

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
7th September 2014

Agenda item 4

Application ref. 14/00562/REM

Land west of West Avenue, west of Church Street and Congleton Road and north of Linley Road, Butt Lane, Kidsgrove

Since the preparation of the agenda report, the comments of **Kidsgrove Town Council** have been received. Objection is raised on the following grounds:

- The Japanese knotweed on the site needs to be addressed thoroughly and correctly.
- Plots 11-16 will have an overbearing impact on the residents of Church Street and will create major privacy issues.
- The footpath at the rear of Church Street needs to be protected from the developer and the gravel boards on the perimeter should be removed so that residents can enjoy the improved fencing.
- Consideration should be given to the fact that the site entrance on Congleton Road is adjacent to a primary school and it should be stipulated that no heavy site vehicles use the site entrance between 8.30am and 9.15am and between 2.50pm and 3.30pm.
- The widths of the driveways on the Bluebell Croft site are too small and many residents find it very difficult to manoeuvre their vehicles and get in and out of their vehicles safely.
- Huge swathes of trees, shrubs and natural habitats will be removed and there is concern that no proper assessment of the impact on wildlife has been carried out.
- Extra pressure will be put on the sewage works at Red Bull which is already at maximum capacity.
- Butt Lane is becoming congested and strangled by the huge increase in developments in the local area.

Further information has been received from **the Applicant**. They advise that further to discussions with officers on the provision of a link between the higher and lower parts of the site and potential linkages, the following responses are provided:

- A linkage between plots 167/168 has been discussed in detail with the Police Architectural Liaison Officer who would not support this. He believes that it would provide greater opportunities for both crime and anti-social behaviour at the rear of these properties and would also provide an easier egress route for people wishing to escape following criminal behaviour or anti-social behaviour that would be more difficult for people to monitor. Any access through this woodland would also be subject to engineering works and would be likely to result in the potential loss of trees within the woodland area which serves as an important habitat for local wildlife. This option has therefore been discounted.
- A linkage between plots 171 and the apartment block 106-111 is not possible on the basis of levels with engineering issues being a significant constraint. It would also provide a footpath in close proximity to the nearby apartment block which would have a detrimental impact upon the residential amenity of future occupiers of these apartments. Safety would also be of great concern with children being encouraged alongside a long length of high retaining wall that could result in serious injury or fatality should there be a fall if railings/barriers were breached. This option has therefore been discounted.
- In relation to a linkage between the apartment blocks 106-111 and 112-117, due to the significant level differences the only solution would be a significantly engineered stepped access with numerous returns to adhere with building regulations. This would be visually dominant and incongruous, would adversely impact upon the visual

amenity of the area and would be of great concern with numerous large drops potentially accessible for children. This option has therefore been discounted.

- A linkage in front of plots 118-120 would still result in a stepped access with 21 treads up to the start of the open space and a further 12 steps to the adoptable highway. This would not be suitable for young children or those with mobility problems and would result in safety issues and maintenance liabilities as the retaining wall would still be large in scale and would create the potential for children to fall. This option has therefore been discounted.

The **applicant** further indicates that during pre-application discussions, discussions were had with the Landscape Development Section (LDS) regarding the placement of the Local Equipped Area for Play (LEAP) and whether they would prefer smaller areas of play equipment spaced out over the development to provide facilities for both the southern and northern parcels of land. The LDS considered that the most appropriate solution was a full LEAP in the location currently proposed as this would not only provide for both parcels of the development but also the existing first phase that did not require a LEAP.

The LDS has advised them that the Council's adopted Green Space Strategy specifies that a radial distance of 400m is appropriate for a LEAP which this proposal complies with for the whole development. It also specifies that a LEAP should be a walking time of approximately 9 minutes away from the properties that it serves. Although some of the properties in the southern section are outside of this walking time, this is not considered sufficiently great to warrant the inclusion of a stepped footpath link that would create both safety issues and long term management liabilities and would not benefit all users as those with mobility problems and families with pushchairs would not be able to use it. It must also be noted that although there is no formal play equipment within the southern section, two areas of informal play exist that provide an alternative type of play for children.

If a truly central location were to be considered that would meet the radial distances and walking times, it would be situated within the woodland area which would be unsuitable for reasons of anti-social behaviour, the requirement for significant engineering and the loss of trees and habitat.

It is considered by the **applicant** that the current proposal provides the best balance of both formal and informal play in safe and accessible location for both future and existing residents. Some children on the southern section would need to walk a little further to get to the formal play but this is considered safer than encouraging them near to the retaining wall that is intrinsically dangerous by its very nature. To also try and provide an engineered solution adjacent to this retaining wall would detract from the carefully considered approach to include this feature sympathetically within the streetscene.

Your Officer's comments

With respect to the comments of Kidsgrove Town Council, as referred to in the agenda report, issues relating to the impact of a housing scheme of this size upon the surrounding highway network, wildlife and sewage capacity were considered and accepted in relation to the outline consent and therefore, cannot be revisited now. Regarding Japanese Knotweed, the outline consent for the site is subject to a condition requiring the site to be surveyed by an appropriately qualified and experienced environmental consultant and requiring a scheme for its eradication and/or control to be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The issue of residential amenity has been addressed in the report and the width of the driveways on the Bluebell Croft site is not relevant to the consideration of this application.

Further comments formal have been received from the LDS. Most of the points raised have already been covered in the agenda report. With reference to the school boundary hedge, the outline consent for the site is subject to a condition requiring full and precise details of the means of boundary treatments. Other matters such as alignment of a path, in addition to those considered in the agenda report, can be addressed by conditions.

The agenda report highlighted officers' concerns that 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. Your Officer has been in discussions with the developer and their comments regarding the various options are detailed above.

Your Officer acknowledges that the substantial levels differences across this site would result in significant engineering difficulties in the creation of a footpath link. Your officer furthermore accepts that the last three options considered by the applicant all have significant disadvantages, and in the case of the last one limited benefits as well relative to the current proposal.

The dwellings on plots 164 to 171 would be on a very similar level to the woodland to the rear and therefore a link between plots 167 and 168 into the woodland and the footpath between the two parts of the site appears possible in practice. However the Police Architectural Liaison Officer has commented that the footpath would provide greater opportunities for offenders to target properties in that section of the site by providing easier access. Your officer's view is that the properties back onto woodland, more substantial appropriate boundary treatments to these properties will be necessary in any event, and the woodland path would just provide another potential escape route, albeit one that is not overlooked. Whilst neither the crime concern nor that relating to the integrity of the woodland habitat are considered overwhelming arguments they do weigh in the balance against the idea of this link.

On the other side is the issue of accessibility to and from the LEAP, the recommended local standards for play facilities in the adopted North Staffordshire Green Space Strategy recommend a maximum distance of 400m from dwellings to a Locally Equipped Area for Play and a maximum walking time of 9 minutes. Without the additional link referred to above, the distance from a significant number of the properties on the southern site would be between 600m and 700m with a walking time of between 13 and 15 minutes which significantly exceeds the recommendations. With the additional link in place, the distance would be reduced to approximately 500 – 550m and the time would be between approximately 11 and 12 minutes.

That said the LEAP is far from the only public open space within the scheme – there are numerous other options available within the development, including the woodland itself. Taking all of these points into account your officer's view is that the scheme as submitted is acceptable and can be recommended for approval without amendment. .

The RECOMMENDATION therefore remains as set out within the main agenda report, except insofar as the tree related conditions are concerned which will require amendment to address any unjustified removals/minor amendments to improve the scheme.