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Objections in the matter of planning application SMD/2015/0407 relating to statute law and NPPF and other observations.

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The presumption in favour of sustainable development should not apply in this matter in the light of the extended definition in the NPPF:

- *Sustainable development is development that meets the needs of the present without compromising the ability of existing communities and future generations to meet their own needs. It is central to the economic, environmental and social success of the country both that these three aspects of development are addressed positively and equally and that planning both serves to protect and to enhance and add value to the environment. This is the core principle underpinning planning.*
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- 1. The application is not sustainable in that it is contrary to the accepted definition of the term set out above. The foreword to the NPPF states “Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations”. This application proposing development of a site containing remnants of historic parkland in the setting of a listed building definitely does mean worse lives for future generations.
- 2. The application does not comply with the three dimensions of sustainable development set out in section 7 of the NPPF. An economic role here in Leek is best served by development of available brownfield sites which provide more economic activity during construction and close links to town thereafter. The application does not commit to a social role and Leek is best served, in the present, by provision of affordable housing within the local development boundary and not the building of expensive homes on this green field site. This remarkable site is as important to the south of Leek as Brough Park is to the north and development will deny future generations their heritage and the opportunity to meet their own needs in support of health, social and cultural well being. The application does not protect or enhance the natural or historic environment in that biodiversity is hindered not helped and a valuable historic area will be destroyed. Poor employment opportunities in Leek means likely residents of the proposed site will commute to work and this does not assist adaption to climate change

Abstract

and movement to a low carbon economy. The application should be refused in that it does not deliver 'sustainable' development, economic, social and environmental gains jointly and simultaneously through the planning system in accordance with Section 8 of NPPF.

Section 12 of the NPPF states "It is highly desirable that local planning authorities should have an up-to-date plan in place". Desirable does not mean essential or mandatory or an absolute requirement and each matter should be decided in the light of material guidance set out in the NPPF bearing in mind the unique circumstances of each case. The NPPF rules came into force only in March 2012 and the planning sea change, austerity measures and onerous requirements are elements which militate against preparation and creation of a sustainable housing supply plan, including lengthy public consultation, which indicates that more time is necessary to complete the local plan is in the spirit of reason and localism. The planning authority is working towards a local plan under the guidance of the Planning Inspectorate and progress to date and availability of identified and emerging housing development land in the pipeline should be a material consideration allowing the authority more time to complete a plan to the satisfaction of the inspector. In this vein, section 216 appears to say weight must be given to emerging plans and this together with other sections indicates this **application is premature** because, although there is an under supply of sites suitable for housing in the Local Planning Authority (LPA) Area, such sites are currently being identified by the LPA; a process expected to be completed in 2016.

such site allocations will be in due course subject to wide public consultation and examination and as the current application site falls outside the Settlement Boundary of the town of Leek, the granting of planning permission at this stage would effectively undermine the process of site allocation and indeed would attract bids from other developers on any parcel of land adjacent to any of the settlements (Leek, Cheadle, Biddulph and the larger villages) thereby further undermining the site allocations process and the attendant public consultation which should accompany it.

Leek has many years of available housing development land to easily satisfy the requirement for five years supply and, in all the circumstances, to grant an application at this time simply because a five year housing supply plan is incomplete is wrong.

3. Section 14 of NPPF: I contend that my objections set out previously (copy attached) and herein show the adverse impacts of the proposed development would demonstrably and significantly outweigh the benefits. Refusal of the application is justifiable and would be welcomed by the overwhelming majority of Leek townsfolk.
4. The application is contrary to some of the core principles set out in Section 17 of the NPPF and observations thereon set out below: The methods used and timeline of the application sets out to deliberately deprive the people of the power to shape their environment which is the exact opposite of the first principle set out in this section. This can be demonstrated by the provable

history of this matter namely: In 2012 the landowner, an absentee generational planner, and applicant developer were made aware of the opportunity for development of this land and the local authority were involved in that SMDC completed a site assessment form in secret dated the 3rd September 2012. Contractual negotiations resulted on the 4th June 2013 in the applicant developer, Gladman's, registering a restriction on the Proprietorship Register Title Absolute which set in train complex preparatory work by an array of experts in the formation of the application. On a day in early September 2014 the applicant firm and SMDC held a pre-application meeting in final preparation for submission of the application. Shortly afterwards on the 10th September the applicants claim distribution of about 700 leaflets (there are 9326 dwellings in Leek) entitled "public consultation" and these failed to include any timeline. My immediate family was unable to respond with our views because we were on holiday and other family residents in Leek did not receive a leaflet. 19 days later the application was filed and validated on 3rd October. I allege insufficient time was given to the public to respond or for the applicant to consider responses and contend that the 'public consultation' was unreasonable, a charade conducted by an arrogant applicant contrary to the spirit of and actual provisions of Chapter 4 of The Localism Act 2011 and NPPF. Further evidence of the applicant firm's secrecy, arrogant and deceptive behaviour was demonstrated on the 21st November 2014 when their agents, namely JLP Surveys of Wigan, entered upon The Pickwood Recreation Ground and over a number of hours carried out a land survey telling local residents they were doing the work "for the council". In fact they were working on a public park without the knowledge or permission of the owner, Staffordshire Moorlands District Council. The recreation ground is held in trust by the Council and adjoins the application site. It was clear the surveyor was scouting for another route onto the application site but their leader, Martin Brough, denied trespass and refused to reveal the purpose of the survey. Earlier surveys in the area have been done with similar deception and it appears their intention has been to deceive and gain advantage over local residents with a surprise application. Furthermore, I allege the Planning authority (SMDC) was negligent or in breach of its statutory duty for failing to consider whether or not the 'public consultation' was reasonable in accordance with the said Act with the result validation of the application is voidable.

5. The application does not "contribute to conserving and enhancing the natural environment and reducing pollution" and is in conflict with core principles of NPPF such as allocations of land for development should prefer land of lesser environmental or ecological value. Another core principle giving grounds for refusal states that development should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". This application, if granted, will destroy significant heritage assets in the form of ancient footpaths, wildlife havens and remnants of historic parkland in the setting of a listed building. A further heritage asset is an adjoining Victorian recreation ground with open views to three sides and enjoyed by many past generations will be enclosed by buildings and the experience denied to future generations. On the 19th June 2008 a Staffordshire Moorlands Visual Open

Space Assessment recommended the Recreation Ground “suitable as visual open space” and described it as “valuable”. The application does not improve social and cultural well being in the area or “deliver sufficient community and cultural facilities and services to meet local needs” contrary to core principles set out in the NPPF.

An application for outline permission limited to access, with all matters reserved, is unacceptable and unreasonable because the people and powers cannot make a sound decision without full and proper facts showing how the development will impact their lives.

6. SMDC has a strong provable record in recent years of delivering sustainable development in Leek in compliance with sections 18 to 22 of NPPF, building of a strong competitive economy, which is strong evidence to confirm the application is “premature” and should be refused.
7. Residential development can play an important role in ensuring vitality of town centre and Section 24 of NPPF policy sets out to encourage residential development and applies a sequential test to identify “appropriate sites” stating “only if suitable sites are not available should out of town centre sites be considered” This application should be refused because Leek has suitable available sites in town or equally close to town for housing land supply needs. Section 27 states “Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.
8. The application does not comply with Section 32 of NPPF which states, inter alia, “Plans and decisions should take account of whether” “safe and suitable access to the site can be achieved for all people”. The first report by the Highway Authority and the absence of a viable emergency access compliant with relevant regulations are sound reasons for refusal. A further report regarding access and exit along Milltown way showing narrow road, unmarked junctions and absence of informal parking to keep the roadway clear are all reasons for refusal under S32. To underline this point, in recent years an act of arson being a car fire on Milltown Way was an incident which caused the closure of the carriageway for some time thereby preventing access to the application site and access to the homes of many residents including the writer’s which is situate at the end of the Way.
9. Economic growth is important but development decisions which bypass reasonable public consultation, override reasonable planning authority decisions and ignore representatives of the people is contrary to International law, European law and English law. A leap too far which amounts to an abuse or affront to democracy striking at the very roots of our society.
10. The application site is a tranquil location and should be protected in accordance with S123 of NPPF: “identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.
11. The applicant firm has not complied with S128, NPPF in that the heritage asset has not been satisfactorily described or included “the

An almost identical application was unanimously refused by planning committee under reference SMD/2014/0618 and an appeal has yet to be heard.

1. No public consultation or participation was invited.
2. The application should not have been validated because prescribed planning fees were not charged. The Council is in error by allowing a “free go” in all the circumstances of this matter.
3. Highways: The access roads are at design capacity. Provision for emergency access over the recreation ground (p131 transport assessment) is impossible and not viable because the applicant does not own the land and existing covenants protect against this type of development. Approach roads will become hazardous and the transport assessment is inaccurate and unreliable especially on weekend usage. Highways report is unreliable because the County Council are only interested in gaining funds from the developer to pay for trunk road improvements. There are no provisions for essential safety improvements on the approach roads to support this application.
4. Valuable heritage will be wiped out by development of Pickwood Green Fields
5. Local schools are full and cannot cope with increased population.
6. Employment opportunity in Leek is poor and commuter housing is not sustainable.
7. There is ample housing supply land in and around Leek without developing this important landscape as shown in the emerging local plan.
8. Development does not improve lives in the present and will damage future generations and is therefore not sustainable.
9. The application does not comply with all twelve building for life criteria.
10. Green land/belt should be the last areas for development permission.
11. Development will interfere with wildlife including existing badger population, amphibians, bats and birdlife.
12. Area ecology study is unconvincing. A new independent report is necessary.
13. A site of biological importance will be damaged.
14. Recreation Ground is a visual open space used since Victorian times and development will ruin it forever. It should be expanded not surrounded.
15. Valuable trees and groups protected by Tree Protection Orders form the remnants of historic parkland and are at risk of being lost to future generations.
16. The setting of a listed building must not be spoilt forever.
17. The area is as important to the south of Leek as Brough Park is to the north.
18. The applicant firm has advised SMDC and there may be conflict of interest.
19. The application is premature in that demand for housing is poor and new houses in the local area remains unsold. The Local Authority should not be shackled by undesirable permissions in the light of the emerging local plan.
20. The land is not within the local development boundary.

