

**LAND AT WEDGWOOD AVENUE, WESTLANDS**  
**MR RICHARD WHALLEY**

**18/00482/REM**

The application seeks the approval of reserved matters relating to access, layout, scale, appearance and landscaping in respect of a residential development of 2 dwellings at the junction of Wedgwood Avenue and Emery Avenue. This application follows 18/00167/REM which was refused by the Planning Committee at its meeting on the 24<sup>th</sup> May.

The application has been referred to the Planning Committee for determination, by Councillors Reddish and S Tagg due to residents' concerns regarding access onto Emery Avenue, and the width of the road.

The site lies within the Newcastle Urban South and East Area of Newcastle as indicated within the Local Development Framework Proposals Map.

**The statutory 8 week determination date is the 16<sup>th</sup> August 2018.**

**RECOMMENDATION**

**Approve subject to conditions relating to the following**

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Acoustic fence to be erected in accordance with the approved details prior to occupation of any of the dwellings**
- 4. Retain garages for vehicles only**
- 5. Parking and Turning Areas on site prior to occupation**
- 6. Prior approval of Construction Method Statement**
- 7. Provision of a surface water drainage interceptor to rear of highway**
- 8. Gates 5m back into site**
- 9. Prior approval and implementation of Tree Protection proposals**
- 10. Prior approval and implementation of an Arboricultural Method Statement**
- 11. Prior approval and implementation of a schedule of works to retained trees**
- 12. Prior approval and implementation of full Landscaping proposals**

**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, was not found to be unacceptable to the Local Planning Authority in May and there have been no material change in circumstances. Similarly no concerns with respect to residential amenity were raised in May and there has been no material circumstances since then. With respect to the sole concern previously raised (the access arrangements onto Emery Avenue) it is considered that There would be no material adverse impact upon highway safety and the Local Planning Authority is not in a position where it will be able to substantiate any concern about the accesses being onto Emery Avenue .

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

This 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 seeks permission for the reserved matters relating to access, layout, scale, appearance and landscaping in respect of a residential development for two detached dwellings, outline planning permission having previously been granted.

Application 18/00167/REM was refused in May for the following reason:-

“The accesses indicated onto Emery Avenue due to the dimensions of that road and the proximity of multiple junctions would have a significant and detrimental impact upon highway safety and accordingly the proposal would not accord with policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and the provisions of the NPPF”.

The proposal now before the authority is identical to that which was refused, but it is supported by a traffic engineering technical note

The principle of residential development on this site was agreed under approved application 16/01108/DEEM4, and in any case this is an application for the approval of matters reserved by an earlier outline planning permission.. In refusing the recent reserved matters application 18/00167/REM the Council concluded that the scheme had an acceptable impact in term of its design, impact on the character of the area and streetscene and impact on trees. In the absence of any material change in the interim it has to be concluded that the current application is acceptable in these respects. Similarly no dispute was taken with the car parking provision for the new development and again, there is no basis to consider that there has been a material change in the interim that could justify a different conclusion now. Furthermore the issue of the impact of the development on the car parking available to the community centre, notwithstanding the representation received, was found to be acceptable at the outline application stage and cannot now be revisited at reserved matter stage.

The Landscaping Development Section have made a request for full landscaping details to be submitted prior to determination of the application, however this was not requested when 18/00167/REM was considered and would be considered to be unreasonable in this instance, subject to the conditions recommended last time being attached to the decision notice.

Accordingly the sole issue for consideration is the adequacy of the access arrangements – a matter was left as a reserved matter at the time of the outline application. The site plan submitted at outline stage was for illustrative purposes only. It showed the taking of access off Wedgwood Avenue. No condition was imposed on that outline planning permission requiring vehicular access to be taken off any particular road.

The NPPF advises at paragraph 108 (section 9) that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. The issue is whether the proposed access is safe and not whether there is an alternative which the Local Planning Authority might have a preference for.

The application is accompanied by a Highways Technical Note by Cameron Rose Associates, Highway consultants, that deals with the previous reason for refusal. The note considers in depth the carriageway dimensions of Emery Avenue, the proximity of junctions, highway safety, the relevant policy in the Core Strategy, and finally the provisions of the NPPF. This note observes first of all that Emery Avenue with its width of 5.1 metres accords with all the characteristics defined within the nationally recognised guidance Manual for Streets, and is of adequate width for a wagon and family car passing one another. The width of the street cannot be considered to be a limiting factor to prevent the development. The note also states the junction from Emery Avenue onto Wedgwood Avenue although it does have limited radii, this is not unacceptable as reduces vehicle entry speeds into joining streets, and most importantly it is free of barriers to visibility. The driveways to the proposed two properties are judged to provide good access onto the highway given the distance from the back of the footway to opposite side kerb is 7.3m is more than sufficient when judged against standard design requirements.

In terms of junction spacing the distance between the Emery Avenue/ Wedgwood Avenue junction and the crossroads formed by St Anthony's Drive and Whitfield Avenue where they meet Emery Avenue is noted as exceeding by some degree the 40 metre minimum junction spacing which the

Staffordshire Residential Design Guide (a document adopted by the Borough Council in the past) would require on a local distributor road such as Emery Avenue.

The submission also highlights that no recorded personal injury accidents have been identified at the junction between Emery Avenue and Wedgwood Avenue in a 19 year period, or on this section of Emery Avenue itself.

The report concludes that it has demonstrated that the proposal is acceptable in traffic engineering terms, that the design accords with both National and local guidance, that the highway network does not exhibit any unusual characteristics, and is safe and efficient and can accommodate the development proposal, that there are no traffic engineering reasons to refuse the application and to do would be inconsistent with other decisions made by the Borough Council.

Members should note that Staffordshire County Council, as the Highway Authority for the area, again comment that they are of the view that there are no objections on highway grounds to the development, subject to various conditions as listed in the consultation section below. These conditions can be attached to any planning permission that may be granted.

One of the issues raised by local residents concerns a potential obstruction to the view of drivers exiting from Emery Avenue onto Wedgwood Avenue created by a new fence. The submitted plans are capable of misinterpretation as to the position of the fencing on the Wedgwood Avenue frontage (which does not come right up to the junction), and the agents are confirming the position and for the avoidance of any doubt the Highway Authority are being asked to confirm that they have no issue with this aspect of the development. There is no reason to consider that there should be an issue as almost equivalent visibility is achieved in the other direction at the junction.

Members in considering this application are reminded that LPAs are at risk of an award of costs in any appeal proceedings if they behave unreasonably with respect to the substance of a matter under appeal, for example by unreasonably refusing planning applications. Examples given of such unreasonable behaviour include preventing or delaying development which should clearly be permitted, a failure to produce evidence to substantiate a reason for refusal, and the making of vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Not only in this case would a further refusal on the grounds of highway safety be unsupported by the Highway Authority, but officers have to advise that having reviewed the technical note now received that it would be most unlikely that the Council would be able to substantiate the previous reason for refusal. This application provides an opportunity for the Local Planning Authority to reconsider its position in the light of the new information provided.

## **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 SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N2: Development and nature conservation – site surveys  
Policy N12: Development and the Protection of Trees

### **Other material considerations include:**

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

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

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

Manual for Streets

Staffordshire Residential Design Guide

#### Relevant Planning History

18/00167/REM	Reserved matters application for the access, appearance, scale, layout and landscaping for two detached houses and the re-provision of car parking spaces at Whitfield Community Centre	Refused May 2018
16/01108/DEEM4	Outline planning permission for two detached dwellings	Approved April 2017

#### Views of Consultees

The **Highway Authority** raises no objections to the proposal subject to conditions securing the following:

- Provision of access and parking before occupation,
- Provision of a surface water drainage interceptor immediately to the rear of the highway,
- Gates set back a minimum of 5 metres, garages retained for vehicle parking
- Garages retained for the parking of motor vehicles, planning permission required for conversion.
- Prior approval and implementation of a construction method statement.

The **Landscape Development Section** request full landscaping details are provided,

The **Environmental Health Division** has no objections

#### Representations

Five letters of representation were received during the course of the application raising the following concerns

- Issues regarding access given the narrow width of Emery Avenue which is used by large volumes of traffic.
- Loss of Green Space
- Poor visibility
- Highway safety issues

#### Applicant/agent's submission

The application is supported by a Planning Application, Plans, Highways Technical Note, Phase 1 Geo Assessment and arboricultural information.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00482/REM>

#### **Background Papers**

Planning File  
Development Plan

#### **Date report prepared**

27<sup>th</sup> July 2018