

Dear Andrew

Mrs Jane Daley – Dunvegan, Birchall Lane, Leek, Staffordshire Moorlands, ST13 5RA
Planning reference number: SMD/2023/0132

I am emailing on behalf of my above constituent and have attached a copy of her consent form for your records and information.

“When we returned from our trip to London in March, we received notice from SMDC of a proposal by Mr John Hurst to develop his house into a 3-storey dwelling; to build a new 2 storey dwelling in his garden; and to change the vehicular access from Springfield Drive to Deebank Avenue and Deebank Heights, his current ongoing development. The proposed development runs the whole length of Ed’s boundary. We feel that the proposed buildings are too close and too big alongside Ed’s single storey 2 bed attached bungalow and will cause significant harm.

“Brian Johnson kindly called the application in so that it was not decided under delegated powers by the planning officer, Chris Johnston. The planning committee meeting was set for this Thursday, 25th May but given the local elections there is no meeting this month and we await a new date which may be 8th June. Many objections have been raised from 4 adjoining neighbourhoods. It is complicated.

“We have objected on grounds that the proposed development would be overbearing, overdevelopment, loss of amenity, change to the character of the neighbourhood, and unneighbourly. Residents in Springfield Drive are elderly; at the top of Springfield Drive they are aged 84, 84 and 87. They are also concerned about maintaining the integrity of their private neighbourhood: Since the commencement of the development at Deebank Heights, trespassers have been using the Drive as a cut through.

“Additionally, all of the residents in Deebank Avenue, again elderly, have objected on grounds including obstruction, inadequate parking in Deebank Heights, and highway safety. Their overriding concern is highway safety although the highway authority say it has no objection to the latest application provided there is adequate parking during the development period.

“There are other issues including trees. Ed is particularly concerned about losing trees and inadequate replanting. Many trees have been felled for the current development and now more

trees are proposed to be removed. There are several protected trees on the site which is compromising the development. Curiously, our research shows that 2 lime trees at the proposed site entrance were removed from a Group TPO some years back and now these trees are in the applicant's list to be removed. We are awaiting an explanation for this from the planning officer but think we probably need to submit a freedom of information request. The Tree Officer has yet to report.

"There is a long planning history to Mr Hurst's development of his land at The Orchard, going back at least 20 years. Mr Hurst seems to have always wanted 9 plots on the combined site of his garden and paddock. In 2015, Mr Hurst applied for outline planning permission for an additional dwelling in his garden close to the boundary with 12 Springfield Drive, and a new access (SMD/2015/0208). This application was refused by Lisa Jackson under delegated powers on grounds including that it was overbearing and caused significant harm to number 12 and to the existing house. Within 2 weeks of the refusal, Mr Hurst resubmitted a similar application (SMD/2015/0390) and it was approved by Chris Johnston. This permission was never implemented by Mr Hurst as, later in 2015, he was granted full planning permission for the current development which he has implemented, one dwelling at a time.

"The Planning and Design Statement (PDAS) for application SMD/2015/0390 placed great emphasis on the need for SMDC to meet its housing supply target. Again, the PDAS for this latest application, puts great weight on the lack of housing and the need to meet targets. This is where we hope you can help in advising us on the Government's change in planning policy. We remember there being a recent announcement by Michael Grove that the Government would no longer be pursuing the mandatory target of 300,000 new homes each year. Does our memory serve us right, and if so, does it mean that the applicant's claim of a shortage of housing in the area no longer carries the same weight?

"To us and the many other objectors, the provision of one extra dwelling that causes significant harm to 12 Springfield Drive and detriment to the adjoining neighbourhoods, is not a good development for Leek. We need to protect our neighbourhoods, not downgrade them in this way. This proposal would make these neighbourhoods worse places to live rather than better. The total harm caused would be huge.

"Ed wishes to speak at the planning committee meeting. We are keen to ensure that Ed gets the appropriate support he needs to deliver his speech. Ed thinks that it would help if he was given more time to prepare and deliver his speech. We are putting this forward to the Council and suspect that this situation will require a new policy.

"Any thoughts you may have to help secure refusal of this application would be very much appreciated. Our big concern too is how Ed and the elderly residents are going to cope living so close to the building work 6 days each week for at least 2 years given the time taken to build each dwelling on the current development. It is highly likely that Ed will have to move out of his new home."

Mrs Daly's most recent email to me is copied below:-

"[sic] Since our first email, the planning officer has recommended the application for approval but it didn't go before the planning committee last Thursday 8th June, as some of the objectors hadn't received their right to speak letters. The planning officer says he aims to put it on the agenda for the next meeting on 13th July. Ed and the residents were disappointed after all the time and effort spent, under time pressure, to get well prepared. It was all agreed that Ed would have 6 minutes to speak rather than 3. And without even having to ask, it was sorted that the application would be dealt with first or second on the agenda so that Ed didn't have to wait all afternoon. Sally Hampton in Democratic Services was extremely helpful and spot on in understanding Ed's needs and

making appropriate provision for him.

“So, consequently, we have some more time and we are grateful for this because of our concerns with the application especially relating to the trees on site.

“The objecting group of neighbours are not satisfied about the tree situation. Just before we were told that the application had been pulled, we heard from the planning officer, Chris Johnston, with a response from the Tree officer, Steve Massey, with information on the removal from a Group TPO of 2 Lime trees which are to be felled under the latest proposal. The entire development under the latest proposal is dependent on these trees being removed. We’re not a hundred percent clear on the position, but it appears that a group of 3 Lime trees and a group of trees at Springfield, may have been required to be protected under a scheme in 2013 (which we think was first approved in 2007). This earlier scheme did not include opening up access to the garden land at The Orchard from Deebank for development next to 12 Springfield Drive which is the latest proposed development. The applicant, Mr Hurst objected to the protection of the Limes on grounds of them being of no wider public amenity, restricting the efficient development of the site, and that they were in fair/ poor condition. It further appears that Mr Hurst’s objection was upheld by Steve Massey and his manager acting under delegated powers. In the latest tree survey (now some 10 years later), the 2 Lime trees are reported as being in good condition.

“We believe Mr Hurst’s long term aim has always been to open up The Orchard for this current development and the real reason that the trees were requested to be removed from the TPO was not to make the development of 2013 more efficient but as part of a long term plan to enable more of the garden at The Orchard to be accessed from Deebank. We believe that the planning and tree officers should be looking at the series of schemes over the whole duration of time rather than making key decisions on a piecemeal basis. We believe that the 2 Lime trees should never have been removed from the TPO.

“I wrote to Chris Johnston last Friday asking for copies of all of the documentation relating to the imposition and removal of the Lime trees from the TPO.

“In his communication with John Hurst in 2015 relating to the first application for the additional new dwelling and change of access, Steve Massey refers to the 2 Limes coming down and he has no problem with that.

“The big concern for the neighbours is that neither Steve Massey nor Chris Johnston mention the fact that these trees were previously protected. In his report, Steve Massey is very vague and doesn’t refer to specific trees nor the number to be removed. He simply concludes that none of the trees are TPO’ed and that they are of ‘lesser significance’ and therefore it would be wrong to refuse permission on that basis. He makes the point about the trees not having wider public amenity which we disagree with as they form an important treescape backdrop to the adjoining neighbourhoods.

“On the other hand, Chris Johnston in his report, looks more closely at the significance of the trees and says it is ‘unfortunate’ that 1 significant tree is graded B1 and has to be removed. This is T11, one of the Limes. He says that the other 5 trees to be removed are of lower grade (C1 or U). There are 2 trees that are C1: The second Lime, T9 removed from the TPO, and a rather nice Acer, Crimson King. We’re no tree experts, but we have seen that the protected Ash tree on site is C1 so C1 grading mustn’t be that insignificant.

“It could be some time before we receive the information just requested. We are of the view that the situation regarding the protected trees on site needs looking at by a fresh set of eyes. The neighbours have certainly been worn down by the 20 years of schemes and extensions of time and amendments to the numerous applications, and we’re concerned that those involved in

planning and trees have been too.

“Finally, we sent photos to planning enforcement back in April showing building materials and equipment which appeared to be stored within the root protection areas of the TPO’ed trees. Andy Thomas, an enforcement officer, had been chasing a response from Steve Massey for a few weeks. We heard from Chris Johnston last Tuesday that Steve had inspected the site and did not see a problem. He told us to contact Andy Thomas if we wished. Andy told us he could not go against the officer’s advice. We’re very concerned here because if the planning condition under the current development at Deebank Heights has been breached, the conditions under this latest application need to be far more stringent, not only for fencing the protected trees but in relation to the special no dig condition required to protect the roots of several TPO’ed trees impacted by the proposal . No one seems to care or to be bothered about the consequences here.

“So, in summary, we’re concerned that insufficient significance is being given to the impact of the proposal on the 5 (previously 7!) protected trees in the garden. Steve Massey has put most emphasis in this application on a young mature oak and silver birch. We would like to apply for these 2 trees and the 2 Limes to be assessed for protection. It’s a non-starter with Steve Massey, but who else can be approached? And in relation to the alleged breach, do we have to make a complaint?

“Thank you for your kind offer of sharing our concerns with Mr Andrew Stokes, CEO of SMDC. We have completed the Consent Form and returned it to the office in The Smithfield.”

I would be grateful if this matter could be looked into and if the points Mrs Daly raises could be addressed, and I would welcome a response in a form I can share with Mrs Daly.

Yours sincerely,

The Rt Hon Karen Bradley MP (Staffordshire Moorlands)
24 Smithfield Centre
Haywood Street
Leek
Staffordshire Moorlands ST13 5JW

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