

Rob Duckworth (Case Officer)
ESBC
The Maltsters
Wetmore Road
Burton on Trent
Staffordshire
DE14 1LS

Date: 12 January 2016

Dear Mr Duckworth,

Detailed planning/reserved matters application P/2015/01229.
Erection of 246 dwellings on Land at Red House Farm, Lower Outwoods Road,
Burton on Trent.

Outwoods Parish council would like to thank you for providing us with the Pegasus response to our objections regarding the above application and would like to take this opportunity to forward the following for your consideration:-

1.

The Outwoods Neighbourhood Development Plan (ONDP) was developed over a number of months, put out to public consultation (June 2015) and passed at referendum (July 2015), clearly months before the reserved application was made. We consider their claim of confusion due to the application being compiled over a period of weeks, then submitted ***only within a few days*** of adoption (17th Aug 2015) to be totally irrelevant. The applicant had full knowledge of the content of the ONDP throughout the consultation process, and so, we think it is reasonable to assume that they have chosen to deliberately ignore the ONDP content whilst evolving their plans.

2.

The applicant implies that paragraph 66 of the NPPF does not apply to detailed or reserved matters applications. We strongly disagree with this standpoint since this paragraph states, quite clearly, that ***applicants will be expected to evolve designs that take account of the views of the community.*** This must therefore apply to any application in its entirety, including reserved matters and detailed plans. By ignoring the contents of the Outwoods Neighbourhood Development Plan and therefore the views of the community, the applicants have failed to comply with Paragraph 66 of the NPPF.

3.

The ONDP Policy RD 1 (Page 36) clearly states that ONDP policy applies to reserved matters. This is reinforced by the applicants statement that ***any detail proposed should conform to any relevant aspect of the NPPF, the development plan or any neighbourhood plan.*** We feel therefore that we must insist that the detailed plan/reserved matters must comply with the ONDP.

4.

Whilst we agree that the location of the public open space is fixed by the outline planning permission, we **do not** agree that the contours of this area are fixed since there doesn't appear to be any planning obligation to keep the public open space contours as they are. The fact that the applicant intends to remodel this area in order to dispose of waste materials by creating a hill bears testament to this. We feel that any remodelling should create a large flat area within the public open space in order that it provides a truly multifunctional space and maximise public benefit. This would also maintain much valued views of open countryside. Taking this course of action would not only better comply with the **ESBC Open Space SPD (Paragraphs 5.2 and 12.2)** and the ONDP, but would also comply with the recommendations made by Mewies Engineering Consultants in the applicants waste audit statement. This recommends that building waste from excavations be evenly distributed across the site.

5.

As far as we are aware, the outline planning permission for this site did not provide any exact specifications for the proposed buffer zones. We are also aware that detailed plans only have to comply with the broad principles described in the outline plan. Combining these facts, statements made by the applicant and the statements we have made in paragraphs 1, 2 and 3 above, we feel that we must convey in the strongest possible terms, that any buffer zones should fully comply with the relevant policies of the **ONDP (RD1, LR3 and LR4)**.

6.

We would also like to take issue with the applicant's final statement where they claim that their proposals comply with the ONDP. **They most certainly DO NOT.** The excuse that the reserved matter application was developed prior to ONDP adoption is, once again, totally irrelevant since they should have been fully aware of the ONDP content during the consultation period. It would appear that they have deliberately put themselves in a position of non compliance.

We would like to thank you for your consideration of this matter and trust that the above further clarifies our position. **We once again respectfully request that this application be refused until it is modified to fully account for the ONDP.**

Yours faithfully