

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
29th March 2016

Agenda item 5

Application ref. 15/01106/REM

Land at end of Gateway Avenue, Baldwin's Gate

Since the preparation of the agenda report the **applicant's agent** has submitted the following comments received from their drainage engineer:

- They have spoken to Network Rail and explained how the drainage system would work and he confirmed that from a technical point of view, Network Rail has no objections to the proposal.
- They have spoken to United Utilities (UU) and been to their offices twice to discuss the drainage proposals and they have never expressed any concern. UU are currently undertaking a review of the proposals to enable Section 104 adoption. Had there been any likelihood that UU would be objecting to the development from a drainage point of view they would most certainly have expressed their concerns by now and would not be looking at the Section 104 submission.
- Severn Trent Water (STW) would not be at all interested in the actual on site drainage system as it will be adopted by United Utilities. The only interest STW would have is that the foul sewer connects into the STW sewer further down Gateway Avenue. They have spoken to STW (Asset Protection) regarding this and STW have confirmed that they are aware of the additional flows and will allow for the necessary increase in capacity as part of future asset works.
- It is assumed that the reason that neither UU nor STW have commented on the application is that they have no concerns.

Baldwin's Gate Action Group (BGAG) has sent a letter and a number of documents to all members of the Planning Committee. The documents have already been submitted as part of the joint representation received from Whitmore Parish Council and BGAG regarding this application and have been summarised in the agenda report. A summary of the letter is as follows:

- The Inspector stated in the appeal decision that the reserved matters detail should accord with the principles of the Design and Access Statement submitted with the outline application. The Officer's report summaries a number of objections made in respect of this application but dismisses them by contending that the application does meet the principles of the Design and Access Statement.
- The documents demonstrate the ways in which the reserved matters application fails to comply with those principles.
- All parties agreed to the conditions imposed by the Inspector and many of those conditions protected the interests of the local community. Now the applicant is attempting to make changes which are to the further detriment of existing residents.
- The original application was unanimously rejected by the Planning Committee but was granted following the appeal due to a technicality i.e. the lack of a five-year housing land supply. Had this not been the case, the village would not have faced this unnecessary and unwanted development.
- The Committee is asked to ensure that all the safeguards incorporated in the Inspector's decision are implemented.

Baldwin's Gate Action Group and Whitmore Parish Council have submitted a document that compares the property densities shown on the illustrative masterplan submitted with the outline application and those proposed in the reserved matters application. They have divided the layout into eight areas and calculated the density of each area. They comment as follows:

- It can be seen clearly that the proposal is to increase the density significantly in the northern part of the site, to the detriment of existing residents and new occupants.
- Overall density is irrelevant; it is actual density that matters and it is proposed to increase the actual density in the two north-easterly blocks by over 50%.
- This makes it impossible for the developers to comply with several principles in the original Design & Access Statement which says they intend to:
 - Extend existing building lines and complete housing blocks so that streetscapes appear contiguous and are easy to read
 - Carefully position new blocks so that generous building separation distances are achieved to respect adjacent houses
 - Create new linear streets which retain and safeguard views across the site towards Madeley Park Wood

A letter has been received from **Sir William Cash M.P.** A summary of the comments made is as follows:

- The application should not have been validated and is detrimental to the interests of residents.
- The Local Planning Authority has responsibility for ensuring that any development is in accordance with the conditions set by the Inspector and despite a number of constituents writing to the Council pointing out that conditions have not been adhered to, this still requires explanation.
- Although further plans have been submitted, very little has changed and residents feel strongly that this application should not have been validated.
- The changes from the Design and Access Statement submitted with the outline application are to the detriment of local residents.
- The Committee report was due out on 17th March but the closing date for comments is 25th March. It is understood that a supplementary report will be prepared on 29th March – the day of the planning meeting. The Easter break has also complicated residents' participation in the procedure because they will not have access to any new information on this application because the Council Offices will be closed from the 25th to the 28th March, only re-opening again on the day of the meeting.

Since the preparation of the agenda report further comments have been received from **Network Rail**. They state that they have reviewed the drainage comments and documentation from the developer and are removing their objection. They have no further comments regarding drainage to add but all other asset protection comments still apply. A Basic Asset Protection agreement will need to be agreed between the developer and Network Rail.

One further **representation** has been received expressing concern that the revised application has not made any relevant amendments and that Officers do not believe that the application is contrary to Condition 4 of the outline consent.

Your Officer's comments

The majority of the issues raised above are considered fully in the agenda report and it is not thought necessary to consider them again now. The only new matter is that raised by Sir William Cash MP that the Easter closing of the Council Offices has complicated his constituents' participation in the process of the Planning Committee. For reasons which your officer could elaborate upon if called upon, such a concern is not a basis for a deferral of a decision on this application

The RECOMMENDATION remains as per the main agenda report.