

**Please ask for:** Mrs. W. Rowe

**Extension No:** 4584

**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

23 June, 2020

**PLEASE NOTE: THE MEMBERSHIP OF  
THIS COMMITTEE WILL BE CONFIRMED  
AT THE ANNUAL COUNCIL MEETING ON  
24 JUNE, 2020**

Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00 PM, WEDNESDAY 1 JULY, 2020  
MEETING TO BE HELD REMOTELY**

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Instructions on how to access the meeting will follow.

Instructions on how the public can access the meeting will be posted on the Council's website.

A compulsory training session has been arranged for **Thursday 25 June, 2020 at 2.00pm** for all Members of the Planning Control Committee and nominated substitutes. This session will be delivered remotely via Zoom. Members will not be able to attend a meeting of the Planning Control Committee until relevant training has been received.

Yours sincerely,



**T. McGovern  
Managing Director**

To All Members of the Council

*(Membership to be confirmed at the Annual Council Meeting on 24 June, 2020).*

## A G E N D A

### PART 1

#### 1. Apologies

#### 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

#### 3. Disclosure of details of lobbying of Members

#### 4. Minutes

To approve the Minutes of the meeting held on 10 June, 2020 (enclosed).

#### 5. Members' Requests for Site Visits

#### 6. Report of the Development Control Manager

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

#### Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## PLANNING APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/20/100	13 Bronte Drive, Cannock WS11 7GL – Proposed detached dormer bungalow	6.1 – 6.27
2. CH/20/133	500B Littleworth Road, Cannock WS12 1JB – Garage Conversion single storey front extension and 2 storey side extension	6.28 – 6.38
3. TPO 2020/01	Proposed Tree Preservation Order - 2 Church Hill, Littleworth, Cannock, WS12 1BA	6.39 – 6.42
4. TPO 2020/02	Proposed Tree Preservation Order – Perth House, Ironstone Road, Cannock Wood, WS12 0QD	6.43 – 6.50

**CANNOCK CHASE COUNCIL**

**MINUTES OF THE MEETING OF THE**

**PLANNING CONTROL COMMITTEE**

**HELD ON WEDNESDAY 10 JUNE, 2020 AT 3:00 P.M.**

**VIA REMOTE ACCESS**

**PART 1**

PRESENT: Councillors Pearson, A.R. (in the Chair)  
Allen, F.W.C. Vice-Chairman (joined at 3.02pm)

Crabtree, S.K.	Smith, C.D.
Fisher, P.A.	Startin, P.D.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Woodhead, P.E.

(This meeting was not able to be held at the Civic Centre due to the Coronavirus (Covid-19) pandemic. It was therefore held remotely).

As the Chairman had submitted her apologies for the meeting and the Vice-Chairman (Councillor F.W.C. Allen) had not connected to the meeting at the start, the Committee was asked to elect a Chairman for the meeting.

Councillor C.D. Smith proposed Councillor A.R. Pearson to be elected as Chairman and this was seconded by Councillor P. Fisher. Following a vote, Councillor A.R. Pearson was elected Chairman for the meeting

**148. Apologies**

Apologies for absence were submitted for Councillors Mrs. S.M. Cartwright (Chairman), A. Layton, Mrs. P. Stretton and Mrs. D.M. Todd.

**149. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

None declared

**150. Disclosure of Lobbying of Members**

Councillors Mrs. A.A. Fitzgerald, Mrs. V. Jones, P. Startin, C.D. Smith and Mrs. S. Thompson declared that they had been lobbied in respect of Application CH/20/026, 21 Stafford Road, Cannock, WS11 4AF: site redevelopment to provide 18 Room House of Multiple Occupancy.

## **151. Minutes**

RESOLVED:

That the Minutes of the meeting held on 27 May, 2020 be approved as a correct record.

## **152. Members' Requests for Site Visits**

The Committee was aware that site visits were not currently being undertaken due to the on-going situation with the Coronavirus Covid-19 pandemic and the restrictions in place regarding public gatherings.

In view of this Councillor A.R. Pearson asked that more detailed information and additional photographs be provided in relation to Application CH/20/173, 268 Bradbury Lane, Hednesford, demolition of existing dwelling and outbuildings and erection of 10 dwellings in order to assess any overdevelopment of the site.

Councillor P. Woodhead asked that more detailed information and additional photographs be provided in relation to Application CH/20/183, 2 storey rear extension 76 Hayfield Hill, Cannock Wood in order to assess the impact on the AONB.

The Development Control Manager confirmed that these applications would be submitted to the Planning Control Committee at future meetings and more detailed information would be provided along with additional photographs.

## **153. Application CH/20/026, 21 Stafford Road, Cannock, WS11 4AF: site redevelopment to provide 18 Room House of Multiple Occupancy**

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.51 of the Official Minutes of the Council).

The Development Control Manager provided a number of photographs of the site and a detailed presentation to the Committee including a plan showing the size and scale of the building in comparison to the previous application that had been refused. He then provided the following update which had been circulated to the Committee in advance of the meeting:-

“Following the Committee meeting held on 27 May 2020, the following additional comments were received from interested parties as follows:

- The officer referred to the Inspectors Decision Report for the previous application (CH/18/247) which was refused on appeal. He appeared to indicate to the Committee that the main reason the appeal had been dismissed was because of the three storey element of the building. This was not the only reason for the dismissal of the appeal and I feel this was not made clear to the Committee.
- Section 8 of the Inspectors Decision Report states ‘The proposed House of Multi Occupancy (HMO) would occupy all but a very small section of the

existing building's built footprint, and would do so with a greater overall scale, bulk and massing. Furthermore, the three storey gable element of the proposals south facing flank extension would be a considerable and incongruously bulky element within its immediate context and surroundings'

- Section 12 of the Inspectors Decision Report states 'However, extending almost the entire depth and width of the appeal site plot. The buildings flank elevation would be an incongruous and dominant feature within the Park Road street scene. Moreover the position of such a dominant flank immediately to the back edge of the footpath would be an imposing and visually overpowering feature at a point where the pedestrian environment is constrained by the restricted width of the pavement and pedestrian crossing'.
- The comments made by the officer that the height of the building was the main reason for the Inspectors refusal, should have included the footprint of the building and its entire effect on the street scene. It is stated in the officer's report that the existing footprint of the building will be reduced by just 0.6m (60 centimetres) which is an insignificant reduction which does not address the points made by the Inspector in section 8 and 12 of the appeal report.
- The Inspector refers in detail to the large buildings nearby. He concludes that the existing building is of a scale comparable to the adjacent domestic setting rather than the other large buildings in the vicinity which he discounts as being 'set in different contextual settings'. Although this is referred to in sections 5.6.7 of the Appeal report, the Inspectors comments appear to be contradicted in the officer's report and are not mentioned in the officers summary of the decision.
- In the interest of clarity, I am asking that the Planning Inspectors Appeal Report should be discussed point by point at the Planning Meeting to give context to points raised and a complete understanding as to why the previous application was refused.
- On other issues, there is no Fire Risk Assessment for the building, especially as cooking facilities are included in the first floor rooms. Surely this is an oversight. Also, the total lack of provision for essential and inevitable tradespersons and deliveries for eighteen residents plus staff, all will be receiving goods and services by vehicle.
- As the entrance to the building is off Park Road, this will result in vehicles either parking on the footpath or road. It is a fact that one car parked in Park Road can cause the entire road system to come a standstill.
- There is an inaccuracy in the Officer's Report, which states:

'On the Park Road frontage, there is an existing dropped kerb, which is located

adjacent to the edge of the application site building. The existing vehicular access serves side access to the application site and is set behind black iron railing 2m high double gates'. There is no current vehicle access to the site and the entrance described in the report with black iron gates is a side entrance to 23 Stafford Road from Park Road which will not be able to be removed or blocked, as required by conditions 9 and 10 set by Staffordshire Highways.

- Confirmation is required to clarify that the gates are not associated with 21 Stafford Road and Highways have been informed as there's no parking for any services that would be required for the building.
- The Inspector acknowledged and described the lack of parking provision in sections 16 and 17 of his report. But then goes on to say in section 17 that the Council had provided no evidence to support their formal response which was social cohesion and the potential, and fear of crime' This was not made clear to the Committee. The Inspector did not say that parking provision was not required or necessary, he was responding to the Council's appeal response.

#### Officer Response

- A full copy of the Inspector's report was attached to the Committee Report and made available on the day of Committee in order to allow Members to have full access to the appeal information decision.
- The agent has produced elevational plans of the proposed building with the existing building superimposed and indicate with red dotted lines. It is considered that the drawings demonstrate that the scale of the proposed building would be similar to that of the existing building and the flank elevation would not present a dominant feature within the Park Road street scene.
- With regards to the issue raised relating to fire risk assessment, this is covered under Building Regulations legislation.
- The Highways Officer has been re-consulted and has amended their response, due to the error with regards access to the application site (see below). As a result, Members should note that the conditions are to be modified in the event of planning permission being granted to remove Conditions No.s 9 & 10.

#### Highways Re-Consultation Response ( Received 05.06.20)

- With regards to preventing parking on the pavement we believe there are sufficient things in place (double yellow lines, protection markings) to deter this. As these will be private residential dwellings no servicing as such will take place. If a utility company for example needs to come out there are 3 off-street parking bays to the rear of the Liquor Stop (30 Stafford Road) that can be

utilised.

- There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-
- Background: The proposal is for the redevelopment of the former Cannock Royal British Legion into an 18 room house of multiple occupancy. The site is located on the corner of Stafford Road and Park Road, which is within Cannock Town Centre (as defined by Cannock Chase District Council) and provides excellent access to public transport due to the town's main bus station being opposite. The site is also within walking/cycling distance of the town's main railway station. Stafford Road is an unclassified road which joins the main A classified Stafford Road. Park Road is a busy B classified road with a 30mph speed limit. There is no parking allocation with the site. The 18 rooms will be accessed via a pedestrian/cycle gate off Park Road.
- Current records show there have been no personal injury collisions 50m either side of the site access within the last 5 years.
- Recommendations: There are no objections on Highway grounds to the proposed development subject to conditions for a Highways Construction Method Statement (See Condition No.8) and Secure/Weatherproof Cycle Parking Provision (See Condition No.11)".

Prior to consideration of the application representations were made by Mr. Borg, an objector, speaking against the application.

After some discussion, Councillor P. Fisher moved refusal of the application and outlined a number of reasons why he considered the application should be refused which included:

- i. Overdevelopment of the site
- ii. The rooms are too small and that they barely meet the requirements of single rooms
- iii. There is a lack of parking and the parking at the nearby shop would not work.
- iv. The occupiers of the proposed HMO would cause anti-social behaviour; and
- v. Impact on the streetscene

Councillor Woodhead moved approval of the application and this was seconded by Councillor F.W.C. Allen.

Councillor C.D. Smith then seconded the motion to refuse.

The motion to approve was taken first and, following a vote, this motion fell.

The Development Control Manager confirmed which of the reasons put forward to refuse the application were valid planning reasons and advised that the issue of



room size was not a material planning consideration and that there was no evidence to substantiate the stance that the occupiers of the proposed HMO would cause anti-social behaviour. Councillor P. Fisher agreed to remove these two elements from his reasons for refusal.

The mover and seconder of the motion to refuse confirmed they were satisfied with these reasons.

The motion to refuse was then voted on and carried.

RESOLVED:

That the application be refused for the following reasons:-

1. The proposed building, by virtue of its size, scale would not be well-related to existing buildings along the northern side of Park Road and Stafford Road to the detriment of the streetscene contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(c) of the National Planning Policy Framework.
2. The proposal would introduce a 18 bedroom house in multiple occupation, with no parking provision for the occupants into an area with little or no public parking or on-street parking provision within the immediate vicinity that would be suitable for parking by residents to the detriment of highway safety.
3. The proposal would constitute an over development of the site.

The meeting finished at 3.57pm.

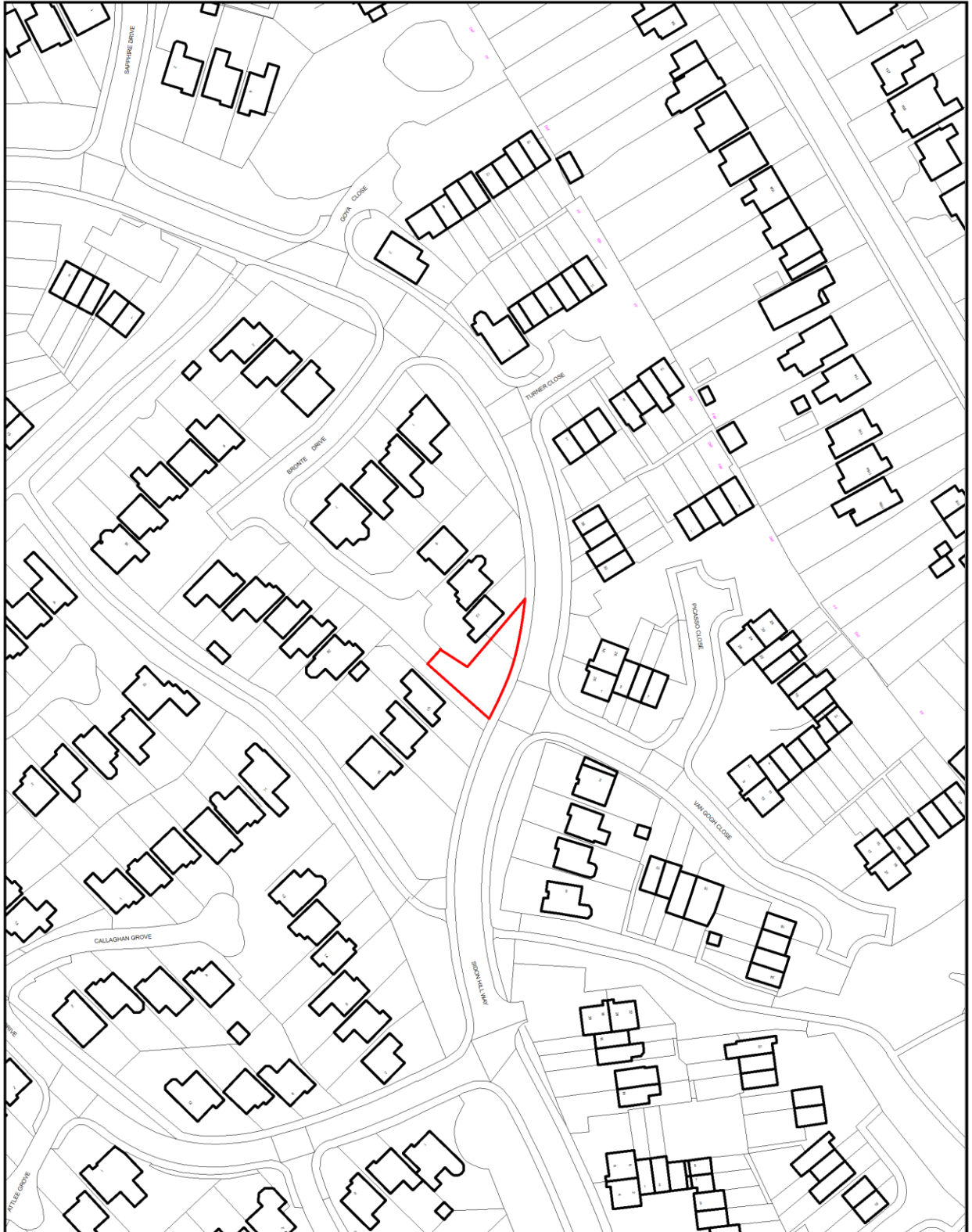
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CHAIRMAN



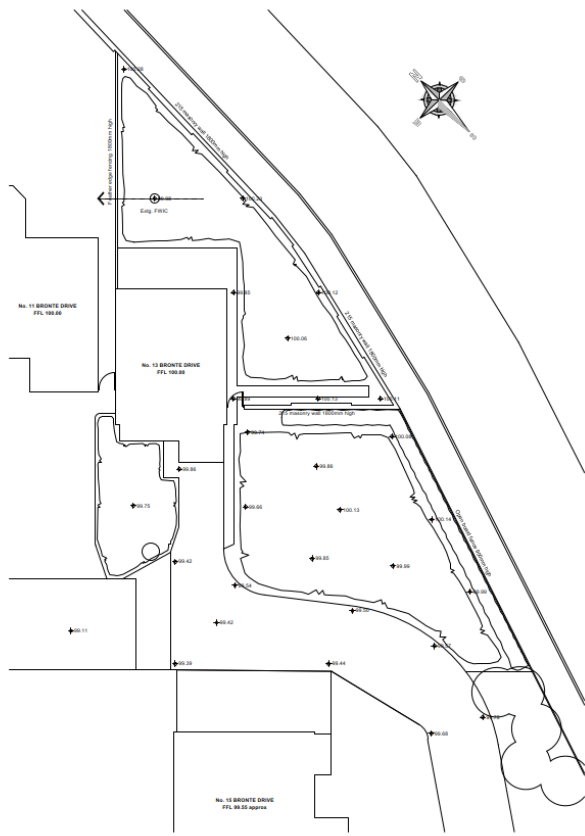
**Application No:** CH/20/100  
**Location:** 13 Bronte Drive, Cannock, WS11 7GL  
**Proposal:** Proposed Detached Dormer Bungalow

ITEM NO. 6.



# Existing Plans

THIS PLAN MUST BE READ IN CONJUNCTION WITH SPECIFICATION NOTES



**SURVEY PLAN at 1:100**  
SITE AREA: 416.37m<sup>2</sup>

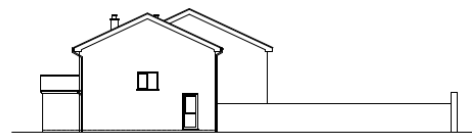
ALL DIMENSIONS IN MILLIMETRES AND TO STRUCTURAL FACES



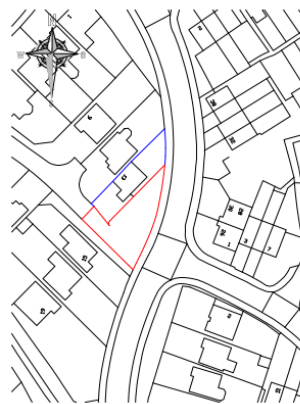
EXISTING FRONT ELEVATION



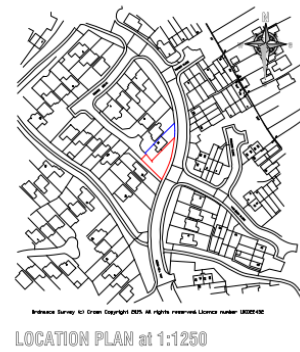
EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



**BLOCK PLAN at 1:500**



**LOCATION PLAN at 1:1250**

NOTES:  
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Company Name: **ARMSTRONG WALKER**  
 Address: Bradley Lane, Haigh, Halifax, West Yorkshire, WF18 9SL  
 Telephone/Fax: 01755 780400  
 Mobile: 07738 922272  
 E-Mail: [info@armstrongwalker.com](mailto:info@armstrongwalker.com)

Client: **Mr & Mrs Tiernan**

Job Title: **Proposed Bungalow at: LJA 13 Bronte Drive, Heath Hayes, Staffordshire, WS11 7GL**

Drawing Title: **SURVEY PLAN**

Scale: 1:100, 1:500, 1:1250, @ A1

Date: August 2019  
 Drawn By: MJB

Job No: **19 749 01**

# Site Plans

THIS PLAN MUST BE READ IN CONJUNCTION WITH SPECIFICATION NOTES



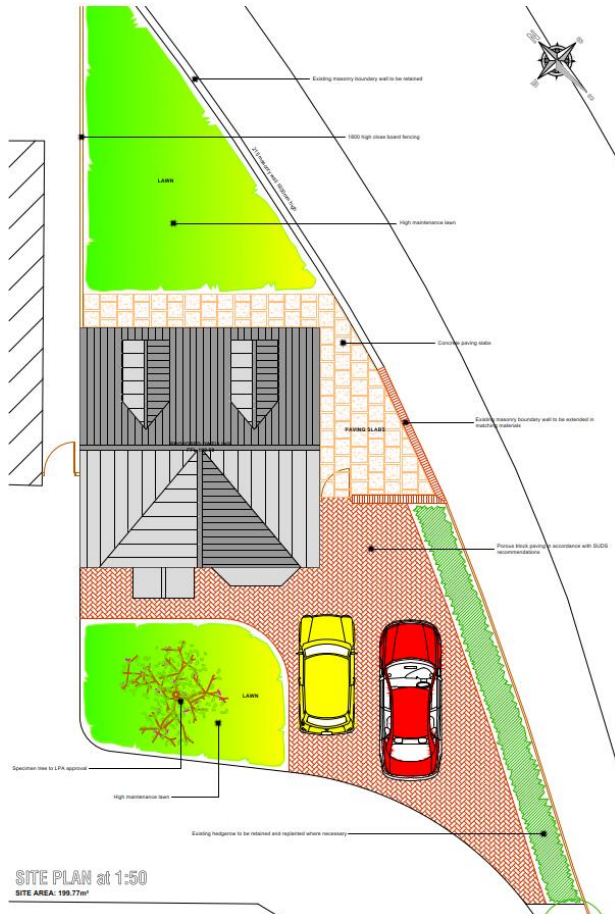
SITE PLAN at 1:200



STREET SCENE at 1:100

PLANNING

ALL DIMENSIONS IN MILLIMETRES AND TO STRUCTURAL FACES



SITE PLAN at 1:50  
SITE AREA: 199.77m<sup>2</sup>

NOTES:  
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A	
1	Revisions
 <b>ARMSTRONG WALKER</b> Millers Green Bradley Lane, Heaton, Staffordshire ST18 9GL Telephone/Fax: 01783 702449 Mobile: 07739 502272 E-Mail: <a href="mailto:info@armstrongwalker.com">info@armstrongwalker.com</a>	

Client: **Mr & Mrs Tiernan**  
 Job Title: **Proposed Bungalow at: L/A, 13 Bronte Drive Heath Hayes Staffordshire WS11 7GL**

Drawing Title: **SITE PLANS**

Scale: 1:50, 1:100, 1:200, @ A1  
 Date: February 2020 Drawn By: MJB  
 No: **19 749 02**

# Proposed Plans

THIS PLAN MUST BE READ IN CONJUNCTION WITH SPECIFICATION NOTES

ALL EXTERNAL MATERIALS TO MATCH EXISTING IN COLOUR, FORM, TEXTURE & WEATHERING QUALITIES TO THE APPROVAL OF THE LOCAL PLANNING AUTHORITY

STRICTLY NO ENCROACHMENT OF NEIGHBOURING BOUNDARIES, ANY WORK AFFECTING ADJACENT PROPERTY/STRUCTURE TO BE CARRIED OUT WITH THE WRITTEN CONSENT OF ALL INTERESTED PARTIES AND IN ACCORDANCE WITH THE PARTY WALL ACT

NOTES:  
This drawing is the property of Armstrong Walker. It shall not be copied or retained, in part or whole, without the prior consent of Armstrong Walker.  
All dimensions must be checked on site and not scaled from this drawing.

## PLANNING



PROPOSED FRONT ELEVATION

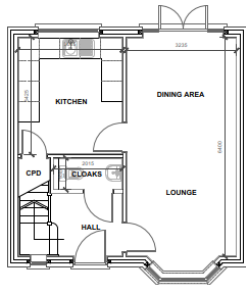
- Concrete pan tiles
- UPVC windows
- Reconstituted stone sills and frames
- Facing brickwork
- Render



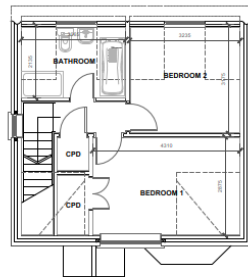
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



GROUND FLOOR PLAN  
GROSS INTERNAL FLOOR AREA = 41.75sqm



FIRST FLOOR PLAN  
GROSS INTERNAL FLOOR AREA = 28.25sqm



PROPOSED SIDE ELEVATION

ALL DIMENSIONS IN MILLIMETRES AND TO STRUCTURAL FACES

A	Date	Revisions
<p><b>ARMSTRONG WALKER</b> Millers Barn Bradley Lane, Houghton, Staffordshire ST18 8DL Telephone/Fax: 01785 780449 Mobile: 01773 822772 E-Mail: info@armstrongwalker.com</p>		
Client		
Mr & Mrs Tiernan		
Job Title		
Proposed Bungalow at: L/A 13 Bronte Drive Heath Hayes Staffordshire WS11 7GL		
Drawing Title		
<b>PROPOSED DWELLING</b>		
Scale		
1:50, @ A1		
Date		
January 2020		Drawn By
		MJB
Key No.		
<b>19 749 03</b>		Rev

<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

**PLANNING COMMITTEE REPORT**

**1<sup>st</sup> July 2020**

<b>Application No:</b>	CH/20/100
<b>Received:</b>	12-Mar-2020
<b>Location:</b>	13 Bronte Drive, Cannock, WS11 7GL
<b>Parish:</b>	Heath Hayes
<b>Description:</b>	Proposed Detached Dormer Bungalow
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

**Conditions (and Reasons for**

**Conditions):**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

## Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

## Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
  - The enlargement, improvement or other alteration of the dwellinghouse;
  - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
  - Any other alteration to the roof of the dwellinghouse;
  - The erection or construction of a porch outside any external door of the dwelling;
  - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
  - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
  - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
  - The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

4. No part of the development hereby approved shall be undertaken above ground level until:
- i) details the precautionary gas protection measures to be used on the proposed development, or,
  - ii) a ground gas survey to ascertain the extent to which gas protective measures may be required, and
  - iii) details of any gas protection measures identified in (ii) have been submitted to and approved by the Local Planning Authority.

Thereafter, the approved details shall be implemented and retained for the life of the development.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

5. The development hereby permitted shall not be brought into use until the access, parking and turning area has been provided in accordance with approved 'Site Plans' Drawing No. 19 749 02 and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety and inaccordance with paragraph 109 of the NPPF.

6. No phase of the development shall take place above ground level until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
- Arrangements for the parking of site operatives and visitors.



- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Construction hours.
- Wheel washing or other measures to remove mud or debris carried onto the highway.

The approved statement shall be adhered to throughout the construction period.

**Reason**

In the interests of highway safety and inaccordance with paragraph 109 of the NPPF.

7. Prior to the development hereby approved being constructed above ground level, a scheme detailing the planting of a tree to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

Thereafter, the tree shall be planted in the first planting and seeding season following approval.

**Reason**

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

8. Should the tree planted pursuant to condition 7 die, be removed or become seriously damaged or diseased, within a period of five years from the date of its planting it shall be replaced in the following planting season with another tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason**

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:

19 749 01 Survey Plan

19 749 02 Site Plans  
 19 749 03 A Proposed Dwelling  
 Design & Access Statement

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**Notes to Developer:**

Severn Trent Water advise that there may be a public sewer located within the application site. Although their records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have a statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Consultations and Publicity**

**External Consultations**

Heath Hayes & Wimblebury Parish Council

No response to date.

Travel Management and Safety

No objection subject to conditions.

A site visit was carried out on 20/03/2020.

Current records show that there were no Personal Injury Collisions on Bronte Drive within 43 metres either side of the property accesses for the previous five years.

Background; The application is for a proposed detached dormer bungalow which is to be built in the side garden of the existing dwelling of No. 13 Bronte Drive. Bronte Drive is a cul-de-sac off Sidon Hill Way which lies approximately 2 miles from Cannock to the west and 2 miles south of Hednesford.

Site Access / Car / Cycle Parking Arrangements; The proposal is for one 2no bedroom dormer bungalow providing 2 parking spaces which meets Cannock District Council's parking standards for this type of dwelling. The access will be off a private drive which leads to 3no properties and a parking area including a double garage.

Recommendations: There are no objections on Highway grounds to the proposed development subject to the conditions being included on any approval

#### County Flood Risk Management (SUDS)

No response to date.

#### Severn Trent Water Ltd

Thank you for the opportunity to comment on this planning application. Please find our response noted below: With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system i can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the

wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

## **Internal Consultations**

### Environmental Health

The site is within 250 metres of a former landfill site. As such, a ground gas survey should be undertaken. Any mitigations measures required must be agreed with the planning authority prior to commencement

### CIL Officer

In respect of the above planning application, based on the additional information form submitted, the CIL chargeable amount for this development would be £3,971.66.

### Strategy Housing

No response to date

### Development Plans and Policy Unit

The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May – July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is within the Cannock urban area; it is not identified for any specific use at this time on the Policies Map nor is the site located within any designated areas.

The Cannock Chase Local Plan (Part 1) 2014 Policy CP1 supports sustainable development, whilst Policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 supports high standards of design, and for development to be well-related to existing buildings and their surroundings; in terms of layout, density, access, scale, appearance, landscaping and materials. Consideration should also be given to protecting the amenity enjoyed by existing properties.

With regards to the detailed design of the scheme, regard should also be paid to Policy CP16, the Design SPD (in particular Appendix B: Residential Development Guidelines including garden sizes), and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan (Part 1) Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per the Local Plan (Part 1) Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

### **Response to Publicity**

The application has been advertised by neighbour letter with 6 letters of representation received. The comments are summarised below:

- The proposal will be right on a corner of the road which gives access to the three four bed-room detached house at the end, so any building would greatly disrupt their access & surroundings.
- The road is so narrow that any on going building would cause access issues in and out of Bronte Drive.
- Our only right of access into our property and indeed number 19, next door to us, is to drive past the proposed development and after looking at the plans seems to cross a border which is now claimed by number 13. We believe that this development would cause disruption to ourselves on a daily basis not only during the build period but long after completion.
- When we moved into Bronte Drive we specifically chose the location as the house was situated on a nice private driveway with only 3 houses, the houses

are nicely spaced out so residents are not cramped in as some developments are) and with plenty of bushes located to the front of the house so as not overlooked by Sidon Hill Way.

- Also the area of land of the proposed site has many bushes and trees and grassed area which encourages wildlife to the area and is pleasant to see.
- We see no real need for this development on this area, it's certainly not for the need of housing in the local area as there are many sites locally being developed by National and independent building contractors.
- Last year the occupants of number 13 did some foster caring and there were times when the children would be riding bikes and playing games right in front of our houses next to our parked cars. This was most unwelcome as the peace and quiet aspect of living in a private driveway was severely diminished. I would question if this is what a further residence built adjacent to number 13 would be used for.
- I understand that the residents of number 13 have tended to the grassed & shrubbed area to the side of their property have maintained this for a number of years and that this enables them to adopt this as their own, but how can this include part of an access road for 3 other properties as it appears to show on the boundaries on the plans?.
- This is a very small piece of existing garden that adjoins a narrow shared drive feeding numbers 15, 17 and 19 not on the main Bronte Drive roadway, this will be a very small dwelling and we feel the plans exaggerate how much room there is, also rear access onto Sidon Hill Way is to be provided which is not afforded to any existing properties, there are also no other buildings like this on the whole estate so it is not in keeping with existing properties.
- my main concern is parking, although 2 parking spaces are allocated they will be very limited and anything bigger than a small hatch type will not be able to use the space and there is limited on street parking available, this will lead to the inevitable use of the turning space provided in the close and blocking this to its proper use as this already happens when residents have visitors or tradesmen at their houses, this will just compound the problem
- we fear that this is just to fund their much talked about move to Portugal and they will sell up as soon as its completed and leave the rest of the residents with the problems created and just give us another brick wall to look at instead of the green space and hedges we have now, we most strongly object to this new dwelling being constructed,
- we are sure that if there was room for another dwelling that this would have been constructed when the estate was built originally, knowing how construction companies will utilise every bit of land,
- there is also the concern that house prices will suffer because the close will be less attractive to buyers with an added building cramped in and the lack of space and openness that exists now.

- The outlined plans of the planning application include our only right of access to our home, therefore if this proposed application was to be approved how are we to access our home during the process of the build and going forward. As the only entrance to the shared driveway for Number 15, 17 and 19 now appears to be in the outline adopted boundary of Number 13.
- We understand the grass area to the side of Number 13 has been adopted by them through adverse possession due to them tending to the area for 10+years, this should not include the tarmac area which is our access route to our home so we do not understand how this has been an area adopted by them through this process and we believe this to be incorrect under the laws of adverse possession and therefore the area proposed for the new dwelling would not have enough square footage for such plans.
- Bronte Drive consists of predominantly of 3 and 4 Bedroom houses all in the same style of build therefore we do not see the need for a dormer bungalow which will be taking away a landscaped feature.
- Bronte Drive consists wholly of 3, 4 and 5 bedroom Detached Houses. A Dormer Bungalow is not in keeping with Bronte Drive. Bungalows do exist throughout the estate. However, existing bungalows have been built on an appropriately sized plot to accommodate a single storey dwelling. So a Dormer Bungalow squeezed onto a small plot is not in keeping with the whole estate.
- The plans drawn up by Armstrong \* Walker give the illusion of space for such a build. In reality it is a small plot. When I purchased my property 12 and a half years ago, I was led to believe that number 13 did not own the adjacent land, and were merely obliged to tend it.
- The view from number 15's front window, is currently gardens & hedges. The proposed new driveway would be extremely close, and would be the predominant view.
- And finally, the access to the proposed new build refers to Bronte Drive highway. The access at the top of Bronte Drive, as shown as grid ref 99.39 on the plans, from this point at the side of number 15 Bronte and continuing through to the frontage of numbers 15, 17 and 19 Bronte Drive is not adopted.

### Relevant Planning History

None relevant.

### 1 Site and Surroundings

- 1.1 The application site relates to land to the side of No.13 Bronte Drive, which is located in Cannock.
- 1.2 The application site is located towards the end of Bronte Drive which comprises of a residential cul-de-sac. The land is mainly level, is roughly triangular in shape, and covers an area of approx. 200m<sup>2</sup>. Currently there is no separate access to the site however, a private driveway runs from the turning head of Bronte Drive along the front of the application site and gives access to a further 3 dwellings (Nos, 15, 17 & 19 Bronte Drive).
- 1.3 The application site is bound to the side by a residential property (No.13) which falls within the blue line of the application. The site is bound to the front by a shared driveway which gives access to three further residential dwellings. Beyond this lies No.15 Bronte Drive, which has a side elevation facing the shared access and thus the application site. To the rear and side the application site is bound by a combination of high walling and low fencing which separates it from Sidon Hill Way.
- 1.4 The front part of the application site is landscaped and open within Bronte Drive and a brick wall separates the front of the site from the rear which currently forms part of the private amenity space for No. 13. Shrub planting and a low boundary fence separates the front of the site from the adjacent Sidon Hill Way.
- 1.5 The immediate street scene within Bronte Drive comprises of two storey dwellings of a similar size and design set behind modest frontages. The wider area is residential where properties vary in terms of design and scale.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan. The site is located in a Low Risk Area Boundary as defined by the Coal Authority and within a Mineral Safeguarding Area. The site is also within influencing distance of an Environment Agency Historic Landfill Boundary.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the development of a detached two bedroom dwelling.
- 2.2 The proposed dwelling would be of a dormer bungalow style with two bedrooms provided within the roofspace.



- 2.3 The layout of the site would be off the private driveway located to the front of the site which would lead to a driveway for the parking of two vehicles. The proposed dwelling would be set back from the shared access by approx. 5m and would be set behind a grassed front with tree planting.
- 2.4 The proposed dwelling would have a footprint of 6.8m x 6.8m and would be constructed to a maximum height of 6.5m (2.7m to the eaves). The proposed dwelling would be of a bespoke design featuring a front gable with canopy over the front door and walk in bay window. Two small dormer windows would be located on the rear roof slope.
- 2.5 Private amenity space would be provided to the rear of the proposed dwelling and would comprise of approx. 40m<sup>2</sup> with further amenity space to the front of the proposed dwelling.
- 2.6 The access to No.13 would not be altered as a consequence of the proposed development. The rear amenity space would be reduced however an area covering approx. 70m<sup>2</sup> would be retained. No.13 would retain an access from the front driveway to the rear garden along the side boundary.

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
- 3.4 Relevant Policies within the Minerals Plan Include:
- 3.2 Safeguarding Minerals

### 3.5 National Planning Policy Framework

3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding

- viii) Crime and the fear of crime
- ix) Waste and recycling facilities
- x) Ground conditions and contamination

## 4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Norton Canes. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

'The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined'.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the site is within a residential location approximately 1km from Heath Hayes District Centre and 1.5km from Hednesford District Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a

designated or undesignated heritage asset. As such it is considered that the proposal is acceptable in principle.

4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

#### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to

create attractive, welcoming and distinctive places to live, work and visit;

- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 Having taken all of the above into account it is considered that the layout of the application site is limited given its corner position within the cul-de-sac. The proposed dwelling would be accessed off the private driveway and would be orientated to reflect the adjacent dwelling.
- 4.3.8 Within the immediate street scene dwellings occupy similar plot sizes; with modest frontages and private gardens. In line with this established urban grain, the proposed dwelling would be set back behind a short frontage, in line with adjacent dwellings and with the private amenity space to the rear and parking to the front.
- 4.3.9 The comments from the objectors are noted in terms of the proposal being 2 bedrooms which would be at odds with the existing dwellings being 3 – 4 bedroom dwellings found within Bronte Drive. However, the proposed use of the site, for a residential property is compatible with surrounding uses albeit less bedrooms. Whilst the plot size is somewhat smaller than those found within Bronte Drive, it does reflect the wider residential location where smaller plots and smaller dwellings are found.
- 4.3.10 The proposed dwelling would be constructed out of materials reflective of this location which is considered appropriate and would be secured via condition.
- 4.3.11 The comments of objectors are noted in relation to the area being a landscape feature are noted however, there is no significant vegetation on this site. The applicant could remove all the landscaping and replace it with hardstanding at any time without the benefit of planning permission. It is also noted from the plans that a grassed area with tree planting would be proposed to the front of the new dwelling. Whilst the green area proposed would cover a smaller area than that already in situ, it is considered that this would retain a good degree of visual amenity within the street scene and would enhance the landscaping and wildlife opportunities with the planting of an appropriate tree.

The plans also indicate a border of shrubbery along the boundary with Sidon Hill Way which would further retain visual amenity in this location.

4.3.11 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 The layout plan demonstrates the proposed dwelling would be constructed to the side of No.13 at a distance of approximately 1m. The dwelling located to the front of the application site is separated by the private drive. This dwelling (No.15) is orientated with its principal elevation facing Sidon Hill Way. Therefore the application site faces the side elevation of No.15, at a distance

of 13m. The dwellings within Sidon Hill Way face onto the side/ rear of the application site but are separated from the application site by the highway and the existing boundary wall to the rear of the site. These dwelling would remain 19m from the proposed dwelling (at the nearest point). Given the above, it is considered that the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.

- 4.4.5 With regard to the proposed dwelling, the amenity space to the rear would provide approximately 50m<sup>2</sup> of private garden space. The Design SPD requires an area of 44m<sup>2</sup> per two bedroom dwelling and 65m<sup>2</sup> per 3 bedroom dwelling. Two parking spaces per dwelling would also be provided. Approx.70m<sup>2</sup> of amenity space would be retained for the existing dwelling, which is over and above that required within the Design SPD.
- 4.4.6 Overall, the proposed development would comply with the Councils Design SPD in terms of protecting the amenity of existing occupiers as well as providing a high standard of amenity for any future occupiers of the site.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 In this respect, the proposed dwelling comprises of a 2 bedroom dwelling and therefore requires adequate parking for two vehicles. The submitted plan indicates two parking spaces to the front of the dwelling. The existing dwelling at No. 13 already benefits from a separate access which leads to an integral garage. The proposal would not remove parking for the existing dwelling and adequate parking would be retained for this property. As such, the proposal complies with the requirements of the Parking SPD.
- 4.5.3 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety, subject to conditions.
- 4.5.4 The comments of the neighbours are noted in terms of the access being off a private drive and included within the redline boundary of the site. In the first instance, the applicant was required to include the shared access within the red line boundary as applications need to show access to the adopted highway, in this case the turning head within Bronte Drive. As the applicant

does not own this land, Certificate B was signed within the application form. Secondly, the granting of planning permission would not override other permissions required by the applicant in order to construct their proposal i.e: permission from adjacent landowners to access their property. This would be a civil matter between the applicant and the relevant interested parties and is not a material planning consideration or a matter for the local planning authority to adjudicate in.

4.5.6 Given the above, the proposal would not result an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. The applicant has indicated that the disposal of foul water would be to the mains and surface water would be disposed via a sustainable urban drainage means. Given that the site immediately abuts main roads and is within a predominantly built up area it is in close proximity to drainage infrastructure that serves the surrounding area and therefore the proposed means of drainage is considered acceptable.



4.7.2 As such, the proposal would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.8.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Bronte Drive.

#### 4.10.2 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.10.2 The application site is located within influencing distance of an Environment Agency Historic Landfill Boundary. As such, the Councils Environmental Health Department was consulted on the application and raised no objection to the proposal subject to a condition.

4.11 Objections raised not already covered above:-

4.11.1 Objections have been raised that the proposal will be on a corner of the road which gives access to the three four bed-room detached house at the end, so any building would greatly disrupt their access & surroundings. Your Officers confirm that there is likely to be some degree of disruption during the construction period however this would be for a temporary period only and can be controlled via a construction management plan that in turn can be secured by condition. Nevertheless the grant of planning permission would not confer any right on the developer to block any private access but in the event of that occurring it would be a private civil matter between the respective parties to resolve.

4.11.2 Objectors state that the occupants of number 13 did some foster caring and there were times when the children would be riding bikes and playing games right in front of their houses next to our parked cars. The objector continued that this as most unwelcome as the peace and quiet aspect of living in a private driveway was severely diminished. The objector concludes that they would question if this is what a further residence built adjacent to number 13 would be used for. Your Officers confirm that it is not a material consideration for the determination of this application.

4.11.3 An objector has stated that the site relates to a very small piece of existing garden that adjoins a narrow shared drive feeding numbers 15, 17 and 19 not on the main Bronte Drive roadway, this will be a very small dwelling and they feel the plans exaggerate how much room there is, also rear access onto Sidon Hill Way is to be provided which is not afforded to any existing properties. Your Officers confirm that the plans submitted as part of the application are drawn to scale and should be a true representation of the site. Any information that is incorrect or falsely denotes the site could potentially render the application invalid. Your Officers also confirm that there is no rear access onto Sidon Hill shown on the proposed plans.

4.11.4 An objector has stated that they fear that the proposal is just to fund the applicants move to Portugal. Your Officers confirm that this is not a material planning consideration.

4.11.5 An objector has queried why a dwelling was not constructed on the site when the estate was built originally, knowing how construction companies will utilise every bit of land. Your officers confirm that they cannot comment why this may have been however, planning policy and guidance has changed significantly since the estate was first constructed and is policy is currently pushing for sustainable development within urban locations.

4.11.6 An objector has raised concern that house prices will suffer because the close will be less attractive to buyers with an added building crammed in and the lack of space and openness that exists now. Your Officers confirm that house prices are not a material consideration for the determination of the application.

4.11.7 An objector has raised concern regarding the view from number 15's front window, which is currently gardens & hedges. The objector continues that the proposed new driveway would be extremely close, and would be the predominant view. Your Officers confirm that the applicant could remove the existing grass and shrub planting and replace it with hardstanding without the benefit of planning permission. Furthermore, occupiers of adjacent properties are not entitled to a view across third party land.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



**Application No:** CH/20/133

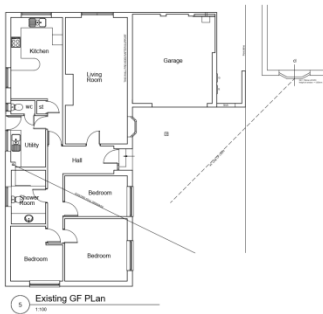
**Location:** 500B, Littleworth Road, Cannock, WS12 1JB

**Proposal:** Garage conversion, single storey front extension and two storey side extension

ITEM NO. 6.28



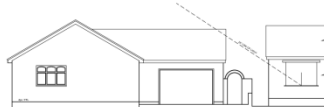
# Plans and Elevations



3 Existing GF Plan  
1:100



1 Existing East Elevation  
1:100



2 Existing South Elevation  
1:100



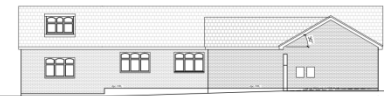
3 Existing North Elevation  
1:100



4 Existing West Elevation  
1:100



13 Location Plan  
1:100



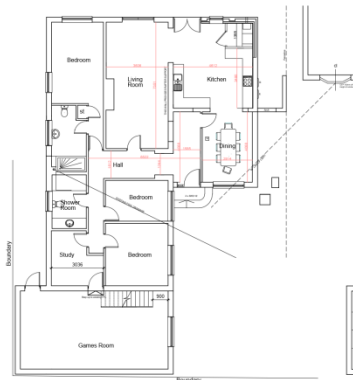
6 Proposed East Elevation  
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7 Proposed South Elevation  
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8 Proposed North Elevation  
As shown



10 Proposed GF Plan  
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11 Proposed FF Plan  
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12 Block Plan  
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9 Proposed West Elevation  
As shown

1. Additional garage room extension and	MISC.	17.10.20
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**J Mason Associates**  
 100 Littleworth Road, Hednesford  
 Staff: Mr Matt Hyden  
 Project: 505 Littleworth Road, Hednesford  
 Drawing Title: Existing Survey & Proposal  
 Date: 13.02.2009  
 Scale: As Noted  
 Sheet Size: A1  
 Status: As Noted  
 Project: 2446-01  
 Sheet: A

J:\MASON\ASSETS\23\ASSETS\Project\2446-01\505 Littleworth Road\2446-01\_HF\_FF\_Plan.dwg (13.02.2009) 1:100 Existing Survey & Proposal.dwg

<b>Contact Officer:</b>	Samuel Everton
<b>Telephone No:</b>	4514

<b>PLANNING COMMITTEE REPORT</b> <b>1<sup>st</sup> JULY 2020</b>	
<b>Application No:</b>	CH/20/133
<b>Received:</b>	14-Apr-2020
<b>Location:</b>	500B, Littleworth Road, Cannock, WS12 1JB
<b>Parish:</b>	Non Parish Area
<b>Description:</b>	Garage conversion, single storey front extension and two storey side extension
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

**Reason**

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 2446 01 Rev A

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**Notes to Developer:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Consultations and Publicity**

**External Consultations**

None.

**Internal Consultations**

None.

**Response to Publicity**



The application has been advertised by site notice and neighbour letter, with one representation in objection to the proposal received. The comments received related to land ownership and have since been resolved by amending the site boundary. The neighbour has since commented that they are now satisfied with the amended site boundary.

### **Relevant Planning History**

CH/16/065: Residential Development: 1no. detached house with detached garage. Approved 13/10/2016

### **1 Site and Surroundings**

- 1.1 The application site is comprised of detached bungalow located at the end of a private cul-de-sac off Littleworth Road, Cannock.
- 1.2 The property is of a brick construction under a gable roof and is finished in brick, brown roof tile and UPVC fenestration. The property has a tarmac drive to the front and garden area to the rear bound by 1.8m close-board fencing.
- 1.3 The cul-de-sac is comprised of similar style bungalows and a mix of two storey dwellings and bungalows on Littleworth Road. The wider area is predominantly residential.
- 1.4 The site is unallocated in the Local Plan, however the site is located within the Forest of Mercia, a Mineral Safeguarding area for Coal Fireclay and a Coal Authority Low Risk Area.

### **2 Proposal**

- 2.1 The application seeks planning permission for the erection of a single storey front extension, a two storey side extension and a garage conversion.
- 2.2 The proposed single storey extension would form a new front facing gable end and would measure 4.2m in height, 2.6m to the eaves, 4.4m in depth and 5m in width. The proposed two storey extension would have pitched roof and a dormer window at first floor level, and would measure 5.3m to the ridge, 2.9m to eaves, 4.9m in length and 9.2m in width.
- 2.3 The proposed extensions would be finished in brick, and tile to match existing.

### **3 Planning Policy**

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## Manual for Streets.

**4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding.

4.2 Principle of the Development

4.2.1 The application site is on undesignated land within the main urban area of Cannock and contains an existing dwellinghouse. The proposal is for an extension to the existing dwelling for additional living, kitchen and dining space and is therefore acceptable in principle subject to the considerations listed below.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 The size and scale of the proposed extension would be proportionate to the existing dwelling and its plot and the use of matching finishes and pitched roofs would enable it to assimilate with the design of the existing property.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The material considerations in this case are the potential for overlooking and loss of light to neighbouring dwellings.
- 4.4.4 In respect to overlooking, the proposal is single storey and the application site is relatively flat and the proposal would not introduce any windows that would directly face into any principal windows of neighbouring properties within 21.3m.
- 4.4.5 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25 degree daylight test for windows serving principal rooms. The proposed single storey extension would cut the 45 degree angle taken from a ground floor window serving a habitable room at No. 500a, however the proposed extension would not cut the 25 degree vertical angle. As such the proposal meets this test and therefore would not cause any significant loss of light to habitable rooms to neighbouring properties.
- 4.4.6 Following the above, it is therefore considered that the design of the proposal is acceptable, and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposal would result in the loss of the existing garage, however the number of bedrooms would not increase. Two spaces would be available at the front of the property which would meet the Council's Parking Standards.

As such on-site parking provision would be adequate. Further, the proposal would not alter the existing access arrangements or any visibility splays. Therefore, the proposal would not have an adverse impact on highways safety and would be in accordance with Paragraph 109 of the NPPF.

#### 4.6 Mineral Safeguarding

4.6.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.6.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

**PROPOSED TREE PRESERVATION ORDER**  
**At**  
**2 Church Hill, Littleworth, Cannock, WS12 1BA.**

**TPO NO. 2020/01**

**1. Purpose of Report**

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2020/01

**2. Background**

- 2.1 An enquiry was received from a local tree surgeon who wished to check if both trees were subject to TPOs as the resident wished to fell them.
- 2.2 The tree officer visited the site to determine the situation. It was immediately obvious that both trees were highly visible from the street scene and that their removal would have a significant negative impact on the local area.
- 2.3 The TPO was produced to protect 1 x Pine and 1 x Sweet Chestnut within the front garden.
- 2.4 It should be noted that the production of the TPO does not prevent reasonable or essential works, only that it allows the Council to exercise a level of control that prevent inappropriate and damaging tree works.

**3. Objection to TPO and Officer Response**

3.1 Objection A:

The property is currently rented to an elderly person who feels that the driveway is unsafe due to extensive cracking and the uneven surface. They feel it is a risk to visitors.

Objection A – Officer Response:

While it is agreed that the driveway is a potential trip hazard this is not entirely as a result of the tree in the opinion of the tree officer. The driveway is very old with quality of the subbase unknown. The slabbed part in particular appears to be laid directly onto the soil and this would result in settlement and displacement which would be made worse by the tree roots potentially. The felling of high amenity trees is inappropriate to address an issue of a poorly constructed and very old driveway that is showing some distress. The drive will need to be repaired irrespective of the tree removals as the owner has a duty of



care under Occupiers Liability. There are a number of engineering solutions available that would allow for the drive to be replaced with the trees in situ in a way which would minimise the risk of future damage. This has not been considered but would be the most appropriate way forward.

### 3.2 Objection B:

The landlord has taken advice from a forester of the Forestry Commission who states that if they trim the roots of the Pine back to repair the drive, this would make the tree unstable and vulnerable to failure during strong winds. They state that the roots of the Sweet Chestnut could be cut back without destabilising but this would damage the adjacent retaining wall.

#### Objection B – Officer Response:

Forestry is not the correct profession to be consulting in this instance. Foresters specialise in growing trees as a commercial timber crops, they are unlikely to be qualified to give advice which relates to arboriculture, planning or tree related structural damage. This would be the domain of the arboricultural consultant. A competent arboricultural consultant would be able to prepare a method statement for installing a new drive using a no-dig solution that would not damage the trees. The statement that the roots of the Sweet Chestnut could be cut back without stability issues is incorrect and in any case would require TPO consent. Excessive root pruning will cause stability issues irrespective of species.

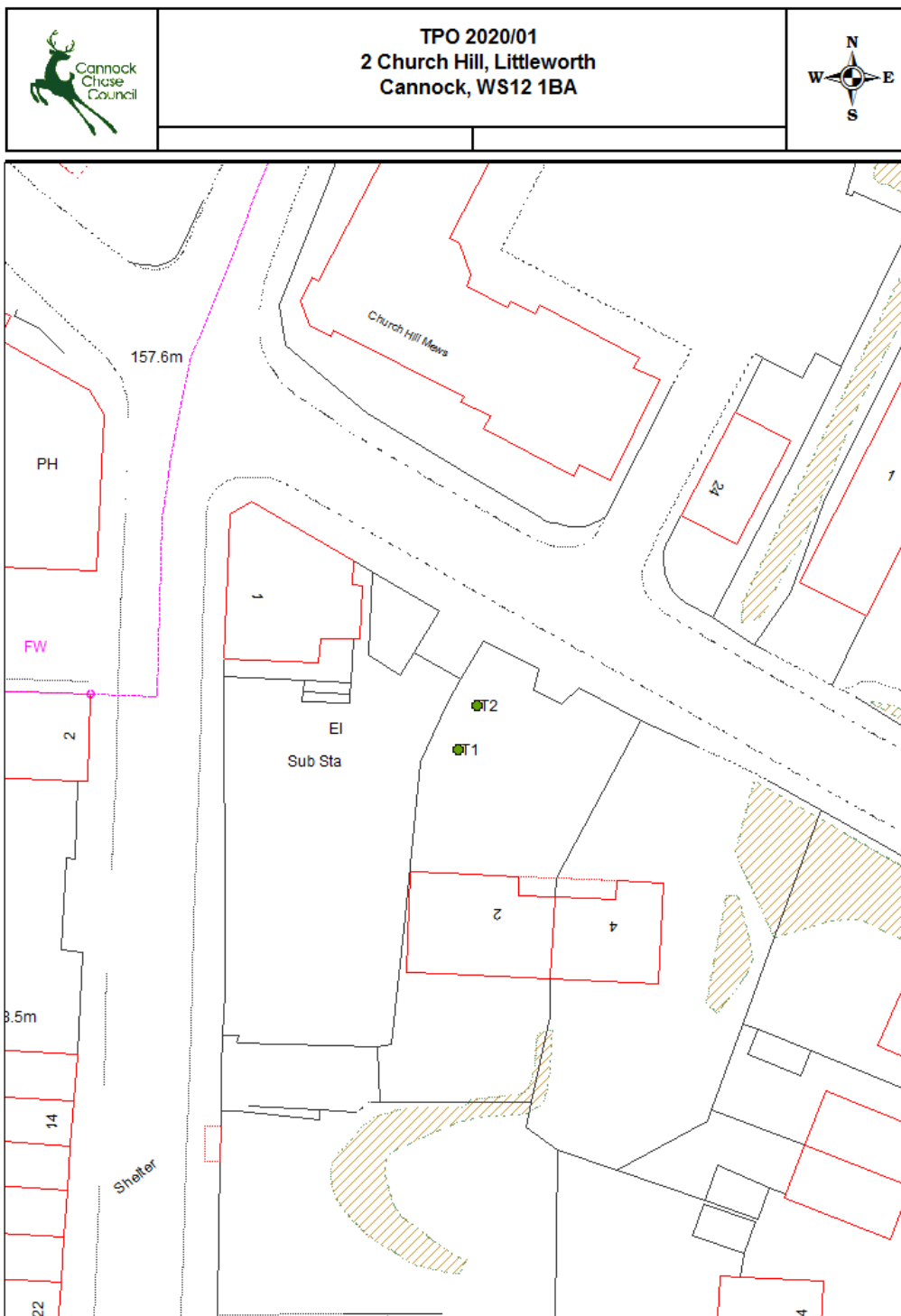
## 4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

## 5. Recommendation

- 5.1 That TPO 2020/01 should be confirmed without modification.

### Appendix A – TPO Plan

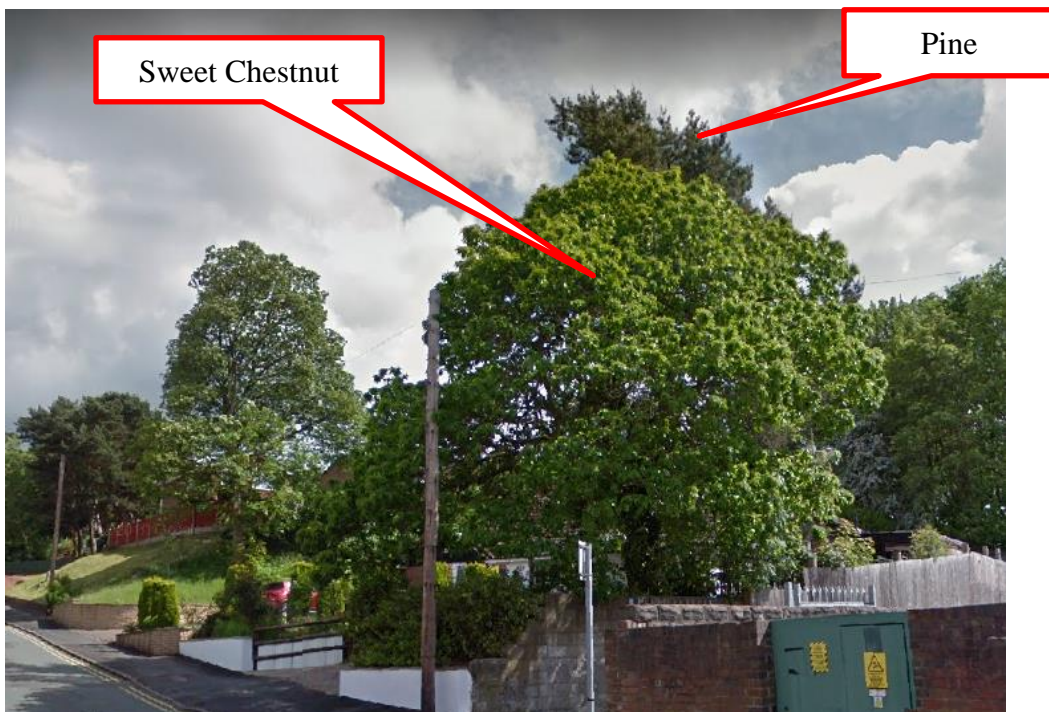


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**.Appendix B – Street Scene Image**



**View from East – Source Google**



**View from West – Source Google**

**PROPOSED TREE PRESERVATION ORDER at Perth House, Ironstone  
Road, Cannock Wood, WS12 0QD.  
TPO NO. 2020/02**

**Purpose of Report**

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2020/02

**2. Background**

- 2.1 The tree officer was contacted by a concerned member of the public in relation to unauthorised building works and tree felling which was being carried out.
- 2.2 A site visit was carried out to assess the situation. The resident had removed several trees to install a widened driveway without planning consent. The spoil that had been removed had been dumped in areas of the woodland at a depth that will potentially lead to the decline of some trees within the woodland. Heavy machinery has also been driven within the woodland potentially causing further damage to the tree roots. Trees on the rear boundary had been pruned to an extremely poor standard for no apparent reason.
- 2.3 The TPO was produced to prevent further damaging tree works from being carried out. It should be noted that the site is within the Cannock Chase AONB. As such the destruction of trees and woodlands is highly inappropriate.
- 2.4 The production of the TPO does not prevent the development of the land or work on the trees but does ensure that they are considered as part of the planning process.

**3. Objection to TPO and Officer Response**

- 3.1 An objection was submitted by Mr Richard Billingsley of DJOGS who advertise themselves as being Landscape Architects and Ecologists. DJOGS are also involved in the subsequent planning application. Mr Billingsley is an Ecologist by profession. The objection is made on the following grounds:
- 3.2 Objection 1:

The resident is currently undertaking landscape restoration which has been subject to years of fly tipping.

**Tree Officer Response:**

There is no evidence of fly tipping on the site and even if there was this does not justify pruning trees to an extremely poor standard or

dumping tonnes of spoil into the mature woodland. Why do trees need to be felled or topped simply to remove fly tipping? The works carried out to date have been damaging to the woodland and can hardly be described as landscape restoration.

### 3.3 Objection 2:

T1 – T9 and the trees within the eastern edge of the woodland (W1) are in close proximity to overhead cables will require regular pollarding by western power to maintain clearance.

#### Tree Officer Response:

The trees along this boundary are relatively mature and the canopies are already up and over the powerlines so pollarding will never be required. See screen shot:



More likely crown lifting we be carried out to maintain clearance or maybe a light end weight reduction where required. Notwithstanding the fact that it is technically impossible to pollard a mature tree, pollarding (or more correctly topping) would actually bring the canopies back below the cables and create a new problem when they re-grow. The tree officer is in regular dialogue with Western Power regarding tree pruning and the idea that the power companies simply top trees without consulting the Council is incorrect. Even where works are considered to be exempt they do not proceed without the agreement of the Council Tree Officer.

### 3.4 Objection 3:

T2 was irrevocably damaged by building works and had to be removed as there was a risk it would fall into the road. As such the tree was not suitable for protection via a TPO.

Tree Officer Response:

No evidence has been supplied to show it was irrevocably damaged. Yes the tree had been damaged by building works carried out by the owner and this is why the TPO is justified. But, the information obtained from DJOGS was not conclusive. The tree officer requested an airspade report to assess root condition but when this was not forthcoming, felling was allowed as a precaution with a condition on replacement.

3.5 Objection 4:

T6 and T7 were unstable due to being unbalanced and building works so were dangerous and not suitable for a TPO.

Tree Officer Response:

T6 and T7 failed on Sunday the 9<sup>th</sup> of February entirely due to the fact that the builder had severed roots while installing the driveway. The trees are part of a group and so asymmetric canopies would be expected. It should be noted that the trees were fine and had weathered many storms prior to root severance so the link made here by the Ecologist is tenuous at best. It should also be pointed out that the objector (being an Ecologist) is likely not technically qualified to undertake tree condition assessments.

3.6 Objection 5:

T8 and T9 are Hybrid Poplars that are inherently short lived and so are only expected to live for another 10-20 years.

Tree Officer Response:

The retention span of these trees is underestimated in the Council tree officer's opinion. Yes, poplars are short lived but only in comparison to other trees which can live for hundreds or even thousands of years. Poplars can live for up to 70 years with these trees being around 35 years at most. TPOs are based on visual amenity and in particular what people view. 35 years viewing for a person is a significant amount of amenity and when the trees eventually die, the TPO will provide the Council with a mechanism to ensure replacement.

3.7 Objection 6:

T3 and most of the trees along the edge of the woodland are poor quality being non-native and multi-stemmed with poor form. As such

they are have low structural integrity and will need phased replacement.

Tree Officer Response:

As previously advised the objector is an Ecologist, not a tree expert and no evidence has been supplied to suggest that he is competent or qualified to assess tree condition. Yes many of the trees are non-native and some have issues that relate to condition and so phased replacement will be appropriate in places but the TPO will not prevent this going forward. The area is protected as a woodland and its improvement over time would not be resisted by the Council. It should be noted that the tree officer met with the site owner on the 29<sup>th</sup> April 2020. At the site meeting the owner admitted that he wanted to build within the woodland in the future. The woodland TPO will ensure that the trees are given due consideration and that trees are not simply felled indiscriminately as they have been to date.

3.8 Objection 7:

T4 and T5 are growing closely together meaning that they will need to be thinned to avoid unbalancing T5 toward the road.

Tree Officer Response:

This comment is simply wrong. There are millions of trees within the UK that grow in this way and form a common canopy. It would only likely become an issue if one was removed (as suggested by the ecologist as thinning) and the remaining one was left exposed. Trees are biomechanically self-optimising, this should prevent them becoming unbalanced to the point they are a danger but if they do there is an application process to follow.

3.9 Objection 8:

T10 and T11 are ornamental species of a young age with limited visibility from the street as they are blocked from view by the woodland and the building. As such their landscape value is limited.

Tree Officer Response:

The TPO survey was carried out from the street without entering the property, this is to ensure that trees are visible and therefore have visual amenity. Both trees are visible from the street. Furthermore, TPOs are based on visual amenity but this amenity does not have to be current. There is scope within the regulations to protect trees for the amenity they will provide in the future. The trees are a Pine and a Monkey Puzzle which can achieve heights of 20m+ and so calling them ornamental is misleading.

### 3.10 Objection 9:

The woodland is an oak/ birch type woodland which has been colonised by non-native sycamore and so has little value to biodiversity. The woodland also has poor vertical structure with no understorey.

#### Tree Officers Response:

Sycamore is naturalised and is not completely void of ecological value, for example – sycamore is good habitat for aphids which in turn are eaten by ladybirds and so on up the food chain. That said, if the owner wishes to gradually convert the woodland by phased replacement with native trees this would not be resisted. This would be best started by filling out some of the gaps that have been created by poor management. The TPO will not prevent the planting of an understorey. The woodland in its current state still has visual amenity. See below:



### 3.11 Objection 10:

There is an old building within the woodland that is unsafe, there is a lack of standing deadwood with suitable nesting holes, and much work is required to improve the woodland. The TPO therefore creates a level of bureaucracy which will result in unplanned reactive management rather than planned proactive management.

#### Tree Officers Response:

TPOs are a part of the planning system, to say that you cannot plan works with them is not correct. If a proactive woodland management



plan is produced for works over 20 years to benefit the woodland, this could be submitted as part of a TPO application with the associated consent valid for 20 years. This is proactive and would be encouraged. Reactive works will always form part of tree maintenance irrespective of TPOs. The tree officer has already met with the ecologist and advised him to submit an application to fell trees growing from the base of the building but no application has been received.

### 3.12 Objection 11:

The trees are of insufficient quality and should the TPO be upheld, this will lead to damage to the woodland, buildings, powerlines or life.

#### Tree Officer Response:

Clearly the trees are of sufficient quality as seen above. Woodlands are TPO'd for their collective quality, not for the quality of individual trees and improvement through phased replacement of lower quality trees would be encouraged but this is not what had been happening to date. To use the language of TPOs, many of the trees have been damaged or destroyed! The TPO cannot damage the woodland or create risk to people or property, only the inactions or inappropriate actions of the tree owner can do that. Reasonable and required works will be encouraged. For example – there is an oak at the south east corner of the woodland that requires a detailed inspection and possibly some pruning. Both the ecologist and the site owner have been advised that works to mitigate risk will be permitted subject to application but to date no application has been received.

## 4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

## 5. Recommendation

- 5.1 That TPO 2020-02 should be confirmed without modification.

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. **Appendix A – TPO Plan**

