

STRATEGIC PLANNING BOARD 20th August 2014

UPDATE TO AGENDA, PREPARED 18th August 2014

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 – approval is sought for access, appearance, landscaping, layout and scale.

ADDITIONAL CONSULTATION RESPONSE

Attention is drawn to comments raised by the Dumbah Association concerning the impact of the proposed development in terms of increased traffic along Dumbah Lane. It is noted that the Section 106 Agreement for application 13/2661M (Land off, Springwood Way and Larkwood way, Tytherington, Macclesfield) deals with the alleviation of traffic along Tytherington Lane only. It is therefore requested that a more inclusive agreement is drawn up within this application (14/1338M), which considers traffic on the wider neighbouring road network and aims to achieve an *“equitable balance of traffic flows along Tytherington Lane, Dumbah Lane and Springwood Way”*.

OFFICER APPRAISAL

Members may recall that the previous planning application on this site (12/4390M), sought outline planning for up to 162 houses and during its assessment the impact of the proposed development upon the wider highways network and the principle of a housing development on this site was established. Members approved this application subject to conditions and a Section 106 Agreement. The matters to be covered within the Section 106 Agreement relating to application 12/4390M were agreed by Members and this was complete and permission granted.

Within application 12/4390M, the Strategic Highways Manager raised no objections to the proposal as it was considered that the proposed traffic generated from the residential development would significantly reduce the traffic impact upon the road network, when compared with the previous proposed development on this site (Planning application 10/3139M), which has a resolution for approval (subject to a Section 106 Agreement) for a large Office and Hotel development.

The application before Members deals with the Reserved Matters only and the Section 106 Agreement attached to application 12/4390M can not be retrospectively altered.

Members should however be made aware that the Highway Department will in due course be carrying investigations on the impact of the proposed development upon the wider road networks such as Tytherington Lane and

Dumbah Lane once the link road between Tytherington Business Park and Manchester Road has been implemented in order to ascertain what mitigation measures will be required.

ADDITIONAL INFORMATION

Revised plans showing details of proposed retaining structures (wall and fencing) within the site have been received showing a more acceptable impact upon the root protection area of existing trees.

Both the Councils Forestry Officer and Landscaping Officer have been consulted on the revised plans and consider the proposed amendments to be acceptable.

LANDSCAPE AND HABITAT MANAGEMENT PLAN

The Landscaping Officer, Nature Conservation Officer, Forestry Officer and Public Open Space Officer have been consulted on the Landscape and Habitat Management Plan and have suggested amendments to the wording of the Plan. The Council is however awaiting a revised copy from the applicant. Once received comments will be updated to Members in a verbal update.

IMPORTANT HEDGEROW

Additional supporting information has been submitted by the applicant in terms of the removal of a small area of hedgerow, which is located within the application site adjacent to Poole End Road.

It is advised that the particular area of hedgerow under query does meet criteria 5(a) of the Hedgerow Regulations and is therefore 'Important'. However, it is considered that the hedgerow does not make a significant contribution to the heritage significance of the area. The scale of harm would be equivalent to total loss, but the heritage significance of the hedgerow is low. The hedgerow has low evidential and historical heritage value, and a record of the hedgerow could advance understanding of the heritage values that would be lost.

The Forestry Officer has now considered the case for the removal of the hedge and has raised no objections for the following reasons;

The primary interpretation of the regulations identifies that if the identified hedge does not grow in, or adjacent to common land, protected land, or land used for agriculture, forestry or breeding, or keeping of horses ponies or donkeys; **the regulations do not apply.**

The Judicial Review case – Flintshire county Council v NAW & Mr J T Morris in 2002 – confirmed that paragraph 5(a) of Part II of Schedule 1 of the Hedgerow Regulations 1997 determines that a hedgerow is important regardless of the current completeness of the historic field system. Notwithstanding this, the presence of a hedgerow and its relative significance is only one material consideration, which has to be weighed against the core principle of the NPPF, which is the presumption in favour of sustainable development.

In this case, the land associated with both the identified linear sections of hedging does not fall into any of the categories identified above. This negates the issues associated with the 2002 JR and the importance of a hedgerow regardless of the current completeness of an historic field system.

The removal and the hedge is therefore not contested.

RECOMMENDATION

Should the Landscape and Habitat Management Plan not be received prior to the Strategic Planning Board it is recommended that this application be delegated to The Head of Strategic and Environmental Planning for Approval subject to:-

- A revised Landscape and Habitat Management Plan
- Recommended conditions