mix of housing stock within the development to help address local need;*
- *The proposed development will create excessive amount of overdevelopment particularly to the south eats of the site;*
- *Concerns are raised with regards to some of the proposed dwelling being up to 3 storey in height;*
- *The number of houses should be reduced so as to provide an appropriate are of green space and amore attractive form of development;*
- *The proposed properties fronting Manchester road should be more in keeping within existing properties such as dormer bungalows/ bungalow properties.*
- *The proposed development does not respond to local character and history;*
- *The proposed boundary treatment will be unsightly;*

### **Levels /flooding**

- *The re-profiling of the site will change the character of the area;*
- *Concern raised over subsidence and impact upon existing properties;*
- *The proposed development will result in dangerous excavations;*
- *The proposed development is contrary to the CEC evidence base for Green space Strategy (2013);*
- *New drainage details should be submitted as were only submitted with the previous outline permission, in which the scheme has now changed;*
- *The infilling of the existing stream on site will effect the water table and create flooding;*
- *Sustainable drainage systems should be incorporated into the development;*
- *This area has a “high-water table” hence the name “ Poole End”*

### **Misc**

- *Concern regarding and existing waste pipe which runs through the site and currently serves existing neighbouring properties;*
- *The plans submitted show the neighbouring properties incorrectly*
- *The plans contradict each other and are not consistent.*
- *Redrow have failed to consult with local residents;*
- *Anglo Saxon strip farming has known to be carried out on this site therefore, there may be archaeological interests on the site*

During the course of the application revised plans altering the positioning and layout of the proposed open space have been received. Members of the public have been reconsulted on these revised plans. 10 further letters of objection from local residents have been received. Concerns raised relating to the proposed development only (in brief) are as follows:

### **Amenity**

- *The street lights shown on the cycle way are intrusive to existing houses*
- *Object to the proposed use of the site in the south east corner to an adult outdoor gym. This will generate noise and anti social behaviour. Screening should be required along the boundary of the site to protect existing residents.*

### **Landscape**

- *Concern over removal of existing hedgerow and trees*
- *Evidence to suggest the existing hedgerow may have formed part of an integral part of the field system pre dating the Enclosure Act; the field and hedgerow are known to have existed before 1845;*
- *It is requested that adequate boundary treatment is in places to screen the development from existing residents;*
- *Object to the use of flat panel fencing as it is out of keeping with the character of the area;*

### **Open Space**

- *Objections raised to the “spoil” of Policy RT6 and RT7;*
- *Steep sides are proposed to the open space proposed to the south of the site which will make the area unusable space;*

### **Other Matters**

- *Not clear over levels of cut and fill to the site;*
- *Concern raised over damage to existing electrical supply and data cables which run through the site;*
- *There is a restrictive covenant on the site which states that the land should be protected” i.e. protected from development*
- *This field has been used by existing residents for walking and playing , residents have had an unrestricted over the field for many years*
- *The developer need to be monitored to ensure they are building in accordance with the approved plans.*
- *The proposed development is overdevelopment of the site; the developer is trying to shoehorn houses onto the site.*

## **OFFICER APPRAISAL**



## Principle of Development

The principle of residential development has already been accepted by Members following the approval of the outline application 12/4390M, which sought consent for up to 162 dwellings with all matters reserved.

## Affordable Housing

The Section 106 agreement for this site requires an Affordable Housing Scheme to be submitted with the reserved matters application outlining the location, layout and specification of the affordable units.

The applicant is offering 30% affordable housing, this equates to a proposed 40 units, which will include a tenure split of 65% rented and 35% intermediate housing. The rented housing will be transferred to a Registered Provider in line within the Councils Interim Planning Statement on Affordable Housing (IPS) and the Section 106 agreement, which was attached to the Outline planning permission under application 12/4390M

The Housing Officer has been consulted on this application and has raised no objection to the residential mix in terms of size and unit types which will include 1, 2 and 3 bed properties.

Concerns have been raised during the course of the application over the degree of pepper potting of the affordable housing units throughout the site. A large majority of the units are to be sited in the southeast corner, however following amendments 4 of these units have been moved to the north eastern area of the site providing three clusters of affordable units.

The weight to be attached to the requirement for pepper potting is questionable. There is no specific requirement within the NPPF for pepper potting only an emphasis on ensuring that Local Authorities work towards achieving “*mixed and balanced communities*”

The Council's Interim Planning Policy Statement on Affordable Housing states that; affordable homes should be integrated with market homes and should not be segregated in discrete or peripheral areas of the site. The weight to be attached to the Interim Planning Statement however is debatable, given that the Interim housing statement although a material planning consideration is not considered to form part of the Council's Development Plan.

Policy SC5 within the Councils Local Plan Strategy 2014 (Submission Version) requires that; “*affordable Homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach.*”

Given the status of the Local Plan Strategy the level of weight to be attached to this specific requirement is a matter for the decision taker. However, following concerns over the degree of pepper potting the developer has made revisions to the proposal. The proposal for affordable housing units in the locations proposed is also supported by the developer's affordable housing delivery partner 'Great Places Housing Group' who have stated that they support both the location of the affordable housing units and the outline programme for delivery.

The affordable units will be consistent with the open market units using the same palette of materials, finishes and designs, and therefore the affordable units will be well integrated within the site and not distinguishable amongst the wider development. The affordable homes will therefore be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

Given the Council's current policy position, it is considered that the proposed affordable housing layout is considered to be acceptable. Approval of the development will allow the delivery of much needed affordable housing as well as providing a contribution to the Council's housing supply.

### **Means of Access**

This is a reserved matters application with access and layout to be determined. The plan submitted indicated that there will be a link road, which runs through the site which will facilitate access from Springwood Way currently located within Tytherington Business Park site on the eastern side of the development to Manchester Road on the western side of the site.

In order to secure the delivery of the link road a mirrored access condition was attached to the outline planning permission (12/4390M) and have been similarly attached to application 13/2661M Land off Springwood Way, Larkwood Way, Tytherington, which states the following (in brief):

*No development shall take place until a phasing plan which includes the access arrangements for each phase has been submitted and agreed;*

*No development shall take place until a fully detailed scheme for the design and construction of the access arrangements on to Manchester Road has been submitted and agreed.*

It is expected that the applicant will enter into discussions with the Emerson Group to ensure that the point at which the two roads meet is facilitated and are constructed at the same level.

The applicant proposes a signalised junction on Manchester Road, which will incorporate pedestrian crossing facilities. These works are to be undertaken via a S278 Agreement with the Highway Authority and the design is currently under going a design check.

In order to secure an acceptable access and junction to accommodate the proposed development it is advised that a condition is attached which requires that the proposed junction on Manchester Road is constructed in accordance with the Section 278 agreement prior to the occupation of the first dwelling.

At least 200% parking would be provided on this site, which is considered to be acceptable. The proposed layout is considered to accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design.

The developer has submitted a lighting layout indicating the lamp column positions, the proposed locations and number of columns will be checked and approved during the Section 38 process for the road adoption for the site.

The applicant has submitted details of a travel plan and whilst there are measures identified that can be implemented to increase sustainable travel, there are however no clear identified targets and no assurances that a travel plan co-ordinator will be appointed. It is therefore requested that a condition be attached to ensure a travel plan will be submitted to the Authority prior to the commencement of development to ensure sustainable forms of travel are secured to the site in line with the guidance set out within the National Planning Policy Framework.

## **Amenity**

Policies DC3 & DC38 of the Local Plan are in place to safeguard residential amenity. Policy DC3 cites that the loss of privacy, overbearing effect, loss of sunlight/daylight, noise, traffic generation, access and parking (amongst others) as being potential reasons for causing significant harm to residential amenity.

Policy DC38 provides guidelines on space, light and privacy, which you will need to comply with, in any future application.

The need to secure high quality design and good standards of amenity for all existing and future occupants is also reiterated within paragraph 17 of the NPPF.

### Impact upon the occupants of existing residential properties

The impact of the proposed development on existing level of residential amenity, in general would appear to conform with the privacy distances set out within Policy DC38 of the Local Plan. The closest properties to the development would be No 5 Poole End Road and No 15 Tytherington Lane

#### No. 5 Poolend Road

The proposed side elevation of Plot No 32 is to be sited approx 10.5m apart from the existing side elevation of No 5 Poolend Road. A first floor side window for an ensuite bathroom is proposed in the side elevation of the dwelling (house type Marlborough) facing No 5 Pool end. Given there are only two windows at ground on the side elevation of No 5 and there is high mature hedging between the properties and also a commensurate distance between the two properties similar to others in the area, it is not anticipated that the proposed development will raise any concerns in term of privacy.

#### 15 Tytherington Lane

The side elevation of Plot No 118 (Cambridge house type) will be sited approx 15m from the front elevation of 15 Tytherington Lane. Although, an ensuite bathroom is proposed at first floor within side elevation of Plot No 118 the distance between the two properties is considered to comply with privacy distance set out within Policy DC38 of the Local Plan relating to habitable room facing non-habitable rooms.

Concerns raised by local residents regarding the location of the proposed area of open space, particularly the proposed adult gym area to the southeast corner of the site are acknowledged. The proposed equipment will be over 30m away from the nearest residential properties located

at the end of Gloucester Close and Marlborough Close and is therefore considered to be a sufficient distance as not to have an overly detrimental impact upon existing level of residential amenity

The following conditions below were attached to the outline planning consent in the interest of preserving the residential amenity for the occupants of the existing neighbouring properties:

Condition No 24 attached to the outline consent seeks a Method Statement and Management Plan prior to the commencement of development to secure details such as the method of construction, deliveries to the site, parking of construction vehicles, loading and unloading and wheel washing facilities.

Condition No 25 restricts hours of pile driving and requires details of a method statement, details of when works will be carried out, duration, prior notification to occupants of neighbouring properties

Hours of construction have also been restricted within the outline consent (condition No. 26) to the following:

*The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.*

Condition No. 39 of the Outline consent requires the submission of a scheme to minimise dust emissions arising from the construction to be submitted and approved in writing.

#### The impact of the proposed development upon future occupants

Plots 44, 63, 64, 65, 75, 77 and plots 78 to 99, sit adjacent to existing commercial units located within Tytherington Business Park. In most respects the privacy distance between proposed dwellings and existing non-residential buildings would comply with guidelines set out within policy DC38, which state that development positioned adjacent to buildings of 1 to 2 storey should be 25m 'back to back' and 28m for properties 3 storey upwards. It is noted that there are some pinch points within the scheme, which would fall below that standard of the recommended distances, due to the positioning of the proposed dwellings. The developer has ensured that through the siting of dwellings and retention of boundary treatment there is unlikely to be scope for direct overlooking between the new residential properties and existing commercial properties, which would result in a harmful impact for the residential amenity of the future occupants of the proposed dwellings.

Due to existing constraints on site such as the existing large drainage system, which runs underneath the site and ensuring the root protection areas of existing trees on site, the proposed development does seek to provide a high density of properties within a tight configuration. The implication of which, has in some circumstances lead to a very close relationship between proposed dwellings, which would appear to fall below distances set out within Policy DC38. For example, there are instances where some proposed dwellings, will have a separation distance of approx 10m when measured from rear elevation to side elevation, rather than the recommended 14m. Given the characteristics of the site and the positioning of these dwellings the shortfalls are considered to be acceptable 'on balance' as

they are minor and are unlikely to cause such a significant amenity impact as to warrant refusal of the reserved matters scheme.

A condition which will ensure the development is carried out in accordance with the noise mitigation measures specified within an approved acoustic technical report was attached to the outline planning consent to ensure the amenities of future occupiers of the dwelling were protected from the impact of road traffic along the Silk Road.

In terms of contaminated land, a Phase II investigation has been submitted to the Local Planning Authority and details that a remediation is required to make the site suitable for use. The requirement for a detailed remediation Strategy to be submitted to the Authority is set the contaminated land condition (No.34) is secured within the approved outline planning consent.

## **Landscape**

During the course of this application, a number of revised plans have been submitted in order to ensure an appropriate level of landscaping is achieved, which address constraints on protected trees, hedging and takes into account the existing land levels on site and the surrounding the site.

A detailed landscaping scheme has been submitted with this application, which provides details of hard and soft landscaping. The Council's Landscape officers have been consulted on this application and have raised no objections subject to clarification on details on aspects such as railings and soft planting plans. It is also requested that a change is made to the cycle pathway in the south eastern part of the site to be moved slightly further away from the road to allow sufficient room for the proposed hedge and trees to establish. It is considered that such details can be secured through the condition 14 and 15 of application 12/4390M, which required details of both hard and soft landscaping details to be submitted prior to the commencement of development.

Should planning permission be granted it is advised that an additional condition requiring details of boundary treatment be attached in the interest of clarity and to ensure that proposals are acceptable and in keeping with the character of the area.

Details of existing and proposed contours of the site along with cross section of the public open space have been submitted to the Local Authority. Whilst it is noted that some of land levels are not ideal, particularly in terms of the area of land to the south of the site in which the proposed open space is provided which will incorporate a steep gradient running down from the southern boundary. Whilst this will limit the usability of this area of land, the levels in general are considered to be acceptable and will not have a harmful impact upon the overall character of the area.

Details of retaining structures have been submitted and are currently being considered by the Landscaping Officer. Comments will be provided to Members in an update to Committee.

In compliance with condition No. 11 of application 12/4390M a detailed Public Open Space Landscape & Habitat Management and Maintenance Plan has been submitted. This is also currently being reviewed by the Landscape Officer. Comments will be reported to Members in an update to Committee.

## Trees

The site contains existing vegetation including trees, lengths of hedgerow and scrub. There are a small number of trees protected by a Tree Preservation Order and others which are worthy of formal protection.

This application has been supported by Arboricultural input by Trevor Bridge Associates which included a detailed assessment of the existing tree cover as well as a detailed report in relation to the protection of Important Hedgerows under the Hedgerow Regulations 1997.

The majority of the trees identified for removal are low value Category C specimens, which are either in a poor structural condition requiring removal irrespective of development, or have been conceded as a result of the historic previous decisions in terms of levels and the drainage chambers which extend from Manchester Road to the industrial estate link road.

Amended plans have been received during the course of the application to ensure proposed plots have an acceptable relationship in terms of the social proximity of the trees from the proposed dwellings in order to secure the future wellbeing of the trees by removing post development pressure to have trees removed or significantly pruned.

The omission of the plot located immediately adjacent to T16 (TPO) has removed the initial concerns and objection in respect of both levels and social proximity, this allows the tree to be integrated into the POS. The relationship between the remaining protected trees (T24 & 25) on the site is also now considered to be acceptable

The retained tree aspect associated with the periphery of the site can all be protected in accordance with current best practice BS5837:2012

## Hedgerows

During the determination of application 14/1341M evidence was provided by the Records Office that suggested that an existing hedgerow located to the south of the site (adjacent to properties on Poole End Road) may have been 'Important' in terms of the 1997 Hedgerow Legislation. This hedgerow was therefore retained as part of the engineering work application.

During the course of the application additional information has been submitted by the developer who states that the hedgerow is exempt from the Hedgerow Legislation. Although the hedgerows location coincides with the boundary on the Tithe Map of 1849 in relation to Cold Arbour Farm, the historic field pattern has been lost in relation to more recent development including the Tytherington Business Park. The hedge is not considered to be the original planting it just follows an original line; it is also not considered to be species rich and therefore fails to satisfy the requirements of the 1997 hedgerow legislation. The remaining hedges associated with it are considered to be exempt from the legislation by virtue of their locations as part of domestic garden curtilages.

The Council's Forestry Officer is currently considering the hedge against the legislation and whether the principle of the removal of the hedgerow is acceptable. Comments will be provided to Members in an update.

## **Public Open Space Provision**

This development would provide approx 12,615sqm of public open space and informal and formal amenity space, which will encompass habitat creation, informal open space and new footpaths. This level of open space is considered to be acceptable and is secured as part of the S106 Agreement for the outline consent.

In line within the indicative plans submitted within the outline planning application 12/4390M the applicant proposes a sweeping area of open space, which proposes to run from the eastern corner along the southern boundary and then diverts into the centre of the site providing a “green lung”, which will run throughout the proposed new development. A minimum width of open space has been designed to be at least 20m in width in order to comply with condition No 13 attached to planning application 12/4390M

This area of public open space will not only facilitate the greenway, pedestrian and cycle link between Middleton Way and Dorchester Way it will also provide outdoor play equipment for children and adults in the form of playground equipment and a trim trail.

Members will note that a strip of land located to the south of the site is designated within the Macclesfield Borough Local Plan as a proposed open space for informal recreation area and amenity space. The objective for this area of land is set within Policies RT5, RT6 and RT7 within the Macclesfield Borough Local Plan. These policies essentially seek to ensure that the proposed area of open space allocated on the plan is utilised for recreational purposes as well as ensuring they contribute to creating a safe and attractive means of access for pedestrians and cyclists. Policy RT5 in particular seeks to ensure such space is convenient and safely accessible for intended uses, it is satisfactorily integrated within surrounding developments and the creation of an amenity open space which respects natural features.

A number of concerns have been received from local residents with regard to the impact of the proposed development upon this designated area of proposed open space.

This area of proposed open space was originally proposed within the Tytherington Business Park Development Brief, which was adopted in April 1989 as a Supplementary Planning Guide under the previous 1984 adopted Local Plan for Macclesfield Borough Council. The proposal for a Business Park on the site, which is now the subject of this application as well as defined areas of proposed open space and Greenway were carried through to the now current adopted Local Plan (2004) in the form of policies RT6 and RT7 in particular.

Paragraph 6.15 of the Tytherington Business Park Development brief advises that the intention of the proposed area of open space was to provide an effective barrier or ‘amenity buffer’ against the conflicting residential and commercial uses as well as providing an area of for recreational purposes. The policies advised that the buffer would vary in width with the average width being 40m.

The principle to build a residential development on this site rather than commercial development has already been established under planning application 12/4390M and therefore Officers consider that the requirements of the provision of an open space to be situated solely along the southern boundary is no longer a requirement.

The proposed area of open space to sweep into the centre of the site will allow the proposed development to assist in creating a more coherent, attractive residential extension which will provide a sustainable form of development for future residents of the site. Rather than resulting in a landscape feature which would to most extents be compromised and in an inaccessible location and of limited value to the wider public. Allowing the proposed area of open space to flow through the site will also open up accessibility to this land to not only future residents but also existing residents within the Tytherington area.

Officers have tried to work with the developer to gain a pedestrian access way onto the site which would lead from the end of Poole End Road into the site. This would be to allow wider access for existing residents of Tytherington to the area of proposed open space and the pedestrian/cycle way. The developer has however refused to enter into such negotiations as they do not wish to exacerbate objections raised by existing residents who would be affected by the proposed access way.

The Council's Parks and Management officer has been involved with negotiations during the course of this application. The proposed amount of open space and proposed facilities are considered to satisfy the requirement of conditions set out within the Planning Application 12/4390M and the requirements of the Section 106 agreement.

The provision of recreation and outdoor sport provision will be provided off site through a commuted sum secured by way of the Section 106 agreement associated with planning application 12/4390M. The commuted sum will be used to make additional enhancements and improvements to the Rugby Drive sports facility in line within the Councils Supplementary Planning Guidance on Section 106 agreements.

#### **Design, layout, density and impact on residential amenity**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

The proposed layout reflects the character of the surrounding area which is mainly detached two storey properties. During the course of the application revised plans have been submitted which have altered the finishing material of the dwellings from red brick to stone with render so as to be more in keeping with the general character of properties within this area.

The applicant proposes a variety of approx 20 different house types, all of which are to be two storeys in height. Although on average, most of the properties will provide similar sized plot sizes, the design of the house types differ. Some of which will incorporate hipped roofs or dual pitch roofs, and additional features such as projecting gables and bay windows have been included within the design. The proposed mix of house types and use of materials will assist in breaking up the proposed street scene. The design of the proposed dwellings and their scale is considered acceptable and would not detract from the character of this part of Macclesfield.



The layout plan includes centrally located open space, which is well overlooked to all sides. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are in most respects obscured from view.

Concerns were raised from the Design Officer with regards to the heavy bank of parking spaces located to the front elevations of plots 51 to 74. In order to ensure the appearance of these spaces is softened through the appropriate use of surface material and soft landscaping a condition requesting further information is advised.

The Council Design officer has been consulted on the application and has raised no objection to the proposal.

## **Ecology**

An ecological assessment has been submitted in support of the application. The Council's Nature Conservation Officer has been consulted on the proposed development and comments as follows;

### ***Badgers***

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett a number of outlying setts have previously been recorded on site.

Conditions 20 and 21 attached to outline permission 12/4390M required the submission of an updated badger survey and proposals for the incorporation of badger corridors into the proposed development as part of a reserved matters application.

The latest badger survey submitted with this application has not recorded any evidence of badger activity at the setts and so, these are likely to currently be disused. Based upon the current status of badgers on the site this species is therefore not considered to present a constraint upon the proposed development and there is no requirement for a Badger corridor in line with Condition No 21 of the outline consent

Badgers are however known to frequently reuse setts it is therefore recommended that the following condition be attached in the event that planning consent is granted.

*If the consented development has not commenced on site by the end of August 2014 the applicant to submit an updated badger survey for the approval of the LPA. The report is to be submitted and agreed prior to commencement of the development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.*

### ***Hedgerows***

A number of hedgerows are present on site. Hedgerows are a BAP priority habitat and therefore a material consideration. The submitted planning layout indicates that there will be some loss of hedgerows associated with the interior of the site and replacement hedgerows have been proposed to compensate for this loss. It is not clear however whether all of the existing boundary hedgerows will be retained as part of the proposed development.

As advised above it is therefore requested that a condition requesting details of boundary treatment be agreed by developer prior to the commencement of development.

### ***Ponds***

Condition 19 of the outline permission requires the incorporation of 6 ponds into the reserved matters application layout. These ponds are sought solely for nature conservation in order to provide an element of mitigation for the proposed development

Whilst details of the location of the ponds have been provided it is requested that the submitted layout plan includes proposals for the ponds. It recommend that if planning consent is granted a condition is attached requiring detailed designs of the ponds including plans and cross sectional drawings to be submitted and agreed with the LPA prior to the commencement of development.

### ***Management plan***

Condition 11 requires submission of a Public Open Space, Landscape and Habitat Management Plan.

The submitted management plan is broadly acceptable. Wildflower grasslands habitats are however only shown in the south eastern corner of the site. In order to maximise the nature conservation value of the proposed ponds it is advised that the ponds should be set within an area of wildflower grassland. The landscaping plan included with the management plan should be amended to reflect this change.

Page 23 of the submitted management plan refers to a fishing pond this reference should be removed.

An amended Management Plan to reflect the concerns raised is awaited from the developer.

### **Education**

This issue was dealt with as part of the outline application. The School Organisation and Capital Strategy Manager confirmed at that time, that there was projected to be sufficient level of unfilled places at both the local primary school and secondary school to accommodate the pupils generated by this development. Therefore, no contribution was required.

### **Flood Risk and Drainage**

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions. As a result, the development is considered acceptable in terms of its flood risk/drainage implications.

### **CONCLUSIONS**

The concerns raised by local residents in respect of issues such as highway safety, ecology, the character and appearance of the area and the other factors considered in the report are understandable. However the principle of development for residential use has already been established under planning application 12/4390M.

This application therefore seeks approval for the reserved matters only.

It is considered that the development is acceptable in terms of affordable housing provision.

The access point is considered acceptable. The formation of a link road has already been secured through conditions set within the outline planning permission.

The applicant proposes a signalised junction on Manchester Road, which will incorporate pedestrian crossing facilities. These works will be secured through the Section 278 agreement and a planning condition.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions within the outline consent.

The separation distances to the adjoining existing dwellings and offices are considered acceptable. Whilst the relationship between some of the proposed dwellings are a little tight and fall below the privacy distance guidelines set out within Policy DC38, taking a balanced approach the proposed development is however unlikely to result in a significant impact upon residential amenity for the occupants of the proposed dwellings.

The amount of Public Open Space and children's play provision to be provided on site is considered to be acceptable.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development and the areas of ecological value would be retained on this site.

Details of the proposed landscaping have been secured through the use of a planning condition.

There would be some limited hedgerow and trees loss. Concerns raised over the retention of a specific area of hedging located to the south of the site are currently being considered by the Council Forestry Officer against the current Hedgerow Legislation and will be reported to Members in an update to Committee.

The development is considered to be of a high standard of design and complies with the Local Plan Policies and guidance contained within the NPPF.

Drainage and flood risk concerns are considered to be addressed by existing and proposed conditions.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The proposal is considered to accord with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework is

clear that proposals for development that are in accordance with the development plan should be approved without delay.

This application is therefore recommended for approval subject to conditions.

#### Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A25GR - Obscure glazing requirement
2. A01GR - Removal of permitted development rights
3. A12LS - Landscaping to include details of boundary treatment
4. A04TR - Tree pruning / felling specification
5. A02EX - Submission of samples of building materials
6. Development to be carried out in accordance with the approved plans
7. No dig retaining structures
8. Badger
9. Junction to be constructed in line within Section 278 Agreement prior to occupation of 1st dwelling.
10. Scheme to provide fluvial flood risk
11. Floor levels should be at a minimum level of 144.4mAOD
12. Road level should be minimum level of 144.0 mAOD,
13. A scheme to limit surface water shall be submitted
14. Scheme to manage overland flow of surface water shall be submitted.

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

