

Emily Summers, Senior Planning Officer,  
Development Control, ESBC

25<sup>th</sup> May 2020

**Additional Comments re: Fiveland Development ref: P/2019/01465**

The Stapenhill Parish Council's original comments and concerns regarding the application have not at all been addressed by the response received from the applicant Midland Heart/Nicol Thomas. The Parish Council are disappointed that the applicant has seen fit to disregard our concerns, and so the council's additional comments in regard of the application are given below:

1. The applicant's proposals completely fail to address the fact that the creation and inclusion of pedestrian and/or cycle route links into new developments is part of the Neighbourhood Plan and Local Plan. The strip of land included in the outline planning permission and denoted as a "footpath connection onto Rosliston Road" that connects the south-western corner of the site to Rosliston Road, is now described as being "not in the legal control of our client", but how is this the case when this strip of land forms part of the site purchased by the applicant, and was part of the outline planning consent? If the applicant has now sold on this strip of land to a third party, this would represent a clear betrayal of the outline planning permission, the Parish Council and any obligations to create pedestrian/cycle links on the site in a manner consistent with the specified aims of the Local and Neighbourhood Plans. This particular strip of land that forms the main entrance off Rosliston Road onto the site is indeed "ready made" to be turned into a valuable pedestrian/cycle link onto the upper part of Rosliston Road. A pedestrian link here allows the saving of almost an additional kilometre of journey distance for anyone at the south end of the site making a return trip to the main Stapenhill Surgery on Fyfield Road. As for the "significant improvements to pedestrian and cycle links from Rosliston Road linking through to the A444 Stanton Road", this is a untrue claim since the pedestrian route referred to already exists without need of 'improvement' and has been in use for many decades by the residents of Stapenhill. That this pedestrian pathway is not included as a public right of way is down to the ESBC's great failure to include it on the public rights of way register, especially since it is recorded as a track/pathway on OS maps from the 1920's. The really significant improvement to pedestrian/cycle link routes would be to include the route along

the strip of land at the south-west corner of the site onto Rosliston Road, as was the case in the outline planning consent.

2. The response regarding National Forest planting and S106 contributions from the applicant/Nicol Thomas strangely fail to mention that the applicant was not making S106 contributions until their viability case was amended by the ESBC to require the applicant to make such a contribution. It is often the case with 'social/affordable' housing that the applicant is not expected to make S106 payment unless scrutiny of the viability case shows that excess profit will be made. In this respect the ESBC was acting correctly to require S.106 payments. None of this however addresses the fact that Stapenhill is within the National Forest region and the requirement for a 20% forest planting needs to be seen in this context. To offer only 7% planting shows scant regard by the applicant for the requirements and intention of the Local and Neighbourhood Plans, and also government directives regarding the environmental and climate change benefits of increasing tree cover. If this cannot be achieved in the National Forest area, what chance is there for improving it elsewhere? It should be noted that in the above paragraph (1) including the strip of land onto Rosliston Road as a 'green' pedestrian corridor would be a positive move.
3. The reference by the applicant to the extra 0.15ha as "unsightly scrubland" hides the fact that the entire site is 'unsightly scrubland' only in respect of it being former allotments that are now all extremely overgrown with brambles, small trees and shrubs. The applicant fails to mention that this extra 0.15ha in the southeast corner was originally to be retained by the Fivelands Allotments Society as new additional allotments to compliment the group of allotments off Saxon Street, which are retained by the Society, and would not have remained as "unsightly scrubland" at all. After due consideration by the Allotments Society this extra parcel was offered to the applicant for purchase. The applicant seeks to make light over the obvious fact that for an increase of site area from 1.88ha to an extra 0.15ha (increase of about 8%) the number of dwellings has increased from 49 to 64 (increase of about 30%). This gives a housing density of 31 houses per hectare. That the applicant refers to the extra 15 dwellings as "smallish" misses the point that this is still a very large increase in housing density on the site. It is noted that the applicant has offered no evidence to the claim that this scheme is "at similar density to comparable schemes of

residential development in the Borough". This residential development should not be compared with town centre housing densities. A nearby residential development in Brizlincote on a site of 3.48ha has 77 dwellings resulting in a housing density of 22 houses per hectare. Another residential development site of 2.89 ha in the nearby Drakelow Parish has 71 dwellings at a housing density of 24 per hectare. The density of the Fivelands Outline Planning application was 26 houses per hectare.

4. The applicant/Nicol Thomas again here makes the misleading claim that it "has been designed to provide much improved cycle and pedestrian links to encourage reduced vehicular usage". On the current application there are **NO** improved cycle and pedestrian links to encourage reduced vehicle usage. The only improved link would be to include the pedestrian link onto Rosliston Road at the south east corner of the site, mentioned previously. For the applicant to keep making the assertion that cycle and pedestrian links are being improved is highly disingenuous, and is of no benefit to current and future users. The claim that 10% of dwellings will have electric charging points equates to just 6 dwellings. Whether this facility will be used in a scheme aimed at people that need "affordable" homes or shared ownership homes, given the high cost of electric vehicles, is highly debatable, but is a welcome addition for the future.
5. Again the claim by the applicant to be making "significant improvements to the junction of Fivelands and Rosliston Road" is an extreme overstatement of what is in effect a very minor change to the curve profile of the turnout of Fivelands Road onto Rosliston Road, which will in no way address the very substantial vehicle congestion and road safety concerns that occur here.
6. Again as noted earlier the applicant has been required by ESBC to make Section 106 contributions that would not have been forthcoming without pressure from the Council.
7. Again as stated earlier, the applicant seeks to make light over the obvious fact that for an increase of site area from 1.88ha to an extra 0.15ha (increase of about 8%) the number of dwellings has increased from 49 to 64 (increase of about 30%). That the applicant refers to the extra 15 dwellings as "smallish" misses the point that this is still a massive increase in housing density on the site. The S106 contributions now being expected from the

applicant will in part address some of the additional strain on local facilities.

8. No further comments.
9. Here again, if the applicant were to provide the 20% level of National Forest planting considered suitable in the Local and Neighbourhood Plans, it would help mitigate the damage to the wildlife habitats on site. To only offer 7% planting is derisory and out of touch with current concerns. The increase in the wildlife corridor referred to is mainly in the south-east corner of the site. The increase in the area of this corridor is very small but welcome.
10. The applicant appears to believe that the ESBC requirement to now make S106 payments, will now melt away our concerns about the details of the application that are contrary to the objectives and principles of the Neighbourhood and Local Plans. As stated earlier, that the applicant is now required to make a S.106 contribution is very welcome.

It should be noted that nowhere in the Parish Council's comments are there any claims that affordable housing is not required in the Burton area. Only the detailed nature of the scheme is being questioned, especially when the current scheme is so very different to the Outline proposals that were passed by ESBC. This is of additional concern to councillors when the applicants are quick to make unsubstantiated claims that "significant improvements" are being made. The changes from the outline planning permission are substantial and have produced a scheme of less merit for the Parish. Local residents have many concerns about the scheme, which is in their parish, and in their environment, and it is their children that will have to suffer the consequences of a development that does not address these concerns or the requirements of their local plans for the future. The Parish Council's comments about creating pedestrian access links, reducing vehicle usage, sufficient forest planting requirements, mitigation of damage to wildlife habitats and reducing air pollution are all a reflection of residents concerns that are not being addressed by the applicant's present scheme.

Stapenhill Parish Council.