

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 113 dwellings.

This approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 (Ref. 13/00426/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 5.6 hectares in extent, is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

A decision on the application was deferred at the meeting of the Committee held on 29th March for further information on tree planting within the scheme, design of the layout, affordable housing provision including location and house types, external facing materials, street lighting and flood risk and in the case of tree planting, design of the layout and affordable housing either revised proposals or additional justification for that proposed.

The 13 week period for this application expired on 14th March 2016, but the statutory period has been extended by the applicant to the 29th April.

RECOMMENDATION

Subject to consideration of any further comments from the Baldwins Gate Action Group and/or Whitmore Parish Council received by 20th April 2016 on the additional material received from the applicants following the above deferral, PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Details of the tie in of access of the site with Gateway Avenue**
- **Integral garages of the Suckley house type to be retained for the parking of vehicles**
- **Materials (facing, roofing and surfacing)**
- **Details of street lighting**
- **Landscaping conditions**

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. There would be no material adverse impact upon highway safety as a consequence of the internal layout or to residential amenity and the landscaping and open space provision within the site is considered acceptable. 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 promptly sought from the applicant and obtained and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 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 113 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00426/OUT at appeal in January 2015. Details of access from the highway network were approved as part of the outline consent.

1.2 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, taking into account the comments of the Highway Authority on certain drawings that accompanied that application. Objections have been received on the grounds that it is considered that the application fails to accord with the principles of the Design and Access statement and the drawings as conditioned in the appeal decision and as such, it is in clear breach of Condition 4 and the application should not have been validated. The condition requires any reserved matters application to accord with the principles of the Design and Access Statement. Your Officer has considered the application against those principles and is satisfied that it accords with Condition 4 of the outline consent granted at appeal and that the Authority could not have refused to validate or entertain the application, which now falls to be determined. Some of the detailed reasons why objectors consider that the application does not accord with those principles will be considered further below.

1.3 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, local amenities and the capacity of the sewerage system. These are matters that were considered and accepted as not grounds for refusing the outline planning permission and therefore, cannot be revisited now. Issues of impact on views and on property values have also been raised but these are not material planning matters.

1.4 As stated above, a decision on the application was deferred at the meeting of the Committee held on 29th March for further information and amendment on various matters. In response, the applicant has submitted updated landscaping proposals, an updated site layout and tenure masterplan and a technical response which addresses six topics. A very brief summary of the applicant's response follows, with more detail provided within the relevant sections of the report: all of this material is available to view on the Council's website as associated documents to the application.

- **Tree planting**
Kier have made provision of the planting of 200 trees across the development which exceeds the 184 trees shown on the indicative masterplan at the outline stage.
- **Design considerations**
It is contended that there is a clear consistency between the indicative masterplan and the final detailed design. The final layout comfortably fits within the broad design parameters and principles that were established at the outline stage and the reasoning for this is detailed in a technical response.
- **Affordable housing**
The configuration of the affordable housing was not a fixed parameter of the outline permission. The Section 106 makes provision for the type and quantum of affordable housing but distribution throughout the final layout remains at the discretion of Kier, the Council and the registered provider (Aspire). Kier have sought to respond to the comments of Members and some of the plots have been swapped within the layout to achieve more dispersal.
- **Materials**
The technical response provides further justification for the proposed materials and house type designs.
- **Flood Risk**
Any suggestion that the proposed drainage strategy is inappropriate or insufficient is not founded upon any technical evidence. The attenuation basins are standard features on major housing developments across the country and in the absence of any objections from the relevant statutory consultees, they are entirely appropriate in this instance.
- **Street lighting**
It is not necessary at this stage for the applicant to provide details of the proposed street lighting strategy. This could be dealt with by condition and ultimately the County Council, as the Highway Authority, will have full control over the specification to ensure that it is to adoptable standards.

1.5 The key 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?
- Is the proposed landscaping and open space within the site acceptable?

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

2.1 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.

2.2 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.

2.3 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.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. To respond to the unique character and setting of each*
- b. Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

2.5 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.

2.6 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.

2.7 The development would comprise 113 dwellings with a density of 26 dwellings per hectare (dph). A variety of house types are proposed which would be predominantly 2-storey with bungalows adjacent to the existing bungalows on Hillview Crescent and Sandyfields. Higher density development would be situated centrally within the site with the larger detached properties along the northern edge and facing the public open space.

2.8 Regarding density, and further to the concerns expressed by some Members at the 29th March Committee meeting, the applicant makes the following points:

- Whitmore Parish Council and Baldwin's Gate Action Group have compared the density of the indicative outline masterplan with the reserved matters application and concluded that in the north easterly blocks the overall density has increased by 53%. The applicant has examined the density comparison and highlights a number of errors and in particular notes that the exercise has been carried out using an early concept drawing that proposed 117 dwellings, rather than the approved outline masterplan.
- A density comparison has been submitted which uses the correct masterplan and assessment of numbers and it is stated that the total number of units in each block are either an exact match to the outline plan or fluctuate up or down by very small percentages.
- The reserved matters scheme reduces the physical building mass and scale from that in the outline masterplan. The number of bungalows has increased and whilst the footprints of the bungalows are greater, they are visually less dense than two-storey houses.

2.9 The applicant goes on to state that the massing and siting of the proposed dwellings has been adhered to with the use of similar building heights, including bungalows, along the southern boundary to relate to existing lower storey massing. Areas of single storey, two-storey and focal point buildings have been located in agreement with the vision of the outline application and whilst exact building footprint overlay is unattainable with detailed design, the concept and principles of the outline masterplan have been realised. For these reasons, the applicant strongly contends that the proposed layout is entirely commensurate with the design principles established at the outline stage.

2.10 Given the variety of dwelling size, density and style currently in the village, it is considered that the layout proposed would respect local character. In allowing the appeal (13/00426/OUT), the Inspector was satisfied that 113 dwellings would result in a density that would strike an acceptable balance between reflecting the character of the village housing and making efficient use of housing land. Notwithstanding the comparisons made by both residents and the applicant of the density of various areas within the site in the outline scheme and the current scheme, it is the case that the density of the overall development remains the same as that accepted by the Inspector. Your Officer's view is that the layout adjacent to the existing dwellings, which includes a number of bungalows, is appropriate.

2.11 The principal facing material would be red brick with rendered projections and gable fronts at the junction of key internal vistas and the addition of weatherboarding on the dwellings along the countryside boundaries. Detailing would be simple and unfussy with double-frontage dwellings at prominent locations, providing focal points and features to enhance legibility through the development. Concerns have been raised by local residents on the grounds that it is considered that the materials do not reflect the wide variety of brick and tile finishes in the vicinity.

2.12 In response, the applicant has stated that the eclectic nature of architectural style in the area has been reflected in the proposed development through the use of a number of different material choices and house types to deliver variety both in visual appearance and streetscene. As the immediate context gives little in the way of useable design influence, a unique, yet contextual, response was required. Material choices have been drawn from the surrounding context and re-interpreted with a modern approach into the elevational design of the development. The applicant highlights the selection of materials as recommended in the Design and Access Statement and states that the proposed materials adhere to those recommended with the addition of timber effect boarding to provide further variety and identity. There is a significant use of red brick in the surrounding area and therefore the proposed development has incorporated the use of red brick to provide a solid and robust feel. The 'features' recommended in the Design and Access Statement have been regarded with many of those features employed in the design and varied throughout the streetscene. The applicant concludes by stating that whilst a considerable amount of thought and design development sympathetic to the surrounding context has been carried out to produce material choices which are believed to be fitting for this development, Kier are keen to work with the Council and would anticipate determination of this detail to be achieved via condition.

2.13 Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the street scene.

2.14 Concern has been expressed stating that the majority of parking is now in front of properties rather than to the side. Whilst there are some dwellings where parking is to the front, particularly the smaller semi-detached units, car parking and garages would generally be to the side of dwellings and it is not considered that the street elevations would be dominated by parking.

2.15 The layout as originally submitted included dwellings in the north-western corner of the site, encroaching into the landscape buffer that was shown on the indicative masterplan to extend along the full length of the northern boundary of the site. Your Officer was concerned that the incursion of development into this area would have an adverse impact on the continuity of the landscape buffer and therefore would have a detrimental effect on the relationship of the development within the landscape. The layout has been amended so that the landscape buffer extends fully into the north-western corner of the site. The dwellings on Plots 89 and 90 would face towards the open space and whilst there would now be less space for tree planting along the western boundary of the site, it is considered that sufficient planting could be incorporated elsewhere along that boundary.

2.16 In allowing the appeal, the Inspector stated that the indicative layout showed that breaks in the built development could maintain visual corridors to extend the public views from the 4 cul-de-sacs that lead to the site boundary out into the countryside beyond. Concerns have been raised by residents stating that the proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent and that public views from the existing avenues towards Madeley Park Wood are now obstructed.

2.17 The applicant has stated that the proposed development has extended the building lines and completed the block pattern into the site using proven urban design principles of frontage to frontage and backs to backs. It is asserted that this integrates the development into the established urban fabric and creates a legibility which aids orientation through the site. These principles set out in the outline Design and Access Statement have been maintained in the reserved matters layout. The applicant states that the retention of views through the site from the existing cul-de-sacs have been maintained. Whilst the positions of some units have been adjusted they have been sited so as to maintain the views across the site to the POS beyond to the north, insofar as it is possible to do so. The layout in the south-west corner of the site has followed the principles of the Design and Access Statement with the view opening up as travel is continued northwards through the new development to provide interest and legibility.

2.18 Your Officer notes that similar to the scheme now proposed, the illustrative layout considered by the Inspector showed the proposed dwellings forward of the existing properties on Sandyfields and Gateway Avenue. Whilst the dwellings adjacent to Hillview Crescent now project forward of the existing bungalows contrary to what was shown on the indicative masterplan, views would be maintained from Hillview Crescent across the public open space and beyond to the countryside.

2.19 The layout of the site follows closely that of the illustrative Masterplan drawing 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 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.

3. Would there be any adverse impact on residential amenity?

3.1 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

3.2 Concerns have been raised by residents on the grounds of impact on light and privacy. Specific reference is made to the impact of two-storey houses proposed in locations previously designated for bungalows and to what is perceived to be an inadequate separation distance from No. 14, Gateway Avenue.

3.3 The two-storey houses referred to are those on plots 5, 6 and 7. The rear elevations of those properties would be 18m from the gardens of the adjacent dwellings on Gateway Avenue and Hillview

Crescent and such a distance is considered to be sufficient to ensure that there would be no significant adverse impact on the amenity of the occupiers. Although there is a window in the side elevation of No. 14, Gateway Avenue, it is not a principal window as defined in the Council's SPG and no windows are proposed in the side elevation of the dwelling proposed on Plot 1. There would be no significant adverse impact on light or privacy therefore.

Amenity of future occupiers of the development

3.4 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

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

4.1 The means of access to the site was determined at outline stage, with vehicular access provided via Gateway Avenue and an emergency access from Hillview Crescent that would serve as an alternative pedestrian/cycle access. Therefore although objections have been received regarding increased traffic and the inadequate width of Gateway Avenue, the site benefits from outline consent, and an objection to the principle of such a use in terms of its impact upon the highway network could not now be sustained.

4.2 Concerns have been raised on the grounds that it is considered that the road layout is unimaginative, is urban in character and does not reflect that of a rural village. The internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site rather than comprising a series of cul-de-sacs. This is further to discussions with the Highway Authority who wished to see the internal roads linked to provide a connected layout with the need to reverse kept to a minimum. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

4.3 Regarding highway matters, the applicant states that road layout principles and character areas have been retained in the proposed layout and where subtle differences from the outline occur, this has been the result of detailed discussions with the Highway Authority and motivated by the requirement to provide clear and compliant navigation within the development. The most significant change from the outline plan is the continuous road fronting the open space to the north which has been necessary to fulfil highway requirements and enable refuse to safely service the site. The road layout has been modelled to assess the suitability of the layout whilst accommodating full access for refuse collection vehicles. The roads here are designed to be shared surface with a change to material to provide a more private and rural feel. It is highlighted that in order to satisfy the requirements of the Highway Authority at this detailed design stage, small adjustments in the interpretation of the illustrative Masterplan at reserved matters stage are to be expected and standard practice.

4.4 Objection has been raised on the grounds that there is no indication that the public right of way between the site and the A53 is to be upgraded. In allowing the appeal, the Inspector did not consider it necessary to impose a condition requiring the upgrading of the public footpath and therefore it is not considered that such a requirement could be imposed at this stage.

4.5 Residents have expressed concern regarding the lack of detail of street lighting. The applicant has responded by confirming that all the roads will be adopted and as such the street lighting will need to be provided to the satisfaction of Staffordshire County Council. Initial discussions with the street lighting department have been held to confirm the standards required for the scheme. Low level lighting would not be acceptable but the scheme would use a lighting standard which provides a low level of lighting expected in a residential area. The columns will be to the latest specification which is typically 6m columns with LED heads which provide excellent directional lighting in order to provide light to the highway and reduce light spill into surrounding areas. The applicant highlights that the Highway Authority needs to consider several aspects when evaluating lighting proposals and their standards are carefully produced to provide a balance between safety, nuisance, pollution, economy,

maintenance and energy consumption. It is not proposed to provide lighting to the open space areas or right of way adjacent to the railway, to balance the relationship of the site to the existing environment.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 In consideration of the appeal proposal, the Inspector made reference to the present village fringe comprising a mix of garden vegetation interspersed with the hard built form of dwellings adjoining the boundary and timber fences. He stated that the landscaped perimeter shown on the indicative scheme should in due course lead to a more attractive village fringe than at present. He went on to state that the proposed mitigatory planting would help to integrate the proposed development into the wider landscape without undue harm to the rural surrounds of the village.

5.2 Concerns have been expressed by local residents and the Parish Council on the grounds that in comparison with the indicative masterplan in the outline scheme, the open space is reduced and the landscaping plans have changed significantly. It is stated that the layout fails to indicate tree planting to create the "tree-lined" streets and garden planting of ornamental species to create "landscape layers" that were promised.

5.3 Officers are however satisfied that the amount of open space proposed is acceptable and accords with the dimensions indicated on the Pegasus drawing referred to by the Inspector in Condition 4 of the outline consent. However, regarding the plans as originally submitted, Officers shared residents' concerns that the landscaping had been significantly reduced from that indicated in the outline application. In particular, the landscaping along the northern perimeter had been reduced to a single line of trees and very little street tree planting and rear garden planting was proposed.

5.4 Amended plans were then submitted which indicate additional tree planting within the area of open space along the north-western boundary of the site. Whilst the original plans showed just a single line of trees along the boundary, the revised plans include further tree planting to the other side of the proposed swales.

5.5 Following discussion of the issue of landscaping at the Committee meeting of 29th March and the suggestion by a party to the meeting that the number of trees proposed is one-third of the total shown on the indicative outline masterplan, the applicant has noted that it is actually closer to two-thirds with 118 trees proposed on the reserved matters layout compared to 184 in the outline application. Further amended landscaping drawings have now been submitted with additional tree planting in garden areas and within the streets to provide a total of 200 trees which exceeds the number shown on the outline plan.

5.6 Your Officer is satisfied that the revised landscaping provides a more robust buffer between the built development and the open countryside and that the additional street and rear garden tree planting would help to soften the development and provide an attractive street scene.

5.7 The Landscape Development Section (LDS) has expressed concern that the open space containing the SUDS does not provide sufficient public access and lacks a meaningful public use. Reference has been made to the illustrative layout in the outline application which indicated a footpath through the open space. As referred to above, the internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site to provide a connected layout. This has resulted in the provision of informal shared surfaces adjacent to the open space and therefore the provision of a footpath through the open space is not considered necessary.

5.8 The LDS initially raised concerns regarding the Locally Equipped Area of Play (LEAP) to the east of the site and in particular the offset distances from the dwellings. The location and design of the play area have been amended and the LDS are satisfied that the proposed play area now accords with Fields in Trust guidance.

6. Other Issues

6.1 Network Rail had expressed concern initially that the increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. They stated that the developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met and therefore further clarification was required regarding the swales. The applicant's agent wrote to Network Rail providing them with a detailed explanation of the proposed drainage system which includes an infiltration tank system and attenuation basins. Following a review of the drainage comments and documentation from the developer, Network Rail has withdrawn their objection. They state that they have no further comments regarding drainage to add but all their other asset protection comments still apply (which will be addressed separately between the 2 parties).

6.2 Objections have been raised from residents on the grounds of adverse impact on drainage. Baldwin's Gate Action Group (BGAG) has stated that the Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage and that plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. It is suggested that it will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.

6.3 The applicant's Drainage Consultant has responded in detail to the comments of BGAG but in summary has stated as follows:

1. All surface water drainage has been designed in accordance with the latest Environment Agency guidelines and follows the SUDS hierarchy for new developments. There will be no increase in surface water discharge from the site due to the full use of SUDS/infiltration drainage throughout.
2. All surface water drainage has been designed to accommodate storms up to and including the critical 1:100 year storm plus a so% allowance for climate change.
3. All surface water and foul drainage pipe networks will be checked, approved and adopted by United Utilities.

6.4 Following the concerns expressed by some Members at the Planning Committee of 29th March the applicant has submitted further comments. A summary of the additional points made is as follows:

- Even in a severe rainfall event, due to the levels on the site, the swale section of the SUDs system would not be filled.
- The storage tanks are located under the swales.
- The planting requirements around the swales and tanks have been taken into consideration within the detailed landscaping proposal.
- Further permeability testing has been carried out on the site to ensure that the locations of the infiltration tanks and swales will perform as expected. The work was carried out in the winter (January 2016), the worst time of year for water retention in the ground and they demonstrated that soakaway drainage is most certainly feasible at this location.
- Ponding on this site is due to there being an area of peat up to 1m in depth which covers around one third of the site which prevents the surface water percolating through to the permeable soils below. The ground in the areas where there is peat will be removed which will improve its ability to permeate storm water into the ground.
- There is also anecdotal evidence that the existing highway drain crossing the site has been blocked in the past exacerbating the ponding problem. The highway drain is to be diverted and replaced with a new drain which will offer considerable benefits.
- The open space areas will be placed with a management company who will maintain the areas, drainage tanks and swales. The drainage system within the adopted roads and up to the outfall into the tanks will be adopted by United Utilities under a Section 104 agreement. They will require assurance that the tanks and swales will be suitably maintained in order to prevent a risk to their infrastructure.
- It is not normal to fence off and secure a swale. They are designed as dry swales with shallow sloping sides that would aid exit for children and wildlife. The pond on the other side of Baldwin's Gate, adjacent to residential development, is protected by a knee rail fence and the swale is considered to offer a considerably lower risk than a deep water pond.

6.5 With respect to the safety issue, your officer notes that express guidance exists for the consideration of health and safety principles for SuDS features and this in turn is being incorporated into a revised SuDS Manual Guidance. This guidance seeks to put possible risks into an appropriate context, discuss the balance of risks against the important environmental and social benefits delivered by SuDS; and demonstrate how, with good design, the risks associated with SuDS should be extremely low. When dealing with the design of public amenity space, it is important to weigh up the risk of harm against the benefits of provision, i.e. with the objective of balancing positive attributes against the inevitable risk of injury which any public activity generates.

6.6 The swales referred to are temporary open water features which will only hold water in extreme (i.e. very unusual) conditions (the so called 1 in 100 year events). That is not to say that drowning cannot occur in normally dry areas where they contain water temporarily during and after rainfall events. The sides of the swales would have a gradient of no steeper than 1:3 as the applicant points out and the open and accessible location with the roads and the housing development would provide a high degree of natural surveillance of these features. The play area, more than 15 metres away from the nearest swale, would be surrounded by a fence. Any designer of SuDS has the responsibility to address health and safety under the Construction Design and Management Regulations and must be able to demonstrate that any risks have been identified, assessed and mitigated/ameliorated. The drainage approving body (in this case SCC as the Local Lead Flood Authority (LLFA)) is also expected to undertake a health and safety assessment. The LLFA were consulted on the planning application and they had no comments to make upon it.

6.7 The issue of drainage and flood risk was considered in relation to the outline application and the Inspector was satisfied that subject to the design and installation of suitable drainage systems, there would be no undue additional risk of flooding. He imposed conditions requiring the submission of drainage details and requiring the development to be carried out in accordance with the approved Flood Risk Assessment. The Environment Agency has raised no objections to this reserved matters application subject to the receipt of the additional information required by the conditions of the appeal decision. Your Officer has written to both Severn Trent Water and United Utilities providing them with the comments of BGAG on this matter and inviting their comments but no responses have been received. Given that their period for comment has expired, it must be assumed that they have no comments to make. Your Officer is satisfied that the matter of drainage has been robustly addressed by the applicant's consultants and subject to compliance with the relevant conditions of the outline consent, it is not considered that the proposed development would create any additional risk of flooding.

6.8 Concern has been expressed that the affordable housing is not sufficiently "pepper-potted" across the development. In response to Members' concerns at Committee regarding the positioning of the affordable housing, a tenure comparison plan has been submitted to demonstrate that the reserved matters and outline layouts are nearly identical with two main clusters of affordable housing across the site. However, the applicant has resolved to reposition two affordable properties to create three identifiable clusters and contends that this now provides an even better spread of affordable units throughout the site than shown on the original outline proposal.

6.9 In addition, Kier's preferred Registered Provider, Aspire Group, who are lined up to purchase and manage the affordable housing on site, have reviewed the reserved matters masterplan and have written an e-mail of support for the location of the affordable housing. They advise that the location and number of plots within a cluster as identified on the application masterplan is preferred by Aspire as it assists their future asset management and maintenance costs.

6.10 The applicant states that the scheme has been carefully masterplanned to a high standard and provides all key elements to ensure the creation of a mixed and inclusive community. The affordable housing has external features in keeping with the character area in which it is located to achieve a 'tenure blind' scheme that is indistinguishable from market housing. There are no differences in external finishes or design of the units that will cause an affordable or private sale property to be identifiably different.

6.11 The Council's Housing Strategy is satisfied that the layout achieves an acceptable level of integration and your Officer is satisfied that the revised proposals are satisfactory in regard to affordable housing.

6.12 With respect to the setting up of a Liaison Committee, it is probable that the developer will in any case wish to deal in a bespoke way with any issues that may arise that they consider will impact upon the existing community. However the suggestion (of the Parish Council) is that the Borough Council should expressly require such a Committee. It is the case that some very long term projects such as quarries and landfill sites can be subject to a requirement to set up a Liaison Committee (which is normally set out in a Section 106 agreement). Your Officer does not consider such an approach would be justified in the case of what is a relatively modest housing development that should be completed within three or so years. However a condition could be used to secure such an arrangement if the Committee notwithstanding these points, and the resources required, still considered that appropriate.

APPENDIX

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 CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
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)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

13/00426/OUT Outline application for up to 113 no. dwellings and associated works and subsequent appeal allowed on 12th January 2015 Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions requiring full details of the tie-in of the access of the site with Gateway Avenue and stating that the integral garage of any Unit D shall be retained for the parking of motor vehicles and cycles.

The **Housing Strategy Officer** states that the affordable housing accords with the terms of the Unilateral Undertaking submitted at the appeal and the layout achieves an acceptable level of integration.

The **Environment Agency** has no objections.

Network Rail initially stated as follows:

- Increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. The developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met. Further

clarification is required regarding the swales. Should any issues result from the proposal then the developer will be liable for all mitigation costs.

- Any excavation adjacent to the cutting crest/railway boundary will require supervision by Network Rail to ensure the stability and safety of the railway is not adversely affected.
- The 1.8m high fence proposed by the developer is acceptable to Network Rail.
- It is for the developer and the LPA to ensure mitigation measures and conditions are in place to ensure that noise and vibration from the existing railway are mitigated appropriately prior to construction.
- No trees should be planted next to the boundary with Network Rail land and the operational railway. Only evergreen shrubs should be planted and they should be a minimum distance from the boundary that is equal to their expected mature growth height.
- The developer should submit a Risk Assessment and Method Statement (RAMS) which would consider all works to be undertaken within 10m of the operational railway.

Following a review of the drainage comments and documentation from the developer, **Network Rail** has withdrawn their objection. They state that 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.

The **Landscape Development Section** states that the revised planting proposals are an improvement on the previous submission and the overall scheme is generally acceptable. The proposed street trees are predominantly very small growing species and there is scope for some larger growing trees to be included. There are concerns that the transitional open space containing the SUDS on the northern boundary does not provide sufficient public access and lacks a meaningful public use. The design for this space should be developed further, more in line with the outline proposals. The proposed play area appears to satisfy the requirements of the Fields in Trust LEAP.

The **Education Authority** states that a Unilateral Undertaking was submitted at the time of the appeal and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** states that it is pleasing to note that the applicant has clearly sought to address crime prevention within the design layout. A number of elements are listed that accord with 'Secured by Design' guidance and principles. One aspect of the development that might benefit from some further thought is the boundary treatment where the two ends of Sandyfields will meet the new development. Perhaps providing a formal pedestrian linkage at one of these points might have been beneficial and need not undermine security. In the absence of a link there is a danger that informal paths/desire lines will be created. If there are to be no pedestrian linkages at these points, it may be prudent to reinforce the relevant site boundaries.

Joint responses have been received from **Whitmore Parish Council** and **Baldwin's Gate Action Group**. The following is a summary of their comments:

- The application fails to accord with the principles of the Design and Access statement and drawing as conditioned in the appeal decision and as such, it is in clear breach of Condition 4 and the application should not have been validated.
- The plan should be subject to further independent assessment by a third party, as was carried out by MADE during the outline stage.
- The layout fails to protect views towards Madeley Park Wood and views of the oak tree on the SW boundary of the site.
- Two-storey dwellings are proposed in an area shown on the Pegasus drawing to be single-storey dwellings.
- Plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. This would significantly affect the landscape and visual impact of a large area of the development.
- The existing properties in the area are a variety of finishes and brick colours and the proposed red brick is unsympathetic and does not reflect the surrounding rural context.

- The mews type properties are not compatible with the form and character of the existing village.
- Some plots are forward of the building line and some have frontage car parking spaces rather than front gardens.
- The separation distance from 14, Gateway Avenue has not been observed.
- The density of the NE end of the development has been increased significantly 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%.
- The affordable housing units would not be “pepper-potted” across the development.
- The proposed landscape buffer would comprise a single line of trees rather than the in depth landscaping varying between 20 and 50m in depth that was shown in the outline scheme.
- No street trees or garden trees are shown.
- No improvements are proposed to the existing Public Right of Way linking the site to the A53.
- More information is required regarding boundary treatments.
- The Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage. It will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.
- Clarification is required regarding future maintenance responsibilities for the landscaped public open spaces, children’s play area, play equipment and swales.
- Child safety concerns relate to the proximity of the play area to the West Coast Main line and to the swales.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The existing highways and footways in Gateway Avenue should be repaired and resurfaced.
- No information has been provided regarding street lighting.
- The application refers to cars queuing to leave Gateway Avenue exceeding seven vehicles but this is contrary to Condition 5 of the Inspector’s Appeal Decision.
- The application refers to work starting in May 2016 but Condition 23 of the Appeal Decision states that no work should be carried out during the bird nesting season (1st March to 31st July).
- Any developer contributions towards maintenance of the public open space should be adjusted to assist in the maintenance and enhancement of sites across the whole of Whitmore Parish and not restricted to the development site.
- The establishment of a formal Liaison Committee with the developer should be required.
- HS2 Ltd should be consulted to identify whether the proposal conflicts with any plans for the construction of HS2 Phase 2A and its associated infrastructure.

They also submitted a document (referred to in the applicant’s response referred to in the Key Issues section) that compared the property densities shown on the illustrative masterplan submitted with the outline application and those proposed in the reserved matters application. They 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

Whitmore Parish Council (WPC) has expressed concern with the consideration of their previously voiced safety concerns with respect to the swales. The depths of the attenuation basins, if achieved after heavy rainfall, are more than enough to raise the spectre of death by drowning should toddlers gain access to them. WPC were also disappointed that their request for a Liaison Committee be officially set up for the duration of the development's construction was not expressly addressed in the report to the previous committee (Members will note that it is now).

No comments have been received from the **Waste Management Section** of the Council, the **Environmental Health Division**, the **Staffordshire County Council Flood Risk Team**, **United Utilities**, **Severn Trent Water**, **Chapel and Hill Chorlton Parish Council** and **Maer & Aston Parish Council**. Given that the period for comment has expired, it must be assumed that the above have no comments to make.

Representations

Approximately 58 letters of objection have been received including two submissions from **Baldwin's Gate Action Group**. Objection is made on the following grounds:

- The plans differ greatly to those in the outline consent. There are a considerable number of instances where the developer has deviated from the originally agreed plan. The layout fails to comply with Condition 4 of the Inspector's decision and the application is therefore invalid.
- The public views from the existing avenues towards Madeley Park Wood are now obstructed by buildings which protrude beyond the existing building line.
- The proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent.
- There is an increase in housing density of over 50% next to the existing estate boundary.
- The majority of parking is now in front of properties rather than to the side.
- The introduction of two-storey houses in locations previously designated for bungalows leads to a loss of privacy.
- The materials do not reflect the wide variety of brick and tile finishes in the vicinity. A wider variety of brick and tile should be used to blend in with the locality.
- Impact on light and privacy
- No connection is shown to the public right of way between the site and the A53 and there is no indication of how it may be upgraded
- Adverse impact on drainage. No satisfactory solution has been offered to deal with the sewerage and surface water produced by the development. No information has been provided on whether the existing pumping station is capable of dealing with the extra sewerage. The Council will be sued for damages and costs if any property suffers flooding due to this development.
- Flooding concerns
- The open space is reduced and the landscaping plans have changed significantly. A straight row of trees is proposed rather than the complex landscaping scheme approved as part of the outline.
- The layout fails to indicate tree planting to create the "tree-lined" streets and garden planting of ornamental species to create "landscape layers" that were promised.
- The play areas appear to present a danger to children with the swales on the one hand and the railway on the other
- Traffic impact
- The crossing and loop is now to accommodate up to 7 vehicles which would block 3 driveways and back up to Hillview Crescent
- No details of street lighting are provided
- The central roads appear to be only 5m wide meaning that larger commercial vehicles and service vehicles will be unable to pass each other without mounting the footpath.
- The road layout is unimaginative, lacks character, is urban in character and does not reflect that of a rural village.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The width of Gateway Avenue is inadequate for the volume and type of vehicles using it
- Impact of traffic noise, dust, fumes and disturbance to views from construction access

- Impact of debris and mud on the roads
- Pressure on local amenities such as school and doctor's surgery
- Boundary treatment needed to stop residents creating an access route through Sandyfields
- Affordable housing is not interspersed with other properties
- HS2 should be contacted to identify whether the proposals conflict with any future proposals.
- A liaison group should be established to ensure a good working relationship and responsible development of the site.
- Impact on view
- Impact on property values
- 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.

Sir William Cash M.P. objects to the proposal for the following reasons:-

- 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.

Applicant's/Agent's submission

The application was accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Noise and Vibration Impact Assessment

All of these documents, together with the 'response' given after the 29th March meeting, are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01106/rem>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th April 2016