

**LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND
NORTH OF LINLEY ROAD, KIDSGROVE
TAYLOR WIMPEY NORTH MIDLANDS**

17/00553/FUL

The application is for full planning permission to vary condition 2 of planning permission 14/00562/REM, which lists the approved drawings, to alter the boundary treatment between plots 134-153 to an 1800mm high close boarded fence. The proposed plan also indicates a link from the housing site onto the 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 site lies within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 2nd October but the applicant has agreed to an extension of the statutory period to 13th October.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Submission of precise details of the footpath link including surfacing, width and any gating**
- 3. Provision of footpath link within 1 month of the date of the permission**
- 4. Any other conditions of 14/00562/REM that continue to apply to the development**

Reason for Recommendation

The scale and design of the fencing is considered acceptable in terms of its impact on the character and appearance of the area and whilst it would be preferable for the footpath to be directly overlooked, it is not considered that there would be any material increase in the likelihood of crime and disorder if a 1.8m high fence were provided. A link providing access from the housing site onto the public footpath is important in providing residents with a choice of modes of travel and would contribute to the achievement of a sustainable development.

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

The development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The application is for full planning permission to vary condition 2 of planning permission 14/00562/REM, which lists the approved drawings, to alter the boundary treatment between plots 134-153 to an 1800mm high close boarded fence. The section of boundary in question borders a public highway except at each end where it is adjacent to a front garden of a dwellinghouse. The proposed plan also indicates a link from opposite Plot No. 141 on the housing site onto the 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.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. The changes sought relate solely to the boundary treatment and therefore, the issues for consideration are as follows:

- Would the revised boundary treatment be acceptable in terms of its design and impact on the form and character of the area?
- Would the proposed fence and footpath link have any impact on the likelihood of crime and disorder?
- Would the proposed footpath link promote sustainable transport choices?

Would the revised boundary treatment be acceptable in terms of its design and impact on the form and character of the area?

The approved boundary treatment drawing for the wider site (relating to Ref. 14/00562/REM) did not indicate any particular treatment along the boundary adjacent to Plots 134 to 153. Although a revised boundary treatment plan showing a 350mm high timber trip rail along this stretch was submitted with a subsequent application (Ref. 15/00916/REM), that application related only to Plots 149-153. An 1800mm high close boarded fence was erected around the perimeter of the site during construction and this proposal is to retain that fence along the south-eastern boundary of the northern part of this site.

Immediately to the other side of the fence is concrete board fencing which is unsightly. This is present along the majority of the length of the public footpath and in this particular location it is present on both sides of the footpath. Taylor Wimpey has indicated that the concrete board fencing along this section of the site is outside of their ownership.

The scale and design of the fencing is considered acceptable in terms of its impact on the character and appearance of the area and from the residents' perspective, it hides the unattractive concrete fence. A lower fence would not achieve this.

Would the proposed fence and footpath link have any impact on the likelihood of crime and disorder?

The Crime Prevention Design Advisor is concerned that given the length and overgrown condition of the footpath and the fact that it is not overlooked for much of its length, there are potential places of concealment along its length and no escape routes. It is considered that this could result in users feeling threatened or vulnerable and the Landscape Development Section supports this view.

In terms of reducing the likelihood of crime and disorder and improving the experience of users of the footpath, it would certainly be preferable for the footpath to be directly overlooked by the residents of the new houses. However, there is no approved boundary treatment and on this particular section of the footpath, users have a view over the fencing to the other side of the path to the land to the south-east reducing the feeling of enclosure.

A link providing access from the housing site onto the 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 is shown on the proposed plan opposite Plot 141. A link was shown on earlier approved drawings including the boundary layout plan approved for Ref. 15/00916/REM but it was shown immediately to the front of Plot 153. A link was in place for a time but it is currently blocked up. Some residents have expressed concern that the proposed footpath link would cause a safety issue for residents and would lead to an increased likelihood of crime. They state that the footpath is consistently used by dog walkers and dogs could run into the estate where there are young children who play outside.

Whilst the link may enable non-residents greater access into the estate, it is not considered that this would have any material increase in the likelihood of crime and disorder.

Would the proposed footpath link promote sustainable transport choices?

The public footpath has recently been significantly improved through a resurfacing scheme that was financed by a Section 106 contribution relating to the outline consent for the site. It was intended that this would improve linkages to the nearby school, shops and services, and would help to reduce the requirement for residents to use their cars, therefore contributing to the achievement of a sustainable development.

Whilst some residents object to the proposed link, others state that the link from the housing site onto the footpath should be put in as it provides a direct, safe and easy access to the school without having to use the long route around the estate and along the main roads.

The Crime Prevention Design Advisor states that whilst a link might enable non-residents greater access to the estate which could have negative consequences, the benefits in terms of community safety and practicality/connectivity would far outweigh this consideration.

Your Officer considers that a link is important in providing residents with a choice of modes of travel. Without it, residents who wished to walk to the nearby primary school for example, would have to walk through the housing estate out onto West Avenue and would then have to walk along Church Street and then Congleton Road. The footpath would enable them to walk a much shorter, more direct route without having to travel on main roads.

In terms of the location of the link, the approved plans show it located immediately in front of Plot 153. A representation has been received stating that this would create a risk of injury as there is a significant levels difference between the footpaths which would mean that either steps or a ramp would be required. Your officer considers that the location of the link as proposed would be appropriate. It is considered that a non-lockable gate of 1 metre in height would enable easy access for residents and would also discourage non-residents from entering the site.

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

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Nil

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Relevant Planning History

11/00645/OUT	Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses	Refused
12/00127/OUT	Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses	Approved
14/00562/REM	Reserved matters relating to internal access arrangements, layout, scale, and landscaping in respect of a residential development of 171 dwellings	Approved
15/00916/REM	Revised application for the approval of reserved matters for plots 149-153 relating to 12/00127/OUT for residential development of 127 dwellings, area of community woodland, public open space and formation of new accesses	Approved

Views of Consultees

The **Highway Authority** recommends that the application is refused as the use of the footway link will be discouraged if surrounded by a high close boarded fence and the link should not be gated as this will have an impact on the footpath.

The **Crime Prevention Design Advisor** states that it is extremely unfortunate that when the site was developed, an opportunity was missed to absorb the footpath into the development to provide good safe on foot connectivity. The footpath is very long, narrow, not overlooked for the bulk of its length, has potential places of concealment, is overgrown in places, the concrete fence and posts are unsightly and once on this path, one is committed until reaching the other end as there are no escape routes should one feel threatened or vulnerable. All in all this is a very poor footpath. The existing 1800mm fencing does serve some small benefit for residents in terms of privacy and screening from the unsightly concrete gravel fences. However, a footpath link somewhere on the turning head which has previously existed but has been blocked up would be very beneficial. It would enable people to be able to walk from/through the development to get to/from West Avenue and Congleton Road in a much safer manner rather than via the existing footpath. Whilst this might enable non-residents

greater access to the estate which can have negative consequences, it is deemed that the benefits in terms of community safety and practicality/connectivity would far outweigh this consideration.

There might be scope to provide a more viable and complete alternative that satisfies a number of objectives. If the 1800mm fencing is retained, new footpath linkages could be provided at two points and the existing footpath could be easily and effectively blocked off at both ends with fencing so that section of the footpath is diverted through the development. This would improve connectivity and by channelling people through the development, safety should also be enhanced.

The **Environmental Health Division** has no objections.

The **Landscape Development Section** has concerns that this proposal could worsen the existing poor situation whereby footpath users experience a very long, narrow, poorly maintained and poorly overlooked footpath. The comments of the Crime Prevention Design Advisor are supported.

Staffordshire County Council as the **Public Rights of Way Authority** states that whilst this application does not directly impact on Public Footpath No. 216 Kidsgrove, it remains disappointing that the concrete board fencing has been allowed to remain in situ alongside this path. The concrete board fencing under Taylor Wimpey's control should have been removed and replaced with the more aesthetically pleasing wooden fencing and it is a shame that measures were not taken to ensure this was the case. The landowner should be made aware that the maintenance of the concrete board fencing and wooden fencing is their responsibility, not Staffordshire County Council's.

No objections are raised to the proposed footpath link although this is not a public right of way and access between the development and Public Footpath No. 216 Kidsgrove can only be granted by the owner of the land. Footpath No. 216 has recently been significantly improved through a resurfacing scheme arising from the housing development.

Representations

12 letters of representation have been received. The following is a summary of the comments made:

Regarding the fence:

- The 1.8m high fence should be retained.
- Without it there would be a loss of privacy, dogs off their lead would be a threat to children playing outside, there would be an increased likelihood of crime and residents would have to look at an unattractive concrete fence.

Regarding the footpath link:

- A footpath link would be a grave error and a dangerous act. The footpath is consistently used by dog walkers and dogs could run into the estate where there are young children who play outside. To put in the footpath link would be a huge safety issue.
- The link would be pointless as people can quickly walk around the estate to get to the same point on the footpath. People are still getting to school and people are safe.
- The footpath link should be put in as it provides a direct, safe and easy access to the school without having to use the long route around the estate and along the main roads. This would also reduce the amount of traffic using the roads at peak times of the day.
- A footpath link at the end of plot 153 would create a risk of injury as there is a significant height difference between the footpaths which would mean that either steps or a ramp would be required and it is too close to the adjacent drive. The link should be moved further down to a more suitable location as it was previously located. It should either have a gate or not be installed at all as it improves the security of the houses in the area.

Applicant's/Agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00553/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

26th September 2017