

Application number 15/01106/REM

Application 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 at land at the end of Gateway Avenue, Baldwins Gate by Kier Living Limited

Comments by Baldwins Gate Action Group and Whitmore Parish Council

A. INTRODUCTION

1. Local community involvement

- **Outline application** The Baldwins Gate Action Group (BGAG) was formed in 2013 to help villagers discuss and decide their position regarding outline planning application 13/00426/OUT for the proposed development on land at the end of Gateway Avenue. A number of public meetings were held during this period.
- **Public enquiry** The BGAG and Whitmore Parish Council (WPC) jointly represented villagers as an interested party at the public inquiry held 6–14 November 2014.
- **Local public consultation** The BGAG and WPC jointly held a public meeting in Whitmore Village Hall on 11 January 2016, attended by 70 residents, at which the information provided by the present applicant, Kier Living Ltd, was reviewed and the submitted plans were prominently displayed. The purpose of the meeting was to consider the details of the proposal and formulate representations for submission to the local planning authority.

2. Appeal decision, sustainability and Condition 4

Following the public inquiry held 6–14 November 2014 the Planning Inspector appointed by the Secretary of State for Communities and Local Government, Mr B.S. Rogers, issued an Appeal Decision granting outline permission for the construction of up to 113 dwellings on land at Baldwins Gate Farm, to which he attached 26 planning conditions.

- **Impact and sustainability** Paragraph 7(i) of the Appeal Decision identifies the impact of the proposal and whether the location is a sustainable one for housing, including “the impact on the form, character and rural setting of Baldwin’s Gate” as the first of the four main issues for consideration.

The Decision makes a number of significant statements regarding the impact of the proposal on the “form, character and rural setting of Baldwin’s Gate” and measures for the mitigation thereof.

These statements, in paragraphs 26 to 37 and 68 of the Appeal Decision, are relevant to the present reserved matters application and are reproduced in **Appendix I** of this representation.

- **Paragraph 68** of the Appeal Decision states: “It is important to my decision that the reserved matters details should accord with the principles set out in the Design and Access Statement.”
- **Condition 4** of the Appeal Decision states: “Any ‘reserved matters’ applications pursuant to this outline planning permission shall accord with the principles set out in the Nicol Thomas Design and Access Statement dated August 2013 taking into account the comments of the Highway Authority on the indicative layout received on 5th February 2014 and Pegasus drawing ref: BIR.4263_16 1 (Appendix D5). No more than 113 dwellings shall be provided on the site.”

B. THE RESERVED MATTERS APPLICATION

This section deals with the following issues:

- 1 Non-compliance with Condition 4
- 2 Public Right of Way
- 3 Boundary treatments to existing properties and to Sandyfields estate
- 4 Preliminary drainage strategy
- 5 Future maintenance responsibilities
- 6 Safety
- 7 Highways and lighting

- 8 Pedestrian crossing and call loop
- 9 Construction access
- 10 Developer contributions
- 11 Liaison group
- 12 HS2 Phase 2A

1. Non-compliance with Condition 4

- The application does not conform to the original Design and Access Statement and, as such, is in clear breach of Condition 4 attached to the outline permission, which states:

“Any ‘reserved matters’ applications pursuant to this outline planning permission shall accord with the principles set out in the Nicol Thomas Design and Access Statement dated August 2013 taking into account the comments of the Highway Authority on the indicative layout received on 5th February 2014 and Pegasus drawing ref: BIR.4263_16 1 (Appendix D5). No more than 113 dwellings shall be provided on the site.”

The principles of the Nicol Thomas Design and Access Statement dated August 2013 are summarised in **Appendix II** of this representation.

The proposed masterplan that accompanied the Nicol Thomas Design and Access Statement is reproduced in **Appendix III** of this representation.

Pegasus drawing ref: BIR.4263_16 1 (Appendix D5) is reproduced in **Appendix IV** of this representation.

The layout that is the subject of the current reserved matters application is reproduced in **Appendix V** of this representation.

Main issues

The main issues regarding Condition 4 are as follows:

- (a) Preservation of views into the countryside
- (b) Internal views towards existing oak trees on SW boundary
- (c) Building heights
- (d) Form and character
- (e) Street scene and parking
- (f) Extended separation distances from existing properties
- (g) Density
- (h) Affordable housing
- (i) Landscape proposals
- (j) Public open space and footpaths

These issues are dealt with in the following sections.

(a) Preservation of views into the countryside

- In paragraph 32 of the Appeal Decision the Inspector states: “It was very clear at the Inquiry how much the local residents valued the landscape surrounds of their village.”
- Paragraph 33 of the Appeal Decision concerns the preservation of views northward into the countryside from the four existing culs-de-sac.
- The Nicol Thomas Design and Access Statement (p. 35) refers to “Carefully positioned north-south axis to safeguard existing views across the site towards Madeley Park Wood and the wider landscape setting.”
 - Plot 4: the dwelling is sited forward of the building line of Gateway Avenue, restricting the outward view. The dwellings on plots 23–26 on the same side of the street are similarly forward of the building line.

- Plot 10: the entire dwelling is sited forward of the building line of Hillview Crescent, restricting the outward view. The dwellings on plots 14–20 on the same side of the street are similarly forward of the building line.
- Plots 107 and 108: the dwellings are set well forward of the building lines of Monte-Vista and Briar Lodge, as are plots 48–51 and 80–82 on the same side of the street.
- View from SW cul-de-sac of Sandyfields: the alignment of the new street at the SW end of the proposed development has been shifted further to the SW so that there is no longer a continuous view from the SW cul-de-sac of Sandyfields (adj. The Croft and Green Nook). The view from the cul-de-sac is instead to a pair of semi-detached houses on plots 58 and 59.
- View from SW cul-de-sac of Sandyfields: the view from this point is further blocked by the dwelling on plot 89, which occupies an area designated on the proposed masterplan accompanying the Nicol Thomas Design and Access Statement as public open space and a viewing point.

(b) Internal views towards existing oak trees on SW boundary

- The Nicol Thomas Design and Access Statement refers to these two oak trees as “inclusive considered features of the development as backdrops to internal views” (p. 37) and “backdrops to westerly end of vistas” (p. 48).
 - The layout does not preserve the view along the mews street towards the northernmost of the two oak trees on the SW boundary of the site. The view is blocked by the 2-storey building on plot 93.
 - The layout does not preserve the view along the south-eastern “central” street towards the southernmost of the two oak trees on the SW boundary of the site. The view is blocked by the altered alignment of the street and by the 2-storey buildings on plots 95 and 96.
 - The southernmost of the two oak trees collapsed and died in late summer 2013. Only the bole and one dead branch remain. As this tree was integral to the design principles of the development, development of the site should now include planting of a replacement oak tree.

(c) Building heights

- Pegasus drawing ref: BIR.4263_16 1 (Appendix D5) shows an area (coloured yellow) at the NE end of the site and an area (also coloured yellow) at the SW end of the site where only single-storey dwellings with a ridge height up to 6.0 metres should be built.
 - Plots 5, 6 and 7: a terrace of three 2-storey houses is shown occupying part of the single-storey area at the NE end of the site. The rear of these properties overlook bungalows and the rear gardens of properties in Hillview Crescent and Gateway Avenue resulting in an unacceptable loss of privacy.
 - Plot 96: a 2-storey house is shown occupying part of the single-storey area at the SW end of the site.
- A note on the Preliminary Drainage Strategy (Rogers Leask P15-059 SK002 F) states: “Proposed new adopted Foul Water Sewer – Existing outfall level to be confirmed. The existing outfall may be shallow as it is unlikely it would have been designed to accommodate future development. Plot levels may need to be lifted to allow gravity drainage to existing Foul Water Sewer. Alternatively a foul pumping station could be considered.” (See **Appendix VII** for an assessment of the Preliminary Drainage Strategy.)
 - Raising of the plot levels as suggested in the above note could significantly affect the landscape and visual impact of a large area of the the development. Landscape and Visual Impact Assessment was a subject of the planning inquiry. See **Appendix I**, paragraph 31.

(d) Form and character

- In paragraph 26 of the Appeal Decision the Inspector states: “CSS Policy CSP1 requires new development to be well designed to respect the character, identity and context of the area. The Council has adopted Supplementary Design Guidance (SPD) on Urban Design which reflects the need to respond to local character.”
- Paragraph 28 of the Appeal Decision states: “I have no reason to doubt that a development of suitably high design quality could be achieved, so long as the principles set out in the Design and Access Statement are followed.”
- The existing properties on Gateway Avenue, Hillview Crescent and Sandyfields are in a variety of brick colours, including red (a range of shades) and buff, and a wide variety of finishes are used throughout, including partial cladding in composition stone, tile, wood, weatherboard, white UPVC, and rendered finishes that may be either whitewashed or colourwashed.
 - The red brick finish proposed for the development is unsympathetic to and does not reflect the surrounding built character and the rural context.
 - The red brick finish will give an urban and oppressive feel to the estate and is not appropriate for a development in a rural village.
 - In terms of finishes, the proposed development should blend in with and complement the existing surroundings, not clash with them.
 - The minimal use of cladding and rendered finishes on “focal point” buildings is not a sufficient complement to the surrounding built character.
 - Plots 29–33, 65–68, 74–77: the courtyard and mews-type properties are an urban design type that is incongruous in a rural setting and not compatible with the form and character either of the adjacent estates or of the existing village.

(e) Street scene and parking

- Street scene is an aspect of form and character; and parking impacts on street scene.
- The Nicol Thomas Design and Access Statement states:
 - “Along the central streets car parking spaces and garages should be mostly set to the side of dwellings (with some integral garages and frontage parking) in order to be subservient to building lines and avoid car dominated frontages” (p. 40);
 - “Along primary residential streets, car parking is generally located to the side or front of dwellings. ... to avoid frontages that are cluttered or dominated by parked cars and promotes a ‘leafy feel’ with landscaped front gardens’ (p. 55);
 - “In secondary streets such as shared surfaces, car parking is generally located to the front of dwellings and limited to small groups arranged between planted bays, soft landscaping or trees. ... Tertiary/lower category streets ... are designed to have a low priority and informal feel and car parking ... is designed to be located between dwellings so as to be subservient to building lines, open spaces and sensitive open edges” (p. 55).
- Plots 1–3: these 3 plots are incompatible with the existing character and street scene of the adjacent Gateway Avenue. They have no front gardens, instead 6 consecutive frontage car parking spaces. The road is identified in the Nicol Thomas Design and Access Statement as a “central street” where parking should be mostly to the side.
- Plots 10 and 14–20: these 8 plots are incompatible with the existing character and street scene of Hillview Crescent. The dwellings are forward of the building line; with the exception of Plot 10, the plots are all semi-detached 2-storey buildings, whereas Hillview Crescent is a street of small detached bungalows set well back from the street. The further end of the new street is dominated by parking.
- Plots 24–25, 27–28, 34–35: this continuation of Gateway Avenue is a “central street”. Parking is on the frontages, not set to the side of dwellings. This is incompatible with the

design principle and with the street scene of Gateway Avenue where garages and parking are set to the side.

- Plots 29–33, 65–68, 74–77, shared surfaces and mews street: frontage parking in these areas is not broken up with planting bays, planters and trees (Nicol Thomas Design and Access Statement p. 55).

(f) Extended separation distances from existing properties

- The Nicol Thomas Design and Access Statement (2013) (p. 36, 37) illustrates and refers to the use of extended separation distances to “offset” the new development from the southern boundary; “New dwellings proposed adjacent to existing houses are spaciouly offset from the boundary to respect privacy, address tree root protection areas, minimize overshadowing and loss of privacy” (p. 38).
 - Plot 1: the separation distance from 14 Gateway Avenue that is illustrated in the Nicol Thomas Design and Access Statement (2013) (p. 36) has not been observed.

(g) Density

- The density of the NE end of the proposed development has been increased significantly from what is shown in the proposed masterplan that accompanied the Nicol Thomas Design and Access Statement.
- The applicant’s agent, Hourigan Connolly, responded to comments by the BGAG and WPC on this increase in density as follows:
 - “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.”
 - This area, which comprised 17 dwellings at outline application stage, now comprises plots 1–26, an increase of 9 dwellings, or **53%**.
 - The increase in density has nothing to do with the explanation offered by Hourigan Connolly but has been achieved by subtracting dwellings from other areas of the site; in other words, the developer has deliberately reduced the density of other parts of the site at the expense of this area, into which the majority of the affordable housing has been crammed.
 - The result will be to “ghettoise” the residents of affordable housing and create undesirable social distinctions between different parts of the estate. This is an unsustainable and discriminatory approach and is not at all acceptable to the residents of Baldwin’s Gate. [And see next set of comments, on affordable housing.]
- In the latest Design and Access Statement (2015), the site area is stated to be 14.98 acres/6.06 hectares when it is in fact 13.8 acres/5.6 hectares. This is because the applicants are now including the construction access area in their calculations despite the fact that this is a temporary feature and is not part of the development site itself. Consequently, housing density statements are also incorrect.

(h) Affordable housing

- The Nicol Thomas Design and Access Statement states:
 - “provision of a mix of housing types, sizes and tenures that are dispersed across the development” (p. 37);

“Pepper-potting affordable housing through the development in clusters” (p. 37);
“They will be tenure blind, avoid concentration in one area and the creation of unbalanced communities” (p. 39);
“details dealing with the final appearance and siting will be submitted as part of a Reserved Matters or detailed application through further consultation with the Local Planning Authority and local community” (p. 39).

- The preliminary layout shown to local residents at the 13 October 2015 Public Consultation event showed the affordable housing distributed (“pepper-potted”) across the development.
 - Plots 5–10 and 14–20 (13 dwellings) are now grouped at the NE end of the site.
 - Plots 29–33 (5 dwellings) are grouped in a small court in the centre of the site that is enclosed by high fencing and brick walls, with no planting or greenery.
 - The current layout provides no possibility for the affordable housing to be tenure blind; and is contrary to CSS CSP6.8, which states:
“Affordable housing units should be fully integrated with the market housing, be built to the same design, quality and space standards and should not be visually distinguishable from other development on site.”

(i) Landscape proposals

- The applicant has submitted a set of three Detailed Landscape Proposals drawings (Pegasus BIR5099_01B to BIR5099_03B).
 - These plans bear little or no resemblance to Pegasus drawing BIR4263-004A (see **Appendix VI**) submitted at outline stage and laid before the Inspector at the public inquiry.
- This original scheme shows complex, in depth landscaping varying between 20 and 50 metres in depth and that includes tree and shrub planting on both sides of the swales.
 - The scheme presented in the current application consists mainly of a single line of trees planted on the boundary in three groups, with none of the gaps that were to provide filtered views into and out of the site.
- The principle of the originally approved scheme was very carefully considered by the Inspector in view of the fact that it would take up to 15 years to become established and mitigate the appearance of the development. (See Paragraph 34 of the Appeal Decision.)
 - The new reserved matters application clearly fails to achieve this aim.
 - A planning condition should be included in any permission granted, restricting any further development on the NW landscaped boundary of the site for not less than 15 years, the purpose of this condition being to allow the landscaped area to become fully established, this being the length of time quoted during the planning appeal as being required for the established of an acceptable level of mitigation bordering the open countryside.
- The Nicol Thomas Design and Access Statement (2013) refers to
“tree lined streets” (p. 37);
the use of “tree lined streets, rear garden tree planting (to soften the appearance of building mass)” (p. 40);
and to the planting of “ornamental [tree] species within garden spaces” to create “‘landscape layers’ that will rise above the new massing and roofscapes and in time, soften views of built form” (p.48).
planting bays, planters and ornamental tree planting in the shared surfaces and courts (i.e. mews-style streets) (p. 55).
 - Street trees: the submitted drawings do not show any street trees.
 - Garden trees: the submitted drawings do not show any trees in the gardens of plots.
 - Planting in shared surfaces and courts: the submitted drawings do not show any planting bays, planters or ornamental trees.
 - The depth of tree and shrub planting in the green corridor along the NW boundary of the site has been reduced from that illustrated on the masterplan that accompanied the Nicol

- Thomas Design and Access Statement (2013) to a single line of trees. At the planning inquiry there was great emphasis on “landscape restoration” and the planting of “new woodland”.
- A note on the Preliminary Drainage Strategy drawing (Rogers Leask P15-059 SK002 F) states: “A planting easement is required around soakaway tanks. Size of easement is dependant upon species of planting and depth of tank, refer to manufacturers recommendations.”
 - This note is a cause of concern. The full drainage strategy may require planting easements that preclude the planting of trees on the most or even all parts of the NW boundary. The tree planting and landscaping on the NW boundary was important in the formation of the Planning Inspector’s decision.
 - The applicant has failed to illustrate the view from within the development site to the North East boundary adjoining the West Coast Main Line. This boundary will be enclosed by a 1.8m high palisade security fence, which will have a significant adverse effect when viewed from the public open space towards Whitmore Heath. No landscape details have been provided which illustrate how they intend to screen this unsightly view

(j) Public open space and footpaths

- The total area of Public Open Space has been reduced from 1.23ha (as stated in the Nicol Thomas Design and Access Statement (2013) and on Pegasus drawing ref: BIR.4263_16 1 (Appendix D5)) to 1.08ha.
- This amounts to a reduction from 22% of the total site area to 19%.
- The width of the Public Open Space along the NW boundary of the site has been significantly reduced.
- The play areas in the northern green corridor have been eliminated completely.
- The public footpath running along the length of the northern green corridor and connecting to the existing Public Right of Way, and which was identified in the Nicol Thomas Design and Access Statement (2013) as an important part of the footpath network on the site, has been eliminated completely.
- The connection from the development to the existing Public Right of Way is not clear. It appears that the metal palisade fencing to be erected along the NE boundary, adjacent to the West Coast Main Line, is on the western side of the path, not the eastern side, thus blocking the site from access to the Public Right of Way.

2. Public Right of Way

- The Nicol Thomas Design and Access Statement (2013) contains reference to: “Subject to landownerships, and further negotiations with the Council, off-site improvements to the existing Public Right of Way” (p. 36).
- The PTB Transportation Assessment that accompanied the outline application likewise refers to improvements to the Public Right of Way as follows:
 - “There is an existing Public Right of Way that runs alongside the railway (on the west side) and to the northeast of the proposed development land. It is proposed to undertake improvements to this Public Right of Way subject to issues of land ownership.” (7.3.4)
- The Travel Plan, also prepared by PTB refers to the Public Right of Way as follows:
 - “A Public Right of Way (Public Right of Way) exists that runs alongside the railway and development site. To the south of the A53 the link is of a good standard through pleasant environs but the quality of the Public Right of Way deteriorates alongside the existing Hillview Crescent housing and railway.” (4.2.15)
 - The current application makes no reference to improvements to the existing Public Right of Way linking the site to the A53 to the south.

- This section of the Public Right of Way is in need of upgrading so as to provide a better walking surface, low-level (bollard) lighting to avoid light spillage into the backs of Hillview Crescent properties, and make it generally a safe walking route for people of all ages including those with mobility problems.
- Upgrading of this section of the Public Right of Way is important to site accessibility as it is a safer and quicker route to village facilities such as bus stop, shop, post office, letter box, pub, village hall and playing field than the route via Gateway Avenue and the A53, because it avoids an unsafe section of the A53 where the footway is very narrow.
- The local community was not consulted when the Section 106 agreement was drawn up during the public inquiry and has thus been unable to secure a developer contribution that would enable the upgrading of this section of the Public Right of Way to the benefit of both existing and future residents. This omission should now be made good.
- If the development proceeds it is essential that this link to the centre of the village is upgraded, the responsibility for which should not fall to the parish council.

3. Boundary treatments to existing properties and to Sandyfields estate

- The boundary treatments plan indicates that a 1.8m timber close board fence will be erected between the plots and existing properties on Sandyfields, Gateway Avenue and Hillview Crescent.
 - Property owners need to receive an assurance from the developer that their existing boundaries, in particular existing boundary plantings, will not be compromised.
- There is no indication as to how the boundary between the site and the Sandyfields culs-de-sac will be secured against unauthorised access.
 - The NW cul-de-sac terminates with a hedgerow and a tree: measures should be installed to prevent breaking through the hedge, but a barrier of a height that obstructs the view should not be installed.
 - The NE cul-de-sac terminates with a farm gate into the site. This should be closed up, but again with a barrier that is not of a height to obstruct the outward view to the open countryside.

4. Preliminary Drainage Strategy

- The Preliminary Drainage Strategy (Rogers Leask P15-059 SK002 F) raises serious questions about both surface water drainage and foul water drainage.
 - A review of the Preliminary Drainage Strategy is provided in **Appendix VII**. Headline issues are the following:
 - The swales would fill up with 85mm of rain.
 - The drawing indicates the provision of storage tanks for surface water drainage but their location is not shown.
 - A note on the drawing indicates a planting easement around the storage tanks. This could further compromise the provision of tree and shrub planting on the NW boundary.
 - A note on the drawing indicates that floor levels may need to be raised to provide for gravity drainage to the foul sewer connection in Gateway Avenue. This could compromise the building heights indicated in Pegasus drawing ref: BIR.4263_16 1 (Appendix D5).
 - A note on the drawing indicates that alternatively a foul sewage pumping station may be required. The location for such a pumping station and its effect on the proposed layout of the site are not known.
 - It will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways to deal with roof drainage and surface water within the curtilage of the properties.

5. Future maintenance responsibilities

- Responsibility for the future maintenance and repair of the sustainable urban drainage system (SUDS) running along the entire length of the NW boundary should be clearly identified, together with appropriate financial provision for the maintenance of this permanent facility.
- The Borough Council needs to clarify whether or not it intends to adopt and maintain the landscaped public open spaces, children's play area, play equipment and swales.
- If a private management company is to be formed to carry out this work, it must be clarified whether prospective purchasers have to contribute to these costs.
- In the event of the Borough not adopting this responsibility it must be clearly identified who will do so.

6. Safety

- Child safety concerns relate to the proximity of the play area to the West Coast Main Line and to the swales.
- Network Rail requires the developer to install metal palisade fencing between the NE boundary of the site and the railway line.
 - It is not clear whether the palisade fencing is to be continued beyond the NE corner of the site, where the boundary between the agricultural land/continuing Public Right of Way and the railway is a simple agricultural wire fence.
- Fencing along the green corridor is a 0.5m high rail.
 - This knee fencing is insufficient to prevent children from approaching and falling into the swales. Furthermore, if the swales contained water, this would present a serious risk of a child drowning.
 - There is no barrier to entry into the swale area from the Public Open Space at the NE end of the site.

7. Highways and lighting

- All road junctions on the central streets of the development are provided with traffic calming in the form of raised block paving to reduce vehicle speeds to 15mph. A rumble strip is proposed at the entrance to the new estate.
 - As these measures are considered necessary in the new estate, similar traffic calming should be provided at the junction of Hillview Crescent and Gateway Avenue, which is at present an uncontrolled junction. As the new development will give rise to over 600 additional vehicle movements per day on Gateway Avenue it would be illogical not to treat this junction with the same level of highway safety as on the new estate.
- 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, drainage and telecommunications to the development the opportunity should be used to repair and resurface the roads and footways which will in future be subject to a significant increase in traffic flow and pedestrian use.
- The Design and Access Statement indicates the developer's intention to request the County Council to adopt the road network on the site.
 - In the event of such adoption taking place the County Council should consider liabilities that may arise from the surface water drainage system, should the SUDS fail to function satisfactorily and subsequently lead to flooding of the West Coast Mainline.
- Management/operation of the emergency access to Hillview Crescent.
 - No information has been provided about this.
- A 5-metre wide access is shown between plots 89 and 90, which connects the proposed development to a track over the existing farmland.
 - No detail or explanation has been provided by the developer as to the requirement or necessity for this access.

- **Street lighting.**
 - No information has been provided about street lighting that will be installed throughout the estate.
 - This is of particular importance because the site projects out into the open countryside; accordingly, low-level lighting should be considered to minimise light pollution and glare, particularly on the street along the NW boundary.
- The central roads within the proposed new layout appear to be only 5m wide.
 - This would mean that larger commercial vehicles, vans, and lorries, delivering goods to the houses and service vehicles for refuse collection will be unable to pass each other without mounting the footpath. This presents a risk to pedestrians and will cause congestion where private vehicles are parked on the central road network (Plan P15-059TROIC Rogers Leaske).

8. Pedestrian crossing and call loop

- The Planning Statement that accompanies the current reserved matters application refers to the pedestrian crossing on the A53 with call loop on Gateway Avenue as follows:

“Should cars queueing to leave Gateway Avenue exceed seven vehicles, the call loop under the road will trigger the lights on the pedestrian crossing” (p. 22).

 - This is contrary to Condition 5 of the Inspector’s Appeal Decision, which refers to drawing Figure 6.1 Rev. B.

“No development hereby approved shall commence until full details of the proposed pedestrian crossing on the A53 to the east of the junction with Gateway Avenue incorporating call loops on Gateway Avenue, illustrated on Drawing No. Figure 6.1 Rev. B, have been submitted to and approved in writing by the Local Planning Authority. The crossing shall thereafter be implemented in accordance with the approved details and be completed prior to the first occupation of the development.”
 - Plans drawn in accordance with Figure 6.1 Rev. B have already been approved by Staffordshire County Council Highways under planning application 13/00426/CN05.

9. Construction access

- The Design and Access Statement for the present reserved matters application refers to an intention to commence work (construction access/offsite A53 crossing) in May 2016.
 - Condition 23 of the Appeal Decision states: “No works to the hedgerow along the A53 shall be carried out during the bird nesting season (1st March to 31st July).”

10. Developer contributions

- Any contribution made to the Borough Council by the developer towards maintenance of the 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.

11. Liaison Committee

- If the Gateway development goes ahead, it is essential that a condition should require the establishment of a formal Liaison Committee with the developer. This should include officers from Newcastle Borough Council and local elected Borough Councillors together with representatives from the Parish Council and of local residents to ensure that any problems or issues arising during the construction phase are promptly and effectively addressed, ensuring a good working relationship and responsible development of the site. Such a group, established under a planning condition, has proved to be invaluable in the case of the nearby

On-Farm Green Waste Composting site at Acton, also within Whitmore Parish. Six-monthly meetings are held and minuted. These meetings have enabled a series of issues raised by the residents of Acton to be resolved with a minimum of fuss (as vouchsafed by the current Chairman of Whitmore Parish Council who has participated in these meetings).

12. HS2 Phase 2A

- The route of HS2 from the West Midlands to Crewe has now been designated HS2 Phase 2A with a scheduled completion date of 2027.
 - HS2 Ltd should be consulted to identify whether or not the current proposal conflicts with any plans for the construction of HS2 Phase 2A and its associated infrastructure.
 - The question of HS2 was raised by the BGAG and WPC with the applicant's agent and the following response was provided:

“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 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 the land in the interim which would be affected by the final route.”
 - Current guidance from HS2 Ltd indicates that owners of properties built after 2013 will NOT be eligible for any compensation.