

OUT007

East Staffordshire Borough Council Response to Submission Consultation on Outwoods Neighbourhood Development Plan

THESE COMMENTS CONTAIN THE VIEW OF PLANNING POLICY, DEVELOPMENT CONTROL AND HOUSING STRATEGY

Planning Policy

Para 1.2, last sentence, Para 1.5 first sentence – The ONDP will not form a new tier; rather, once “made” by the Borough Council, it will sit alongside the Local Plan as part of the Borough’s Development Plan, and be the prime document used in determining planning applications in the Parish.

Para 1.12, last sentence – 2031 is 16-17 years ahead (from 2014/2015) not 12 years.

Para 1.13 – “Parish Council and its partners *will* consider...” This para as it stands is the consultant giving advice to the Parish – not appropriate for a public document.

Para 2.5 penultimate sentence – “...provision of smaller *homes* ...” not “households”.

Para 2.11 – Perhaps add that the terraces along Forest Road were built mainly to serve Burton’s growing brewing industry.

Maps on Pages 10 and 56. Land north of Harehedge Lane – Planning permission was refused for the application quoted.

Para 3.2 The vision is not particularly locally distinctive.

Para 5.3 Probably best to delete reference to Parking Standards SPG as it is pretty old now – so old that it is still an old style SPGuidance, rather than a SPDocument! A good reason why the NP could propose different standards, more suited to local circumstances.

Para 5.5 “highest reasonable *quality*” rather than “excellence”

Paras 5.7 & 6.18 –perhaps need cross-references to the East Staffordshire Design Guide SPD.

Policy TA1 Should Policy TA1 be adopted unaltered then Development Control Support will need to be notified and the local validation list updated specific to Outwoods to require the submission of a public realm design strategy for all development (other than residential extensions). One way around this would be to require applicants to demonstrate in their Design and Access Statement how the points in the Policy are to be addressed. Detailed matters might be more appropriately dealt with at reserved matters stage for large developments that are submitted in outline only initially.

Policy TA2 first sentence – missing word “...comply *with* any design guidance...”

Policy TA3 -3rd bullet – This will be contentious, and might have to have some proviso such as refusing permission if additional on-street parking is likely to ensue and cause highway safety problems.

Policy TA3 -6th bullet – Delete all text after “for existing residents”. It is unreasonable to expect a pre-existing problem to be tackled through the developer paying for works over and above those required for the development itself. The expectation should only be that new development does nothing to exacerbate the problem (unless the developer voluntarily puts these additional works forward as a “community benefit”). Certainly it would not meet the criterion for s.106 agreements that the planning obligation has to be directly related to the development. The Parish could use the CIL “top-slice” for creating more parking spaces, but they would need to identify the land they required and ensure it was “deliverable”.

INFORMATION NOTE: The Council has yet to make a decision on whether or not to take the appropriate steps towards adopting a CIL Charging Schedule. Preliminary studies show that the amount of funding generated in the future will be relatively small, with the Parish “top slice” consequently very small, too. It may be advisable for the Parish to use wording throughout the Plan that reflects the possibility that CIL funding may not be available in the future, and if the Parish wish to tap into s.106 funding to bring about a proposal, then to be sure the criteria for requiring such a planning obligation, as set out in the CIL Regulations 2010, can be met.

Para 5.17 -typo in last line –therefore

Policy TA5 It might be possible to accumulate CIL monies from a number of developments to subsidise a bus service – in which case it might be good to set out the parish’s priorities for spending CIL in the NP (**but see note on CIL above**). The reserved matters application for the Upper Outwoods Farm application will need to include a public transport route strategy, and ensuring there are orbital routes as well as radial routes into Burton might be bolstered if the links the parish believe are important are set out in the NP (or an appendix to it).

Policy CF5 – Could this policy be renamed? Ie ‘Amenity Areas’

Policy RD1 ‘Design’ – 3rd para – add ‘wider landscape **and topography**’

Policy LR3 - Even accepting that green/blue infrastructure can include private as well as publicly accessible land, the requirement for all development, however small, to create new greenspace is too onerous.

Para 8.22 – Typo – the 9 should be an open bracket ‘(‘

Development Control

RD3 – Type and Tenure

*“Planning permission will be supported for new residential **development** which delivers an appropriate mix of open market detached, semi-detached and terraced 2, 3 and 4 bedroom houses and 1 and 2 bedroom bungalows in addition to warden controlled sheltered housing. Proposals for new residential development incorporating flats will be resisted, however, development encouraging ‘living over the shop’ or flatted elderly person’s accommodation and warden controlled sheltered housing will be supported.”*

- There's no clarification regarding what proportion of mix is required for each site. As such this part of the policy is unusable as a developer will provide 1 of each type they don't want and hundreds of what they do. In addition, is there any evidence to demonstrate a specified need for certain housing types within Outwoods? Otherwise seems that this Policy could easily be shot down!

*“On **market housing** led residential schemes providing 4 or more dwellings, affordable housing should be provided in accordance with the ESBC **Local Plan**. Where possible, affordable provision will be distributed evenly throughout the development in order to assimilate it with open market provision. The affordable housing requirement may be provided off-site”.*

- This part of the Policy does not seem to comply with the PPG, which only allows S106 requirements on 10+ dwelling sites/1000m² combined gross floorspace. Which Local Plan? What type of affordable housing?

Housing Strategy Manager's comments:

TA2

This policy could be interpreted to permit development which is unsuitable. To avoid this happening it needs to be made clear that proposals must comply with all other relevant policies.

“Proposals for new development will normally be supported where they address the following highway considerations and where they would, in all other respects, comply with any design guidance produced at the borough wide level, and comply with all other relevant Development Local Plan policies;

Subject to other policies in the Development Plan ONDP, new development which contributes towards improved routes (particularly pedestrian and cycle routes) linking the north and south of the parish will be supported.”

TA3

The parking requirements are excessive for Affordable Housing. The ONDP specifies visitor parking separately. Given this the appropriate parking provision for Affordable Housing would be more in line with the following:

- 1-bedroom dwellings: 1 space
- 2-bedroom dwellings: 1.5 spaces
- 3-bedroom dwellings: 2 spaces
- 4-bedroom dwellings: 2 spaces

CF2

The policy provision about distance of sheltered and extra-care dwellings from health care facilities is inappropriate because health services will typically visit larger developments of sheltered and extra-care dwellings. In particular extra-care housing includes on-site health provision for residents. It should therefore be deleted since it could prevent appropriate development. It would be good to see this policy made positive rather than negative as shown.

~~Where suitably located sheltered and/or extra care housing facilities will be welcomed are considered as part of any development proposal, these must be provided within the allocated sites and must be located within 400m of existing or proposed health care facilities.~~

CF3

I question whether the proposed management and maintenance of community facilities by the developer in perpetuity is reasonable and achievable if they are transferred to the parish council.

CF4

I question what “residential allocated sites *cumulatively* proposing 500 or more residential units” means? It is surely necessary to treat each site separately, or to identify on which specific allocated sites A1-A4 use should be provided.

The allocated sites are likely to have outline planning permission by the time the ONDP can be made. I therefore suggest a change of wording as shown:

"Schemes over 500 units will need to show that they ~~which do not~~ provide sufficiently for Classes A1-A4 before planning or reserved matters approval ~~will not be supported~~ unless a lack of viability can be robustly demonstrated.

CF5

I question what is meant by “attractive forecourt spaces and semi-public landscape” and “This space should be multifunctional”.

Para 6.17 refers to commercial developments but Policy CF5 fails to do this.

RD2

1-bedroom Affordable Housing should be exempt from the garden requirement because the design of 1-bedroom homes does not fit with such provision.

Para 7.10: I do not recall any reference in NPPF to Garden City principles. Housing densities in most of Outwoods are too low to be replicated on new development.

Para 7.11: Not for the NP to determine where commuted sums can best be spent; a location outside the parish boundary might be most suitable.

RD3

I would suggest that 3-bedroom bungalows would also be acceptable. A small proportion of 5-bedroom houses is also likely to be appropriate.

1-bedroom Affordable Housing will be needed, and the ONDP should permit this provision as Duplex flats. Cf paragraph 7.13.

The following statement is contrary to the emerging Local Plan and should be deleted. Paragraph 7.16 refers to the Branston Locks development, but it is only a *proportion* of Affordable Housing provision from that site which is to be provided off-site. This is a decision for the LPA because Affordable Housing meets a wider need than need arising within the parish:

~~The affordable housing requirement may be provided off site.~~

LR4

Buffers of 20m depth are unlikely to be achievable without seriously damaging housing capacity and development viability, and this needs to be avoided.

LR5

“Land at the junction of Harehedge Lane and Rolleston Road” does not yet have planning permission and hence the public open space has not been defined.

Outwoods Neighbourhood Plan Consultation Response form

Page 1.

I draw your attention to the following points.

This area/land is not suitable for development for many reasons.

The area surrounds a horse-shoe shaped valley, with **one** drainage outlet, namely the Kitling Brook.

In this area there can be a mixture of land types. i.e. sandstone, clay, limestone, gypsum,. The latter known for its water retaining properties.

Unless a detailed topographical/geological survey is done, a developer will not know what type of land he is building on.

I recall some 2 or 3 years ago, watching a half hour TV programme by British Geological Survey about building on limestone, and the problems it causes when water courses change direction. Water courses can change direction when building foundations are put in. Not a very long programme, but certainly enlightening.

I had very very serious flooding problems on my rear garden when the Westbury Homes Development went ahead. Such was the extent of it, there were times I dare not leave my house, and not always a problem in winter, *BUT SUMMER TOO-*

The claim by a Westbury Homes Director at a meeting held at the Harehedge Lane School "that we have solved the water problem" was total rubbish. They had very efficiently and effectively displaced surplus water (of which there was a lot,) from their fields on to our gardens.

I had a number of meetings with of Westbury Homes Engineers. Their comments as they sat in my lounge studying plans were enlightening, but not re-reassuring:-

- This is by far the worst site we have ever developed.
- There are always problems on a new site, which usually can be solved. Here problems do not go away, - they just get worse.
- We shall not be building any more in this area. The land is not suitable for house building. *THERE ARE NATURAL SPRINGS EVERYWHERE*

Effective drainage work was carried out on my rear garden in June 2005, paid for by Westbury Homes. My garden can be "sticky," but except for winter 2013/2014 no actual flooding.

At some stage, Severn Trent had become involved, and in December2004/ January2005 a drainage pipe was installed, somewhere I was told, between, and under the tarmac path/ between balancing pond gardens Kitling Greaves Lane/Westbury Homes house on that corner.

At this point flooding to our rear gardens ceased. Since then neighbouring gardens are more prone to water logging/flooding, and probably returning to Severn Trent pre- pipe installation times. It could well be time for this situation to be looked into, i.e. does this pipe need cleaning out, and does Severn Trent still have records of work carried out? Who would have any answers?

Balancing Ponds

The balancing pond on the aforementioned site is a joke, an eyesore, really a disgrace, as I understand, no one is responsible for its maintenance, i.e. clearing out of vegetation. Very badly needed.

There are a number of balancing ponds planned for this development. Who will be responsible for maintenance of them. At the recent January 2015 meeting at the school in Harehedge Lane, it was stated that the Developer would be responsible. May I point out a Developer carries out the work, finishes the project, and then moves off site? As for creating a new company to do maintenance work, - who would pay for it?

No maintenance work carried out along the Kitling Brook now, as Local Authorities have no money. This brook last overflowed in early July 1999 and could readily overflow again should we experience a serious storm. Efficient and effective long term maintenance work was done by ESBC. (I kept an eye on this brook perhaps during last winter's storms, I was astonished at how this brook coped with storm water - it was being maintained at that time. The water torrented along, with little overflow into the lane. When you see this water course now so overgrown, the lack of maintenance speaks for itself.

Where would the money come from to maintain new water courses like this?

I make the point, it is unlikely a Developer would have anything like the knowledge or understanding required to install effective drainage in this area. We have a high water table,- plants in my garden rarely need watering in summer.

You only have to recall TV news regarding flooding on the Somerset Levels last winter to appreciate that Politicians have no understanding whatever of water courses, flooding, drainage etc. We do not want that type of situation, - even on a small scale here.

Whilst my comments refer to past experiences, they are relevant to present and future developments. The land/area does not change.

February 2015.

J.N.