

12<sup>th</sup> December 2020

Dear Sir or Madam

**Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
Outline application including details of access to develop land by the erection of 5 No. dwellings  
(comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market Unit)  
(Revised Scheme), Land south of College Road, Denstone.  
Ref: P/2019/01489**

Urban Vision Enterprise CIC has been appointed by Denstone Parish Council to submit representations with regard to the above development (Reference P/2019/01489).

It is noted that this application is a resubmission and includes a revised scheme. Further to the comments submitted by the parish council on the 8<sup>th</sup> January 2020 for the original scheme we wish to raise again the following points summarised below.

### **Grounds of Objection**

We would recommend the proposal be refused on the following grounds:

- The proposed development is outside of the settlement boundary and does not meet the criteria for rural exception. It is contrary to national, Local Plan and Neighbourhood Plan policies;
- The proposed development would set a precedent for inappropriate development outside of the settlement boundary;
- The site is within 200m of land identified as high risk of flooding. Development of this site constitutes inappropriate development by virtue of building on previously undeveloped land that makes a positive contribution to reducing flood risk, exacerbating adjacent land with a high risk of flooding;
- The scheme comprises a standard suburban layout, rather than a site-specific response to the local context;
- The scheme harms the character of the area, encroaching into the open countryside; and

- There are already safety concerns over the access onto College Road and the wider impact of additional vehicular movements in this location. These highways concerns have been raised by Staffordshire County Council and have not been sufficiently addressed in the revised scheme. The proposed development would exacerbate road safety problems.

## **National Planning Policy Framework**

Chapter 5 deals with delivering a sufficient supply of homes. The Denstone Neighbourhood Plan positively addresses this, as set in this representation.

Paragraph 79 identifies criteria where decisions should be made on rural housing:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential dwelling; or*

*e) the design is of exceptional quality, in that it:*

*- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

This scheme fails to meet any of the identified criteria and therefore does not constitute very special circumstances.

Chapter 11 is about making effective use of land. Paragraph 117 makes clear that decision should promote the effective use of land, whilst safeguarding and improving the environment. This site is not previously developed. In the Heritage Statement submitted the proposed development is described as ‘to redevelop the site for residential purposes’ this is inaccurate as the site is previously undeveloped. For clarity this is not an application on previously developed land or a brownfield site. This scheme would result in the loss of green space used as paddocks.

Chapter 12, Achieving well-designed places, makes clear in paragraph 127 a series of planning tests for good design:

*“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

The proposed development fails to meet criteria A,B,C and D. It is noted that proposal makes attempts to address E and F by virtue of a green space and a link to the footpath network.

Chapter 14 deals with meeting the challenge of climate change, flooding and coastal change.

Paragraph 155 states that:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

Checking Environment Agency mapping data, the site is identified as being within 200m of high risk of surface water flooding with mapped depths of up to 900mm. This means that surface water flooding:

- *“happens when heavy rain cannot drain away*
- *is difficult to predict as it depends on rainfall volume and location*
- *can happen up hills and away from rivers and other bodies of water*
- *is more widespread in areas with harder surfaces like concrete”*

(Source: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/risk> Accessed 8<sup>th</sup> December 2020)

This scheme is considered inappropriate development as it is in close proximity to land with a high risk of flooding and building upon previously undeveloped land would further contribute to the extent of flooding within the existing settlement.

Paragraph 163 of the NPPF makes clear that in determining planning applications, Local Planning Authorities should ensure that the flood risk is also not increased elsewhere.

The evidence submitted with this revised application acknowledges the site has a low flood risk but does not highlight that it is within 200m of areas of high risk of flooding. The flood risk assessment also states that the proposed development:

*“will increase the impermeable surfaces on the site with the potential to increase surface water runoff from the site.”*

However, section 11 of the planning application form, the applicant has clearly selected that the proposal will not increase the flood risk elsewhere, which is contrary to the report submitted.

Chapter 15 of the NPPF deals with conserving and enhancing the natural environment. The Natural England agricultural classification mapping data shows the site is grade 3, this is classed as best and most versatile agricultural land. Paragraph 170 identifies ‘best and most versatile land’ as the intrinsic character of an area.

To develop this as proposed would erode the character of Denstone village, enabling a development in the open countryside that would result in the loss of an identified asset of best and most versatile land, that the NPPF encourages protection and enhancement of such landscapes.

Chapter 16 deals with conserving and enhancing the historic environment. The development proposal is adjacent to Stone House a grade II listed building. The proposed development remains a standard suburban layout, rather than a site-specific response to the local context.

### **Adopted Local Plan, East Stafford Borough Council, adopted October 2015**

Policy SP1 (East Staffordshire Approach to Sustainable Development) sets criteria that development proposals should meet to demonstrate that it is a sustainable development. This development proposal fails to meet:

- criteria 1 by virtue of causing highway safety concerns as highlighted by Staffordshire County Council, with particular reference to access;
- criteria 5 as it would result in the loss of best and most versatile land and fails to integrate with the character of the area or reflect the townscape of Denstone village;
- criteria 7 by virtue that the scheme is not of a high quality of design and does not respond to the character of the area;
- criteria 14 safeguards best and most versatile agricultural land. This development proposal is contrary to this criterion as it intends to develop previously undeveloped grade 3 agricultural land.

It should be noted however, that this scheme does make attempts to meet criteria 3 by creating a new public access green space.

Policy SP2 (Settlement Hierarchy) sets out where residential development should be delivered. It includes a three-tier hierarchy below the identified main towns. The village of Denstone is identified as tier 2, a local service village. The proposed development is contrary to this policy as it is outside of Denstone village.

SP4: (Distribution of Housing Growth 2012 – 2031) identifies a housing growth figure of 20 new homes in the plan period. Since the local plan was adopted there have been over 15 new homes granted. The neighbourhood plan responds positively to this figure through policies SB1 and SB2 identifying where this level of growth can be delivered. This scheme is contrary to these policies as it is outside of Denstone village.

SP8: (Development Outside Settlement Boundaries) sets clear criteria for development outside of the settlement boundary. This proposal is contrary to this policy by virtue that it is not in accordance with policies SB1 and SB2 of the neighbourhood plan. Is not considered a rural exception site, does not involve the re-use of buildings and that the development would create the opportunity for unacceptable backfill between the site and the edge of the settlement.

It also fails this policy by virtue of developing high grade agricultural land and the design and layout not taking account of the local townscape and character to create a site-specific response.

SP16: (Meeting Housing Needs) sets out that residential development shall provide a mix of dwellings to meet local need and that this should be evidenced through a housing needs survey. The housing needs survey draws upon a householder questionnaire. Relying on this data only as set out in the methodology statement to provide the evidence is not a robust strategy.

It would be reasonable to expect past and on-going housing evidence at local authority level; latest Government household projections and demographic information from ONS; examination of recent dwelling completions, and extant permissions in the identified area (if any); and the latest SHLAA, as we have sited, which shows that the site is unsuitable and undevelopable. Each of these sources would help us to understand how the local housing need translates into a numerical range to be provided for, including the type and mix.

SP18: (Residential Development on Exception Sites) makes clear that the LPA must be satisfied that in light of evidence there is a need for additional affordable housing that would not otherwise be met. The development proposal is contrary to the policy as there is sufficient land available within the settlement boundary and the parameters of policy SB2 to meet the identified housing need. There is not sufficient rationale to provide a reason to depart from these policies in the neighbourhood plan.

SP24: (High Quality Design) sets clear criteria for how development should positively contribute to the area. The development proposal fails to respond to the character of the area and settlement pattern by virtue of its siting, design and layout. It would, as highlighted before, create an inappropriate extension of the settlement into the open countryside.

SP25: (Historic Environment) makes clear that development proposals should take account of the setting of listed buildings and their significance as well as the distinctive character of the townscape and landscape. As previously discussed in the NPPF chapter 15 and 16 this scheme

does not achieve this through its design, siting or location.

SP27: (Climate Change, Water Body Management) requires a flood risk assessment which is submitted as part of the application. The policy clearly states that development will only be permitted where it would not cause unacceptable harm to either the storage or capacity of the flood plain and the characteristics of surface water run-off. As previously set out in the chapter 14 reference to the NPPF this scheme fails to meet these criteria, by virtue of building on green space adjacent to land at high risk of flooding.

### **East Staffordshire Strategic Housing Land Availability Assessment (SHLAA) 2017**

The SHLAA was updated in 2017 identifies this site spanning sites referenced 65 'The Croft, off College Road, Denstone' and 91 'The Dingle off College Road, Denstone'. The assessment of both sites states that they are greenfield and that whilst they are available, they are not achievable, deliverable, suitable or developable.

### **Denstone Neighbourhood Development Plan**

As mentioned, Chapter 5 of the NPPF deals with delivering a sufficient supply of homes. The Denstone Neighbourhood Plan addresses this directly by identifying sustainable locations for new homes within the parish. This is dealt with through policies SB1 (Development within the village settlement boundary), SB2 (Rural exception housing) and H1 (Infill sites). This growth strategy enables small and medium scale development, including infill within the settlement boundary and where a development proposal can meet the two evidence-based criteria small scale sites outside of the settlement boundary. The scheme is contrary to all three of these policies as it is not located within the settlement boundary nor does it meet the criteria of SB2.

Policy DP1 (Sustainable Development Principles) sets clear criteria that all new development must deliver. The proposed design fails to meet:

- criteria 1 as it fails to take account of the setting and character of Denstone village, owing to the location outside of the settlement boundary and on previously undeveloped land;
- criteria 2 as the scheme does not have a distinctive character that reflects the locality or in an appropriate location as set out in policy SB1 and SB2; and
- criteria 4 as it fails to provide superfast connection for broadband.

Policy DP2 (Infrastructure, flooding and drainage) clearly states that development should not increase the risk of flooding. As previously referenced against Chapter 14 of the NPPF this development is within close proximity to land of high risk of flooding and by virtue of building on previously undeveloped land would reduce the area of natural drainage along College Road and adjoining land.

Policy NE1 (Protecting the Countryside and Landscape) identifies the importance of field patterns and natural landscape features that form part of the character of the area. By building upon land outside of the settlement pattern adjacent to an established settlement this scheme erodes the edge of Denstone, setting a precedent for the loss of green space on the edge, creating sprawl into the open countryside.

Policy T1 (Development related traffic requirements) applies and the proposed development negatively impacts on the existing highway infrastructure. Previously Staffordshire County Council has raised highways concerns about developing this land and its impact on College Road in terms of highway safety.

Policy BE1 (Protecting and enhancing local character) sets clear criteria that all new development must deliver. The proposed design fails to meet:

- criteria 1 owing to the scale and layout of the development is suburban in context and out of character; The scheme does not respond to the established townscape character but imposes a standard housing solution; and
- criteria 3 as the proposed materials do not respond to the local context.

The revised application fails to address the issues raised and is therefore contrary to the identified national policies, local plan and neighbourhood plan.

## Conclusions

The proposal fails to meet the requirements of national policy and the following policies of the statutory development plan:

SP1; SP2; SP4; SP8; SP16; SP18; SP24 SP25; SP27; SB1; SB2; H1; DP1; DP2; NE1; T1; and BE1.

Including local plan policy or the policies of the Denstone Neighbourhood Plan, as set out in this representation. It would be inappropriate development of previously undeveloped land and would cause harm to amenity and would create severe detriment in terms of traffic safety and movement.

In particular, we would emphasise the requirement of Section 38 of the Planning and Compulsory Purchase Act 2004, to determine planning applications in accordance with the policies of the statutory development plan, unless material consideration indicate otherwise. The statutory development plan includes the adopted Local Plan and the Neighbourhood Plan.

Yours faithfully



Hannah Barter  
Director