
From:
Sent: 15 June 2023 09:48
To: Planning Comments (SMDC)
Subject: Comment Received from Public Access

Categories:

Application Reference No. : SMD/2022/0199 Site Address: Land Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean Staffordshire Comments by: Mr & Mrs C Trumper/o G J Perry Planning Consultant

From:
62
Carter Street
Uttoxeter
Uttoxeter
Staffordshire
ST14 8EU

Submission: Objection

Comments: I have been instructed by Mrs C & Mrs S Trumper, the owners and occupiers of 37 Furlong Drive, Tean and land which partially abuts the north-eastern and north-western sides of the proposed 55-unit residential development at Daisy Bank Farm, Uttoxeter Road, Tean. They have asked me to register a number of observations and discrepancies including some which were raised at the time of the original consent, SMD/2018/0509 in 2019.

First, and as recorded without response from SMDC Officers in 2018/19, parts of the application site require land which is in the ownership of my Clients: Land Registry references SF513000, SF581211, SF 535730, SF565818 and SF535742. No Section 66B notice has ever been served on my Clients: Indeed, there has been no contact from either the previous or present applicants. Officers have recently raised the question of contact and have been advised accordingly. It is appreciated that a planning application can be made by anyone, but the appropriate notice has to be served on all of the landowners involved.

The land in my Clients' ownership involved is both along the Uttoxeter Road frontage and along the rear of Plots 1 and 2 as shown on the submitted engineering layout drawing reference number C1941 C-SK01 E dated 21st November 2022. When acquired, there was a requirement to maintain the boundaries, including the hedges, the ownership of which was included in the purchase.

The above drawing shows a 1.5m footpath, a retaining wall behind and a hedge on the Uttoxeter Road frontage. It is claimed that County Highways (SCH) own a 3m strip from the kerbside which will facilitate this without (according to the submitted tree report dated March 2022) the need to do any works to the hedge. Unfortunately, not only do my Clients' deeds say otherwise but SCH have been unable to confirm the extent of their ownership beyond the footpath which is no more than 750mm at its widest point. Furthermore, in recent years, my Clients as owners of the hedge, have been called upon to give permission to Western Power to reduce the height of the hedge, which sits within 3m of the roadside. In any event, it will be impossible to extend the footpath and build the retaining wall without the removal of the existing hedge.

The SCH width of public footpath minimum requirement is 2m and, from my own recent experience with other Clients, this can never be narrower, not least because of the need to facilitate wheelchair access. It is interesting to see, therefore, that the footpath shown on the engineering drawing referred to above is now only 1.5m wide. No doubt SCH will confirm this relaxation.

The existing hedge leading away from Uttoxeter Road and behind units 1 and 2 is in my Clients' ownership and appears to have been incorporated into the application scheme and labelled 'no work required' in the tba tree report. I understand that my Clients' neighbours, who are in a similar position, have been in contact with you raising these ownership issues.

All of these points clearly demonstrate that the development cannot go ahead until, at the very least, proper notices are served on the landowners. Without those notices, it has to be questioned as to whether the application is valid.

It is noted that the application is likely to go to the Committee meeting on 13th July 2023. Please, therefore, will you both respond to this representation and keep my Clients updated in order that there is an opportunity to make representation at the meeting.

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