

**LAND WEST OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND  
NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE  
TAYLOR WIMPEY (NORTH MIDLANDS)**

**14/00363/REM**

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings. The scheme includes an area of community woodland and public open space. Included within the scheme are a number of 'swale' features which form part of the sustainable drainage scheme proposed for the site and are designed to hold surface water during periods of flood, but otherwise be dry.

This approval of reserved matters follows the granting of an outline planning permission earlier this year (Ref. 12/00127/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 6.65 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

**The 13 week period for this application expires on 24<sup>th</sup> October 2014.**

**RECOMMENDATION**

**Subject to a satisfactory response to concerns raised within the report concerning accessibility to the elevated part of the northern section of the site by the submission of revised proposals permit, subject to conditions relating to the following:**

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of access, parking, servicing and turning areas in accordance with the approved plans**
- **Materials (facing, roofing and surfacing)**
- **Submission/approval/implementation of details of a link through to the adjacent site**
- **Removal of permitted development rights restricting the formation of hardstandings on the front gardens**
- **Details of the play equipment**
- **Details of signage for the play area**
- **Details of planting within the play area**
- **Details of shrub/hedge species**
- **Recommendations of arboricultural survey report**
- **Retained trees to be replaced if removed within 5 years**
- **Revised landscaping scheme to include some replacement planting to rear of Congleton Road properties**

**Reason for Recommendation**

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposal would promote sustainable transport choices and there would be no adverse impact upon highway safety or residential amenity. The landscaping and open space provision within the site is considered acceptable. A significant issue of providing appropriate pedestrian access to the elevated part of the northern section of the site does however need to be addressed. Otherwise there are no other material considerations which would justify a refusal of this reserved matters submission.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

**Policies and proposals in the approved development plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N12: Development and Protection of Trees  
Policy T16: Development – General Parking Requirements  
Policy C4: Open Space in New Housing Areas

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design (2010)

Relevant Planning History

11/00645/OUT Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses Refused 1 March 2012 (following 14th February Planning Committee resolution)

12/00127/OUT Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses Approved 21<sup>st</sup> February 2014

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding the implementation of details of the access, parking, servicing and turning areas in accordance with approved plans, and the provision of a 3m wide unimpeded footpath/cyclepath link between the north and south sites.

The **Police Architectural Liaison Officer** is largely very supportive of the proposals – the principles underpinning Secured by Design having obviously been carefully considered and designing out crime measures included. A number of queries are raised as follows:

- The nature of the land adjacent to plot 43 should be clarified.
- Where garden boundaries are exposed, the treatments should be higher and more robust.
- The woodland management policy should ensure that the potential vulnerability of users of the woodland path is minimised.
- Of some concern is the status and nature of the public right of way around the eastern boundary of the site. It is unclear whether it will be incorporated into the new development or whether it will be kept separated and fenced off from the new development. A long and winding enclosed/fenced footpath would not provide a safe route for users and could be prone to anti-social behaviour. The section between plot 24 and plots 43-46 could be re-routed through the road/pavement network.

The **Landscape Development Section** has no objections subject to comments as follows:

- Further information in line with BS5837: 2012 is required including a tree protection plan, an arboricultural method statement and a schedule of works to retained trees.
- The layout of the proposed play area is acceptable subject to consideration of the location of the basket swing and confirmation of the correct items of equipment.
- Confirmation of the proposed planting species that are shown to be included within the playground area is required.
- The hedge shown between the houses and the play area should be removed to enable natural surveillance.
- The proposed landscaping is acceptable subject to clarification of the shrub/hedge species and mixes.
- Confirmation is required of the proposed boundary treatment adjacent to the school and its playing field. If the existing hedge is to be retained a method statement will be required that addresses how the hedge will be cut back and possibly 'beaten-up' to ensure that the properties and the school retain necessary privacy.

Following the receipt of additional information the Landscape Development Section have indicated that several of the better quality trees on or adjoining the site appear to be significantly overshadowing a number of the properties; there is a lack of details about works adjacent to the woodland path and concern about the loss of 9 moderate quality trees at the rear of the Congleton Road properties

The **Environmental Health Division** has no objections to the proposal.

No comments have been received from the **Waste Management Section** of the Council, Staffordshire County Council as the **Rights of Way Authority**, **Staffordshire Wildlife Trust** and **Kidsgrove Town Council**. Given that the period for comment has expired, it must be assumed that the above have no comments to make.

#### Representations

Ten letters of objection have been received including one from **Councillor Kyle Robinson**. Objection is made on the following grounds:

- Impact on traffic and congestion on already very busy roads in Butt Lane.
- Cramped layout.
- Potential lack of parking.
- Impact of new road at a gradient behind the houses on Church Street will increase noise and pollution.
- Impact on infrastructure needs to be addressed including local primary schools and doctor's surgery which are at full capacity.
- Concerns regarding Japanese Knotweed.
- Is a new fence proposed around the perimeter of the school playing field?
- Residents of Church Street have requested that the elevation of plots 11 – 16 be scaled down as the development will be overbearing and create privacy issues.
- The public footpath should be protected and not developed for housing.
- The gravel boards around the perimeter of the site are unsightly and should be removed.
- Residents wish to know whether the slag heap at the rear of their properties will be removed early on in the development.
- Consideration should be given to the fact that the site entrance on Congleton Road is adjacent to a primary school. There should be a stipulation that no heavy site vehicles use the site entrance at school drop off and pick up times.
- It should be stipulated that there should be no work on site outside the hours of 8am to 5pm.
- The public open spaces are insufficient and there is no play equipment designated on the new plans.
- Affordable housing will end up in the hands of private landlords and there will be issues of troublesome occupants.
- There should be a full impact assessment of the sewage works at Red Bull as the sewage works is working at full capacity and is struggling to deal with current waste levels.

- There are concerns that Newcastle Borough Council Planning Department are failing to ensure the correct checks are being made on the environmental impact of this development.
- Numerous species of wildlife have been reported in the area as a whole, not just the woodland.
- Impact in property values.
- Air pollution.
- Loss of woodland

Two letters of support have been received. It states that the development will bring a much needed boost to the economy, social fabric, vibrancy, image and appeal of a currently 'forgotten' economically poor and visually 'anonymous' village. Much needed new money spent by developers will help Butt Lane to regenerate itself. If this development is completed to the same high standard as Phase 1 of Bluebell Croft, they will bring benefits to the area.

#### Applicant's/Agent's submission

The application is accompanied by an Ecological Appraisal, an Arboricultural Assessment and Method Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Involvement which are available for inspection at the Guildhall and on

#### **Key Issues**

The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings. The scheme includes an area of community woodland and public open space. Included within the scheme are a number of 'swale' features which form part of the sustainable drainage scheme proposed for the site and are designed to hold surface water during periods of flood, but otherwise be dry. The principle of the residential development of the site has been established by the granting of outline planning permission 12/00127/OUT. Details of access from the highway network were approved as part of the outline consent.

The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement and the illustrative Masterplan drawing that accompanied that application. Both that Statement and the accompanying drawing indicated that the development would encroach into part of the existing unprotected woodland. A number of objections have been received from local residents relating to the impact of a housing scheme of this size upon the surrounding highway network, the local schools, wildlife and sewage capacity. These are matters that were considered and accepted in relation to the outline consent and therefore, cannot be revisited now.

The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?
- Has a satisfactory retention of better quality trees been achieved and is the proposed landscaping and open space within the site acceptable?

#### Is the proposal acceptable in terms of its design and impact on the form and character of the area?

The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

R12 of that document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

Two distinct areas of housing are proposed separated by an area of woodland. The topography of the site varies significantly with a strong ridgeline and embankment on the southern aspect of the site with an approximate change in levels of 18m falling from the south to the north.

The development comprises 81 units on the northern parcel and 90 units on the southern parcel. The northern site will be a continuation of the existing housing scheme at Bluebell Croft with a similar density of 31 dwellings per hectare. The units on this part of the site would be arranged in blocks of terraces, semi-detached and detached properties. The southern section of the site would comprise a more linear formation with a density of 35 dwellings per hectare. All of the units would be 2-storey in height with the exception of the two apartment blocks on the northern site which would be 3-storey. The scheme would provide 50 2-bed units, 85 3-bed units and 36 4-bed units.

Due to the topography of the site, the development would provide variation in building heights which would add interest to the street scene. There would be 14 house types on the site which would add variety between the streets as well as distinctive characters distinguishing between the northern and southern areas. The materials would comprise a limited material palette of red/brown brick and ivory render with red/brown/grey plain tile roofs to ensure a consistency of style. Detailing would be simple and unfussy with brick soldier and band courses, projecting splayed bay windows, canopies and front facing gables. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development.

Properties would be set back from the pavement to allow for limited frontage landscaping. A range of car parking would be provided within the development, with parking provided in front of or to the side of dwellings where appropriate, or in small parking courts in the case of terraced dwellings, with some dwellings also provided with a garage. Parking courts and visitor parking areas would be well overlooked by surrounding residential properties.

The layout of the site follows closely that of the illustrative Masterplan drawing referred to in a condition of the outline consent and the design parameters set out in the Design and Access Statement are reflected in this detailed scheme.

The layout and density of the proposed scheme and the proposed house types reflect local character as well as replicating the new development at Bluebell Croft, and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

#### Would there be any adverse impact on residential amenity?

This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

### *Existing occupiers' amenity*

Objections have been received from some residents of Church Street on the grounds that the development would be overbearing and create privacy issues. The distance between the principal windows of the existing properties on Church Street and those of the proposed dwellings significantly exceeds the distance of 21m recommended in the Council's Supplementary Planning Guidance (SPG) relating to Space about Dwellings. The development would also back onto the rear of existing properties on Congleton Road. An objection has been received from the occupier of No. 268 Congleton Road particularly regarding impact on privacy. The existing dwelling is a large 2½ storey detached property with an attached garage, the ground level of which is raised up 1 – 2 metres above the application site. It has a small rear garden but the dwelling proposed on Plot 76 would neither be directly behind nor directly facing the rear of the existing property and in any event, there is approximately 25m between the dwellings. This distance exceeds that recommended in the Council's SPG for directly facing principal windows. No windows are proposed in the side elevation of the dwelling on Plot 80 and therefore, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of No. 268 Congleton Road.

### *Amenity of future occupiers of the development*

The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG and as such it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

### Would there be any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?

Although objections have been received regarding increased traffic and congestion in Butt Lane, the site benefits from outline consent and therefore, an objection to the principle of such a use in terms of its impact upon the highway network could not now be sustained.

All houses would have two off-road parking spaces (plus garages in some cases) and the apartments would have one allocated space each, with additional visitors' car parking spaces provided.

The Highway Authority has no objections to the detail of the proposal subject to conditions and therefore, the proposal is considered acceptable in terms of impact on highway safety.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD states that new development must be well connected to provide direct and convenient links and routes into the surrounding area. R2 states that the layout of development should:

- a. Connect into existing routes around the site;
- b. Ensure that any new pedestrian routes connect to the facilities and places that people wish to visit and incorporate any existing or potential desire lines that cross the site;
- c. Accommodate the needs of different users, for instance connections may include some pedestrian and cycle only paths and spaces.

In terms of linkages through the site, there is currently a footpath through the area of woodland that will be enhanced as part of this scheme to ensure the provision of a pedestrian and cycle route. There is also an existing public footpath that runs to the rear of the dwellings on Church Street and around the eastern edge of the site up to Congleton Road. The Section 106 Agreement relating to the outline consent for the site includes a requirement for the developer to make a financial contribution towards improvements and maintenance measures on public rights of way in the vicinity of the site. The improved public footpaths would improve linkages between the two sites and to the nearby school, shops and services, would help to reduce the requirement for residents to use their cars and would therefore contribute to the achievement of a sustainable development.

There are significant levels differences within the northern site with, for example, the dwellings around the public open space being approximately 7m above the ground level of the apartments. The scheme currently makes no provision for any direct pedestrian access between the footpath that links the two areas of the site and the higher level dwellings and the Public Open Space on the more elevated section of the northern part of the site, upon which the play area for the **whole** development would be provided, and therefore residents would currently have to take a circuitous route along the highway. Your officer's view is that provision of a more direct route is necessary to achieve linkages between the two parts of the development and it is considered that an appropriate solution can be reached. Your Officer is in discussions with the developer and it is anticipated that a further report on the matter will be brought to Members.

To the south-west of the application site is Unit 7, Linley Trading Estate on Linley Road, which is a site that has both outline planning consent for residential development and detailed consent for commercial business uses and a retail foodstore. In the interests of considering the planning of the wider area and to promote and facilitate sustainable development, a condition was imposed on both the residential scheme and the detailed commercial scheme requiring the submission and approval of details of a pedestrian/cycle access from that site to the boundary with the current application site. Your Officer's view is that the link would be best sited to the east of the swale on the southern site linking into the highway at this point. This could be achieved via a condition.

Subject to consideration of the developer's response regarding the additional link referred to above, it is considered that this scheme promotes sustainable transport choices and is in accordance with the aims and objectives of the NPPF.

Has a satisfactory retention of better quality trees been achieved and is the proposed landscaping and open space within the site acceptable?

There are currently discrepancies between the trees shown to be retained on the landscaping scheme drawing and the tree survey. The Landscape Development Section has highlighted that several of the trees appear to be significantly overshadowing a number of the properties and several trees appear to have been removed with no justification. However it is acknowledged that the two trees likely to overshadow properties are of moderate (B) category, are not the subject of a Tree Preservation Order and critically are part of a wider woodland rather than individually set trees. On balance it is not considered that an objection to the scheme on such grounds could be sustained.

With respect to the concern expressed regarding the loss of nine B category trees at the rear of Congleton Road it has been established that the key issue is the loss of a 21m high tree in this location, which is not compatible with the layout as planned. The public amenity value of this tree is somewhat limited – it is well set back from Congleton Road, and other trees closer to Congleton Road draw the eye of the viewer. The tree is a hybrid black poplar so it is not particularly rare (unlike the non-hybrid version). Again on balance it is not considered that refusal on the grounds that the scheme involves the loss of this tree or adjacent other smaller ones could be sustained. Two category B trees are retained on the boundary here, and there may be some albeit limited scope for some replacement tree planting.

An area of Public Open Space has been provided in the centre of the northern site with the inclusion of a Locally Equipped Area of Play (LEAP). The play area will provide both natural and traditional forms of play equipment with fencing around the area. Subject to confirmation of the details of the play equipment and planting within the play area, the Landscape Development Section is satisfied that the play area is acceptable. These details can be required by conditions.

**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

24 September 2014