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FAO Wendy Kinson
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BY EMAIL ONLY (wendy.kinson@tiscali.co.uk)

Dear Mrs. Kinson

**LAND OFF GATEWAY AVENUE, BALDWIN'S GATE, NEWCASTLE-UNDER-LYME
RESERVED MATTERS APPLICATION BY KIER**

I refer to your response to the public consultation event by email dated 16 October 2015. I understand your comments were made jointly on behalf of both the Parish Council and Baldwin's Gate Action Group.

Firstly, thank you for your continued interest in the delivery of this site. On behalf of Kier, I am pleased to provide a response to those matters you raised below. For ease of reference, we first reproduce the text in your original representation in italics then provide a response on behalf of Kier below.

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- 1. A number of responses provided by representatives from Kier and Hourigan Connolly to local residents were inconsistent and consequently led to some confusion as to what was being proposed by the applicants. Some examples are as follows:*

(a) The proposed timescale and phasing of the development was unclear. Varying timescales were quoted by different representatives.

(b) The type of construction proposed for the dwellings was described as either conventional brick or timber framed. Similarly, foundation construction was referred to as either raft or conventional strip foundations.

(c) The purpose of the pond illustrated at the south-eastern corner of the development site was described either as a balancing pond for the sustainable drainage system or as separate a water feature to encourage wildlife. We note the proximity of the pond to the West Coast Mainline.

Response:

Firstly, apologies for any inconsistency in answers given by the consultancy team during the consultation event. The event was attended by a multi-disciplinary team with expertise on technical matters, planning and urban design/architecture. Members of the Parish Council did query inconsistencies at the event and Kier sought to clarify the points raised on the night, which are reiterated below:

- (a) I can confirm that it is proposed to submit the reserved matters before Christmas. Once the application is validated it will have a 13 week determination period. Alongside this process, Kier will also be discharging pre-commencement conditions attached to the outline permission with the intention of

starting initial site enabling work in April / May 2016. The build period will be approximately three years, however, this depends on sale rates, the supply chain, winter conditions etc. The first housing completions are expected in November 2016 with first legal occupation shortly thereafter.

- (b) The dwellings will not be timber-framed; they will be constructed in traditional masonry with conventional strip foundations. The existing ground conditions do not merit raft foundations.
- (c) The pond shown in the north-eastern corner was proposed to simply serve as a landscaped ditch for ecological benefit and to make use of land within the acoustic buffer which is unsuitable for development. It did not perform any drainage purpose, and has since been omitted as the detailed soft landscaping design has evolved. The swales which run along the northern boundary of the development are intended to manage the flow of surface run-off from the proposed development in line with current sustainable principles.

With regards to finishes and construction, Kier have developed a strategy for materials on the elevations to reinforce hierarchy and character across the development. Whilst a consensus of opinion is often elusive in terms of design, a mix of brick, render and weatherboard cladding is proposed in order to create a varied feel to the public realm.

The main material for the houses is a red brick, as the proportion of brick to other materials generally reflects the surrounding area, and will give the scheme a robust, solid feel.

The end houses at key vistas have been treated differently to create visual 'stop ends' and focal points. The elevations are treated in simple brickwork with rendered features on projections and gable fronts.

To reflect the more natural and softer setting along the countryside boundaries, these buildings have been designed with a timber effect weatherboard. The weatherboard will be fixed in a rural 'ship-lap' fashion predominately at first floor level.

The materials have been agreed with Officers at the pre-application stage and are considered to be an appropriate and attractive response for this location.

- 2. *The proposed site plan shows no provision for larger five bedroomed housing and as such does not provide for the executive style accommodation which was widely quoted at the outline stage as being in short supply within the Borough and badly needed to attract high level professionals.*

Response:

The Council has identified a need for larger, five bedroom dwellings in Newcastle Borough, however, the exact housing mix was not dictated at the outline stage. The inclusion of five bed dwellings was considered by Kier but discounted on the basis that the marketing evidence supports a predominance of three and four-bed dwellings in this location.

Additionally, the number of open market bungalows has been increased within the reserved matters layout from 7 to 10, in response to market need and direct feedback as a result of the consultation process. Kier are confident that the proposed housing delivers a broad range of house types to meet the needs of various households for this location. This is supported by the heightened interest in this site and the number of individuals who have pre-registered for marketing information with the Kier sales team.

- 3. *The public footpath running parallel to the West Coast Mainline and north-eastern boundary of the development site, and to which a connecting path from the development is shown, should be upgraded to afford a high quality, safe pedestrian access to the eastern end of the village and its facilities (shop/post office, letter-posting box, bus stop, pub, village hall, Jubilee Gardens, public ROW to south of village). These works should include appropriate lighting, widening and proper asphalt surfacing of the footpath.*

Response:

The Public Right of Way referred to above is not on land within Kier's control. Whilst it is planned to provide a connection to the existing public footpath within the proposed development, there is no legal or other

requirement for Kier to upgrade the existing route. Any such works would, of course, require the approval of the County Highways Officers and Rights of Way Officer and the landowners permission, however any funding would be at the discretion of Kier

4. *Clarification is required as to the location and size of children's play areas to be provided on the site, together with information as to the type and location of play equipment to be installed.*

Response:

The public open space is proposed on the northern and north eastern boundary of the site at a size of 1.08 hectares.

The exact location, type and size of the play equipment to be installed is not yet fixed, and won't be until the final layout has been approved. Condition 21 on the outline planning permission requires details of the proposed play facilities and the timing of the provision of the open space and the aforementioned play facilities to have been agreed in writing by the Local Planning Authority prior to any development starting. Details of the exact location and size of children's play area will be available when this condition is discharged.

5. *Responsibility for the future maintenance and repair of the sustainable drainage system, which runs along the entire length of the northern boundary of the site, should be clearly identified, together with the appropriate provision for maintenance of this permanent facility.*

Response:

Condition 19 of the outline planning permission requires a surface water drainage scheme for the site, which is based on sustainable drainage principles, as well as an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The condition also requires the scheme to include details of how surface water runoff up to and including the 1 in 100 year event plus climate change will be retained on site and details of how any surface water drainage scheme will be maintained.

An application to discharge Condition 19 will be submitted after reserved matters approval has been secured.

The un-adopted SUDS systems will be maintained by a Management company for the development, with the owners of each property contributing towards the upkeep and maintenance. Kier will explore getting as much of the drainage system adopted as possible but typically this is limited by Severn Trent Water to just the drainage infrastructure within the adopted road network.

6. *It should be clarified if it is the intention of the Borough Council to adopt the landscaped public open spaces, children's play areas, pond and surface area of the swales. If the Borough Council do not intend to adopt these areas, who will be responsible for their maintenance?*

Response:

A contribution of £216,960 was agreed as part of the Section 106 Agreement towards the maintenance of the public open space and Locally Equipped Area of Play (LEAP) within the development. The Section 106 Agreement also requires the developer to agree a long term Maintenance Plan (operated via a management company) for the open space to provide for the replacement of any planting which fails within the first five years and regular health and safety checks for the play equipment.

7. *A planning condition should be included within the detailed full permission restricting any further development or changes along the entire length of the northern and western boundaries of the proposed development site for a period of*

not less than fifteen years. The purpose of this condition would be to allow time, as stated during the planning appeal, for the landscaped area to become fully established and provide an acceptable boundary treatment bordering the open countryside.

It is a little unclear why such a condition would be needed. Presumably, the Parish Council/Action Group are concerned about future development within an area designated for landscaping, public open space and drainage purposes, however any deviation from the approved details at the reserved matters stage would be subject to a separate planning application and judged on its merits.

Clearly, the land in question is integral to the setting of the proposed development and provides a functional role within the proposed development, so it is considered highly unlikely that any future development would be permitted by the Council in that location, for that reason. In addition, any planning condition must meet all the six tests set out within Planning Policy Guidance, namely they should be necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.

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8. *The density of some of the development appears excessive, particularly where the number of dwellings in the two blocks at the north-eastern end of the site has been increased from 17 on the indicative plan to 26. Further, the indicative plan submitted with the outline planning application showed a significant separation distance between the boundary of number 14 Gateway Avenue and a proposed new property. The new layout shows a house directly adjacent to the boundary of 14 Gateway Avenue which will result in the obstruction of a large side window facing the development site. Loss of light and privacy will be significant adverse effects on 14 Gateway Avenue. During discussions with representatives it appears they were unaware of the existence of the side window and had not considered the adverse effects that will arise.*

Response:

The number of dwellings proposed is a response to the current shortage of housing land identified by the Council and the desire to make an efficient use of the land available. The outline permission also capped the number of dwellings to 113 which was deemed acceptable in density and urban design terms, therefore the current reserved matters proposals are fully consistent with the parameters established at the outline stage.

One notable difference is that the County Highways Authority have requested that the roads within the site are constructed up to adoptable standards to facilitate full access for refuse collection vehicles. This has involved additional land take than was anticipated at the outline stage, therefore, the net developable area has been reduced slightly. However, the actual density of the proposals would still be approximately 20 dwellings per net developable hectare, which is comparatively low by contemporary standards and will ensure an attractive and spacious living environment.

Overall, the proposed density and layout is considered to be an acceptable balance between reflecting the character of the existing village housing and making an efficient use of the land available. The proposed building heights have been selected to match the surrounding context, with a maximum of two storeys across the whole development; and down to one storey particularly where new development borders existing buildings. The footprints of the houses, as is common to most dwellings, are of domestic scale. They have been arranged in either semi-detached or detached formation with the majority provided with a single or double garage.

It is acknowledged that the properties to the south, along Sandyfields in particular, are a lower density, however, they are a product of their time and development of that density would not be supported by current policy or legislation. We have, however, provided bungalows within that part of the site to reflect the existing built form.

With regards to 14 Gateway Avenue and the large side window facing the development site, the Council will have due regard to interface distances to ensure that the residential amenity of existing occupiers would not be affected to an unacceptable degree. Existing dwellings have been given full consideration in the proposed

layout and at this stage, has not been raised by Officers. The house directly adjacent to the boundary of 14 Gateway Avenue is angled and designed so this requirement is met.

9. *The new road layout is unimaginative. The straight road network lacks character and features to enhance the street scene. In short, it resembles a 1970s-style housing estate.*

Response:

The applicants would disagree with this suggestion. The road layout has been determined by the urban design principles established at the outline stage, which seeks to create breaks in the built development to retain the view northwestwards through the site to the countryside beyond. It is also informed by other factors such as the means of access into the site, the surface water drainage strategy, open space margins, acoustic buffer etc.

In addition, Staffordshire County Council have endorsed the proposed reserved matters layout and the principle of the road pattern from a technical perspective. The shared surfaces and mews streets provide a change in material and geometry which creates visual interest, whilst ensuring vehicle speeds within the development are not excessive.

10. *It is not clear if the new detailed layout of the site has been subject to independent planning assessment, as was carried out by MADE for the indicative layout submitted with the outline planning application. If such an assessment has taken place, what was the conclusion?*

Response:

The proposed layout adopts the fundamental principles and form which were endorsed by MADE at the outline stage, therefore, no further, formal consultation has been deemed necessary for the purposes of the Reserved Matters application. The proposed layout has, however, been presented to both Planning and Highways Officers and the Borough Council's Strategic Planning Consultative Group (SPCG).

11. *The lack of a pedestrian access from the south-western end of the development site to facilities at the western end of the village (shop, church, bus stop, letter-posting box, dog waste bin, access to public ROW to south of the village) is a matter of concern, as it is both socially and environmentally unsustainable. Without such access there is only one route out of the proposed development. Residents at the western end of the development, instead of having ready pedestrian access to the facilities at the western end of the village will either not use them at all or use their cars to access them. This will create an unsustainable transport scenario.*

Response:

The proposed means of access into the site (and public footpath link) have been approved at the outline stage. In addition, accessibility to local services was a key consideration on the outline application and again, found to be acceptable. An additional pedestrian link from the south-west corner of the site has not previously been raised to the best of our knowledge but in any event, this would require additional land outside the outline application boundary as Sandyfields is a private road and could not, therefore, be used to provide a secondary access point, even for pedestrians/cyclists.

12. *The situation described in 11. above, where Gateway Avenue will effectively provide a single corridor into the village, will also have an isolating effect and act to prevent integration of new residents into the community. Residents of the new development will become 'ghettoised'. This is a socially unsustainable situation and is likely to give rise to problems such as anti-social behaviour on the new development. The developers are urged to seek and implement a suitable solution to the problems described in paragraphs 11. and 12.*

Response:

The applicant disagrees with this suggestion. The introduction of new housing within any community provide an influx of new residents which will support existing services and facilities and potentially attract new or improved businesses to the community. All the facilities within Baldwin's Gate are within acceptable walking or cycling distances from any part of the proposed development. The proposed design also reflects current best practice in urban design terms which specifically takes into account potential crime prevention methods to address potential risks such as anti-social behavior.

13. *The existing highway and footways in Gateway Avenue are breaking up and in need of repair. As the highway and possibly the footways will have to be excavated to provide services including gas, electric, water, foul drainage and telecommunications, the opportunity should be used to repair and resurface the road and footways, which will in future be subjected to a significant increase in vehicular and pedestrian traffic.*

Response:

Any utilities work undertaken would require reinstatement of the existing roads and footpaths as appropriate, however there is no current obligation on Kier to remediate any existing surfaces beyond the scope of the proposed application. Any opportunity for re-surfacing works would be undertaken on a discretionary basis and we cannot advise further at this time.

14. *The currently uncontrolled junction between Hillview Crescent and Gateway Avenue will need to be controlled with either a give way or stop signal. Additionally, the junction should be traffic calmed with a raised platform to control vehicle speeds at a safe level, as is shown on the proposed development site.*

Response:

Again, the means of access is already approved and any upgrading to the Hillview Crescent/Gateway Avenue would not be required on highways grounds due to the low volume of traffic using Hillview Crescent. There has been no identified need for any traffic calming on Gateway Avenue and no such request from the County Highways Authority.

15. *The redbrick red tile finishes proposed on the development site do not complement or blend in with the variety of brick colours and other exterior finishes and the grey tile finishes in the immediately neighbouring areas – Gateway Avenue, Hillview Crescent and Sandyfields. A more imaginative approach is needed, with a wider variety of brick colours together with cladding and rendering, and grey tiles, so as to blend in with the existing developments.*

Response:

Please refer to our response in relation to point (1) above.

16. *HS2 should be contacted to identify whether or not the current proposals conflict with any future plans for the construction of the HS2 railway and its associated infrastructure. Similarly, Network Rail should also be contacted to discuss their requirement that they be indemnified in the event of the sustainable drainage system not being maintained and subsequently causing flooding of the West Coast Mainline. (See Network Rail correspondence dated 17 September 2013 addressed to NuLBC Planning Dept and 25 October 2013 addressed to Richard Lomas and Rachel Killeen.) Representatives from Kier did not appear to be aware of the Network Rail concerns.*

Response:

Any properties affected by the final route of HS2, either existing or proposed, will be liable to appropriate compensation through the HS2 scheme once the final route is confirmed and timescales for delivery finalised. Any perceived risks arising from HS2 would be a matter for the any prospective purchaser of a dwelling within the site, as would be the case if purchasing an existing dwelling also within the identified corridor. To the best of our knowledge, it is not the case that HS2 are actively advising local authorities to refuse planning applications at this time on land affected by the route; obviously the delivery of a nationally significant infrastructure project would take precedent irrespective of anything built on land in the interim which would be affected by the final route.

As regards consultation with Network Rail, Kier are aware of their position and the consultation responses referred to above, however, as the response dated 25 October 2013 also states, this is a legal matter which is not relevant to planning or the Reserved Matters application.

17. The Kier representatives seem to be unaware of the condition of the sewerage system from Gateway Avenue, along Meadow Way to the pumping station and of the pressure that current flows put on the pumping station, such that Severn Trent personnel visit after every rain event to check that the pumps are operating properly.

Response:

Severn Trent Water raised no objection to the outline application, subject to the imposition of conditions. In addition, no sewerage capacity issues have been raised by Severn Trent in response to the development enquiry submissions earlier this year by Kier and no requirement to upgrade the existing pumping station has been identified at this stage.

18. In the event of Newcastle Borough Council's SHMA being completed before detailed plans are submitted, the information reflective of the housing market and needs in Whitmore parish should inform housing provision on the proposed development.

Response:

The Section 106 Agreement attached to the outline permission secured 16% on-site affordable housing provision (totaling 18 of the 113 dwellings proposed) and an additional contribution of £341,000 towards affordable housing provision elsewhere in the Borough, equivalent to a further 9% of the 113 dwellings proposed (25% overall in compliance with policy). The tenure split is also set out within the legal agreement. Of the on-site provision, 60% will be social rented and 40% intermediate, based on the need identified by the Council. This provision would not be varied if the Council produced an updated Strategic Housing Market Assessment (SHMA) as the affordable housing provision would reflect need at that time.

19. Any contributions made to the Borough Council by the developer towards maintenance of public open space should be appropriately adjusted to assist in the maintenance and enhancement of sites across the whole of Whitmore Parish and should not be restricted to the development site. (Section 106 – we need to get this one right and secure a meaningful contribution to the parish!)

Response:

As referred to earlier, the contributions towards the maintenance of the public open space on the site has been agreed and is secured as part of the Section 106 Agreement and would not be varied as part of the Reserved Matters process. All contributions therein had to meet the statutory tests of being (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. On this basis, there is no legal or technical requirement on Kier to provide any additional contribution towards open space maintenance in the wider

Parish; any funds would only be forthcoming on a discretionary basis and we cannot advise further at this time.

20. *A liaison group should be established with the developer comprising officers from Newcastle Borough Council, a local elected Borough Councillor, together with representatives from the Parish Council and local residents, to ensure that any problems/issues arising during the construction phase are promptly and effectively addressed, thereby ensuring good working relationships and responsible development of the site. Local experience of a Liaison Committee that was set up as a result of a Condition imposed by SSC in the planning permission covering the Green Waste Recycling Operation in the nearby village of Acton proves the enormous value of such an arrangement, having enabled various local issues to be aired and resolved without confrontation between Village and Operator.*

Response:

Kier are looking into options for a steering group and are committed to working with the local community to deliver a scheme that local residents can be proud of.

21. *It is accepted that outline permission has been given for up to 113 dwellings. However, it is the view of local residents that the density of this development does not reflect and is completely out of character with that of the adjoining areas of the village and consideration should be given to adopting a scheme which realistically reflects the adjacent residential developments.*

Response:

Please refer to our response to point (8) above.

I trust the above provides clarity on your matters of concern.

If you have any further queries please do not hesitate to contact me.

Yours sincerely



**RICHARD LOMAS BSc (Hons) DipTP MRTPI
Associate**

cc: Kier