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Staffordshire  
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FAO: SMDC Planning Dept.

RE: Planning Application SMD/2015/0083

**Description:** Outline application with all matters reserved for residential development of 37 units comprising of 3no. 5 bed detached houses with detached double garage, 6no. 4 bed detached houses with integrated single garage, 16no. 3 bed detached town houses and 12no. 2 bed terraced town houses in 3 blocks (resubmission of SMD/2014/0090)

To whom it may concern,

In principle, we have no objections to the overall desire to see the railway once again return to Leek. In fact, we welcome the prospect of the town having a local rail service. However, there are several issues with the current application that we feel must be addressed before approval is given for this first phase of the overall 'Reconnect Leek' plan.

Therefore, we **OBJECT** to this application in its current form.

Our main points are as follows:

#### **Arboricultural Appraisal Report Issues**

There are some inconsistencies within the report. Namely:

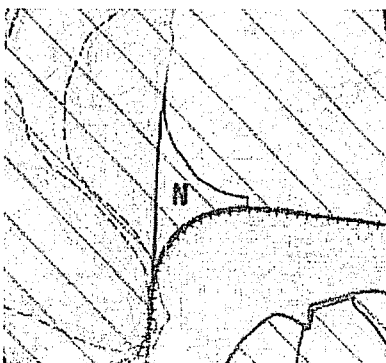
Chapter 5.1.2 states that tree group G7 will be removed. However, in chapter 5.1.3 it is stated that G7 will be retained.

Chapter 5.1.3 states that tree groups G7 and G8 will be retained, but in chapter 5.3.1 it is stated that they will be removed.

Chapter 5.3.2 states that the current wildlife will migrate to other nearby sites. How can they be sure of this? What action will be taken to ensure minimal disruption and destruction of said wildlife?

#### **Leek Local Plan Contraindications**

According to the local authority maps, the site is currently within a Special Landscape Area. It is also considered a Nature Conservation Site by the authority. Has this been taken into account by the applicant and/or the authority?



(Information gathered on 3<sup>rd</sup> November 2015 from maps available at <http://www.staffsmoorlands.gov.uk/sm/council-services/local-plan/local-development-framework/policies-maps>)

## Risk To Adjacent Ancient Woodland

The Arboricultural Appraisal fails to include Soils Wood, which is a designated Ancient Woodland adjacent to the site. It is considered that there is potential for the development to impact on this environment, and that a further appraisal should be carried out to investigate what impact this may be.

There has, within the last 12 months, been a fire at the proposed development site, which has caused damage to some of the neighbouring woodland. How will the future risk of damage by fire from the site be prevented?

Photographic evidence is provided below in figure 1.1. Figure 1.2 shows the location of the fire in relation to the site.

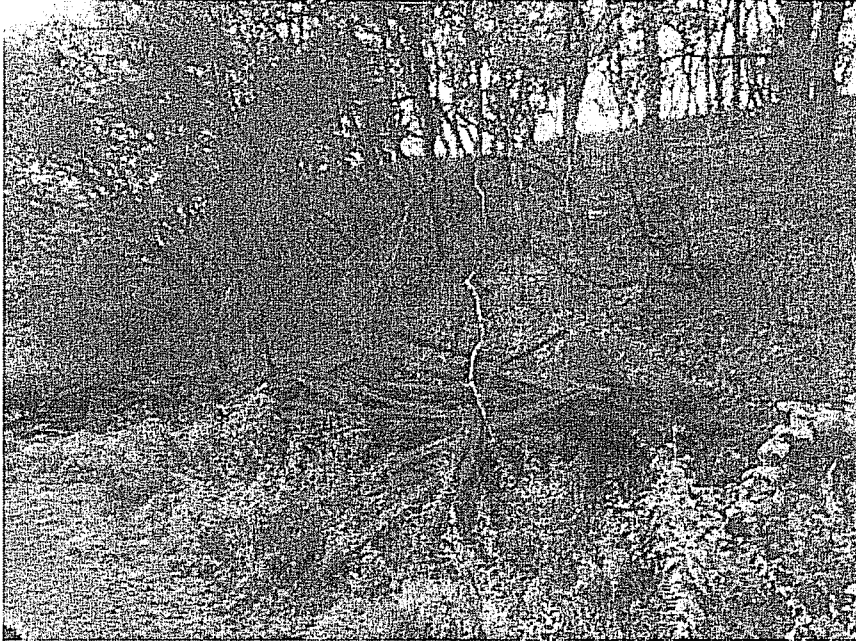


Figure 1.1 – Recent fire at development site.



Figure 1.2 – Location of fire at development site.

There is a considerable risk that a further fire could spread to Soils Wood, which has serious potential to cause irrevocable damage to this ancient woodland. Figure 1.3 shows that this fire already has caused damage to said woodland.



Figure 1.2 – Damage to Soils Wood Ancient Woodland

The outline in red is a tree which is within the boundaries of Soils Wood, and which has been damaged by fire. A larger resolution photograph is available if required.

### **Odour Survey Issues**

The Odour Survey was carried out on 31 March 2015. On this date the temperature of the local area was slightly above 6 degrees celsius, with very little wind. In the summer the temperature reached slight below 26 degrees celsius. The increased heat in the summer months results in an increased level of odour in this location from the adjacent Severn Trent water treatment works. This could cause issues for those wishing to purchase a property here.

### **General Transport Concerns**

Whilst it has been demonstrated that emergency services can access the site via the current rail bridge opening, there is no provision for secondary access should that entrance become blocked. If there was an incident involving the bridge, the site would become completely inaccessible via road, which potentially could lead to considerable disruption for the residents and Severn Trent's Leek Sewage Treatment Works operations.

Additionally, Severn Trent utilise the current access road for HGV tankers.

What material do these tankers carry to and from the site?

How will the safety of the residents from the contents of these tankers be ensured? Should there be an incident, the implications could be unpleasant to say the least.

Given that the majority of the houses along the access road will only have one of-road parking space, how will access for these tankers be ensured when there is potential for on road parking to occur? How will access be ensured during the development works?

### **Sustainable Transport Concerns**

In the Transport Statement, Chapter 5 discusses Sustainable Transport Appraisal. With specific reference to chapter 5.2 - 'Local Footpath Network', it is acknowledged that the public currently use the existing trackbed as a footpath from Morrison's supermarket to Leekbrook.

It is stated that "The developer intends the footpath from Leek to continue to be used alongside the proposed single track new line." However, no details of this proposal have been given. What guarantee is there that the applicant will honour this statement?

A footpath, preferably a legal right of way which appeared on the definitive map, would be an invaluable asset to this development and would negate the use of a vehicle by the residents for a supermarket shopping trip.

Indeed, it could be argued that this route is already a legal right of way.

Part III Section 31 of the Highways Act 1980 states "Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

Further credence is given to this view by the statement from the developer given in the Sustainable Transport Appraisal, which confirms that the applicant does intend the use of this section as a public right of way.

The 'Planning obligation – Deed of Agreement' document submitted with the application should be modified to include provision for a footpath.

Additionally, the former trackbed from the site to Leek has been reclaimed by nature, and is now only wide enough to facilitate either a new railway line or a footpath. To have both would require further loss of existing habitats along this section. What mitigation would be provided for this?

Whilst the footpath does not directly feature in this application, it should be noted as a potential future issue for any related planning applications arising from it. The applicant makes mention of sustainable transport, but makes no guarantees that these suggestions will be presented in and future related development.

### **Concerns With Current And Future Land Ownership And Lease**

Network Rail have commented that the proposed development (including the access/egress arch) lies on land which is currently own by them, but given to the applicant on a 150-year lease.

What are the potential consequences to the prospective buyers of the dwellings when this lease expires? It seems entirely possible that, if the applicant is not able to renew the lease upon its expiry, that the owner of the dwellings may be forced to adhere to different restrictions regarding the land for which they could not possibly foresee.

### **SMDC Affordable Housing Plan**

According to Chapter 4.6 of the SMDC document entitled 'Housing For Local People And Affordable Housing' (available at <http://www.staffsmoorlands.gov.uk/sm/council-services/local-development/supplementary-planning-documents-and-guidance> as of 7th December 2015), "Affordable housing will be required on sites greater than 0.5ha or developments of 15 or more dwellings."

Within the documents accompanying the application, there appears to be no mention of the proportion of this development which would be allocated to affordable housing. As the development is of more than 15 dwellings, this needs to be considered in line with SMDC policy.

### **Conclusion**

Overall, there are sections of this application which are contrary to council policy.

The strong desire to reintroduce the railway to Leek has, unfortunately, meant that the concerns noted above appear to have been overlooked and/or downplayed by the applicant.

Further and more careful consideration to the site, conservation, transport and local planning policy needs to be given before this application can be approved.

Regards,

Mr A Shenton & Miss A L Hall