

**Please ask for:** Wendy Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

30 January 2024

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 7 February 2024**

**Council Chamber, Civic Centre, Cannock**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/23/0401	<b>26 Hardie Avenue, Rugeley WS15 1NU</b> Erection of 8 x 3 bed semi-detached houses and 1 x 3 bed detached house on land between Ashleigh Road and Hardie Avenue, Rugeley WS15 1NU	2:10pm
TPO 2023/08	<b>26 St Lukes Close, Cannock WS11 1BB</b> Tree Preservation Order	2:35pm

Members wishing to attend the site visits are requested to meet at 26 Hardie Avenue, Rugeley WS15 1NU as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



**Tim Clegg**  
**Chief Executive**

To Councillors:

Fisher, P.A. (Chair)  
Cartwright, S.M. (Vice-Chair)  
Aston, J.                      Mawle, D.  
Fitzgerald, A.A.          Pearson, A.R.  
Hoare, M.W.A.              Prestwood, F.  
Jones, P.T.                    Sutherland, M.  
Jones, V.                      Thornley, S.J.  
Kenny, B.                      Wilson, L.J.  
Kruskonjic, P.

## Agenda

### Part 1

#### 1. Apologies

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

To declare any 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 January 2024 (enclosed).

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

#### 6. Report of the Planning Services Manager

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

##### *Site Visit Applications*

	Application Number	Location and Description	Item Number
1.	CH/23/0401	<b>26 Hardie Avenue, Rugeley, WS15 1NU</b> Erection of 8 x 3 bed semi-detached houses and 1 x 3 bed detached house on land between Ashleigh Road and Hardie Avenue, Rugeley WS15 1NU	6.1 - 6.24
2.	TPO 2023/08	<b>26 St Lukes Close, Cannock, WS11 1BB</b> Tree Preservation Order	6.25 - 6.31

#### 7. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

## **Agenda**

### **Part 2**

#### **8. Enforcement Case - ENF/23/109**

Not for Publication Report of the Planning Services Manager (Item 8.1 - 8.10).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**

**Held on Wednesday 10 January 2024 at 3:05pm**

**In the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:** Councillors

Fisher, P.A. (Chair)	
Cartwright, S.M. (Vice-Chair)	
Aston, J.	Pearson, A.R.
Buttery, M. (Sub for V. Jones)	Prestwood, F.
Fitzgerald, A.	Stanton, P. (Sub for L. Wilson)
Jones, P.T.	Sutherland, M.
Kenny, B.	Thornley, S.J.
Mawle, D.	

(The start of the meeting was delayed slightly).

**67. Apologies**

Apologies for absence were received from Councillors V. Jones, P. Kruskonjic, and L. Wilson.

Notification had been received that Councillor Buttery would act as substitute for Councillor V. Jones and Councillor Stanton would act as substitute for Councillor Wilson.

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

<b>Member(s)</b>	<b>Interest</b>	<b>Type</b>
Mawle, D.	<b>Not for Publication Enforcement Case - ENF/23/19</b> - Member owns a holiday let business in the local area	Personal and Pecuniary

**69. Disclosure of Details of Lobbying by Members**

None

**70. Minutes**

**Resolved:**

That the Minutes of the meeting held on 13 December 2023 be approved as a correct record subject to Minute 61 - Application CH/23/0324 being amended to reflect that

Councillor S.J. Thornley (as seconder of the motion to refuse) did not state that she withdrew the motion to refuse the application.

## **71. Members Requests for Site Visits**

### **Resolved:**

(A) That a site visit be undertaken in respect of Application CH/23/0231, 243 Hill Street, Hednesford, Cannock, WS12 2DP - Residential development - demolition of existing dwelling no. 243 Hill Street and the construction of 10 dwellings with associated access, parking, and amenity to enable any possible overdevelopment of the site to be assessed.

(This was moved by Councillor A. Pearson and seconded by Councillor S. Thornley.)

(B) That a site visit be undertaken in respect of Application CH/23/0429, 63 Sycamore Green, West Chads Moor, Cannock, WS11 4PN - Demolition of existing workshop and erection of 1 x 2 bed and 1 x 1 bed apartments including garages to enable any possible overdevelopment of the site to be assessed.

(This was moved by Councillor S. Thornley and seconded by Councillor A. Pearson.)

## **72. Application CH/22/0058, 41 Mill Street, Cannock, WS11 0DX, Demolition of existing building to create 15 apartments (1 & 2 bed), associated parking and amenity space**

Prior to consideration of the application the Principal Solicitor advised that this application had been considered at the Planning Control Committee on 18 October 2023. Therefore, only those Members who had been present at that meeting could participate in the determination of the application today. As Councillor P. Stanton was not in attendance on 18 October, she did not take part in the consideration and determination of the application.

Consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.24) *(presented by the Development Management Team Leader)*.

The Development Management Team Leader provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

During the debate and in response to a question from a Member, the Officer clarified that the S106 agreement would enable the Council to assess the viability issue for affordable housing contributions if the development was not completed within a given time period of two years from the date the Decision Notice was issued. Members asked that this be incorporated into the resolution.

### **Resolved:**

(A) That the application be approved subject to the conditions contained in the report for the reasons stated therein without the requirement to enter into a S106 agreement for the provision of a financial contribution towards affordable housing.

(B) That a S106 agreement should be required to allow the Council to assess the viability issue for affordable housing contributions if the development was not completed within 2 years from the date the Decision Notice was issued.

**73. Exclusion of Public**

**Resolved:**

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**

**Held on Wednesday 10 January 2024 at 3:05pm**

**In the Council Chamber, Civic Centre, Cannock**

**Part 2**

**74. Enforcement Case - ENF/23/145 (also ENF/22/100, ENF/22/099 and ENF/19/208)**

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 8.1 - 8.6) *(presented by the Enforcement Officer)*.

The Enforcement Officer provided a presentation to the Committee outlining the report.

**Resolved:**

- (A) That the Enforcement Notice dated 7 February 2020, issued under S173a of the Town and Country Planning Act 1990 be formally withdrawn.
- (B) That, for the reasons and justification outlined in the report, an Enforcement Notice be served under s171A of the Town and Country Planning Act 1990 for the unauthorised material change of use of land to enlarge the domestic curtilage and the enclosure of the land consisting of a 2m high wall constructed of brick with wooden panel infills, contrary to Policy CP3 and CP14 of the Cannock Chase Local Plan and the National Planning Policy Framework paragraph 38.
- (C) That should the terms of the Notice be not complied with by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings, under s179 of the Act.

**75. Enforcement Case - ENF/22/80**

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 9.1 - 9.6) *(presented by the Enforcement Officer)*.

The Enforcement Officer provided a presentation to the Committee outlining the report.

**Resolved:**

- (A) That, following refusal of the retrospective planning application and for the reasons and justification given in the report, an Enforcement Notice be served under s171A of the Town and Country Planning Act 1990 firstly in respect of the unauthorised material change of use of open land to the rear of the property, by the enclosure of the land by 1.8m gravel board and fencing panels, to extend the existing rear garden and secondly, for the unauthorised operational development by the erection of a fence consisting of 1.8m high concrete gravel board and posts, with wooden panel infills which is contrary to policy CP3 of the Cannock Chase Local Plan and paragraphs 8, 11-14, 47-50, 126, 130, 132, 134, 218 and 219 of the 2023 NPF.



- (B) That should the terms of the Notice be not complied with by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings, under s179 of the Act.

**76. Enforcement Case - ENF/22/137**

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 10.1 - 10.5) (*presented by the Enforcement Officer*).

The Enforcement Officer provided a presentation to the Committee outlining the report.

**Resolved:**

- (A) That a Notice be served under s215 of the Town and Country Planning Act 1990 in respect of the untidy state of the land and property.
- (B) That should the terms of the Notice be not complied with by the compliance date stated in the Notice, authorisation be granted under s216 of the Act to initiate prosecution proceedings and authorisation be granted under s219 of the Act, should it be necessary for the Council to enter the land and take direct action to undertake the remedial works specified in the Notice.

**77. Enforcement Case - ENF/23/109**

Having declared a personal and pecuniary interest Councillor D. Mawle left the room and did not participate in the determination of the application.

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 11.1 - 11.6) (*presented by the Enforcement Officer*).

The Enforcement Officer provided a presentation to the Committee outlining the report.

**Resolved:**

- (A) That, following refusal of the retrospective planning application and for the reasons and justification given in the report, an Enforcement Notice be served under s171A of the Town and Country Planning Act 1990 for the unauthorised material change of use of the property from a residential use to the use for short-term let/holiday accommodation.
- (B) That should the terms of the Notice be not complied with by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings under s179 of the Act, should it be necessary.

The meeting closed at 4.00pm.

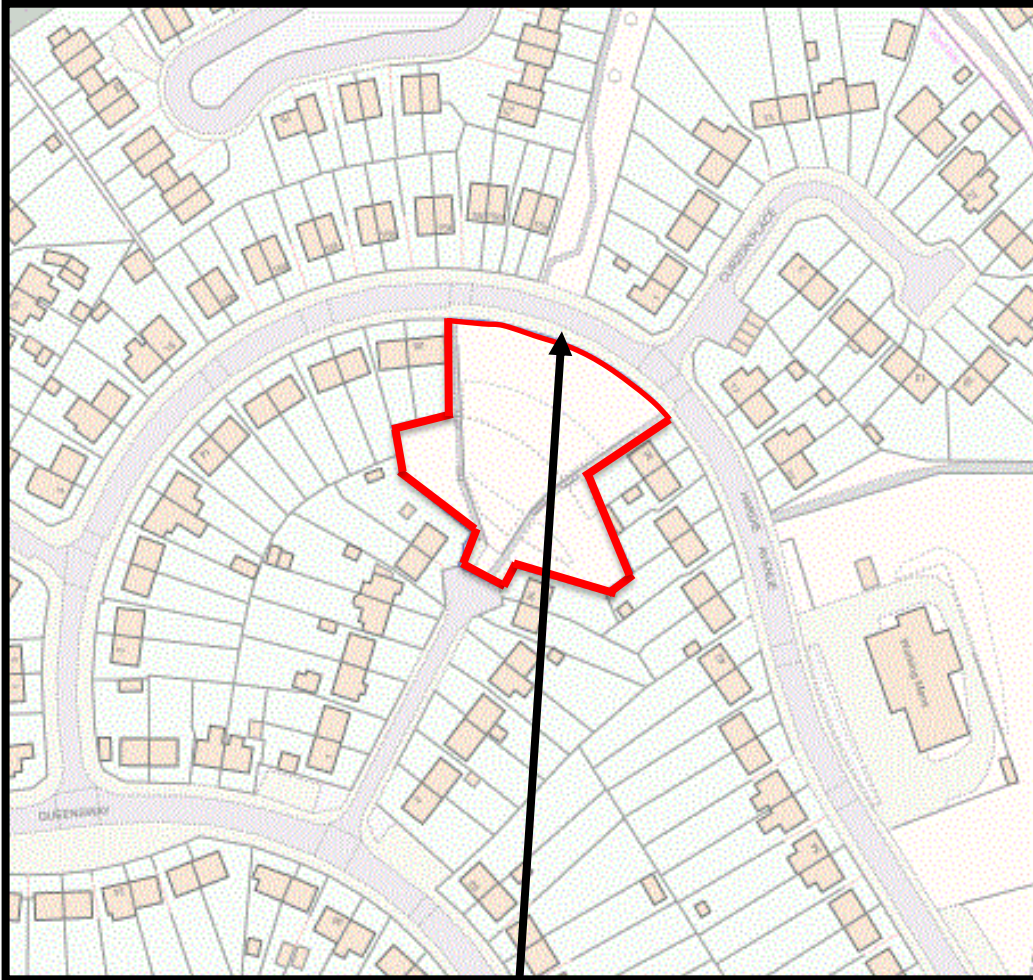
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**Chair**

**Application No:** CH/23/0401

**Location:** Land between Ashleigh Road and Hardie Avenue, Rugeley WS15 1NU

**Proposal:** Erection of 8x 3-bed semi-detached houses and 1x 3-bed detached house

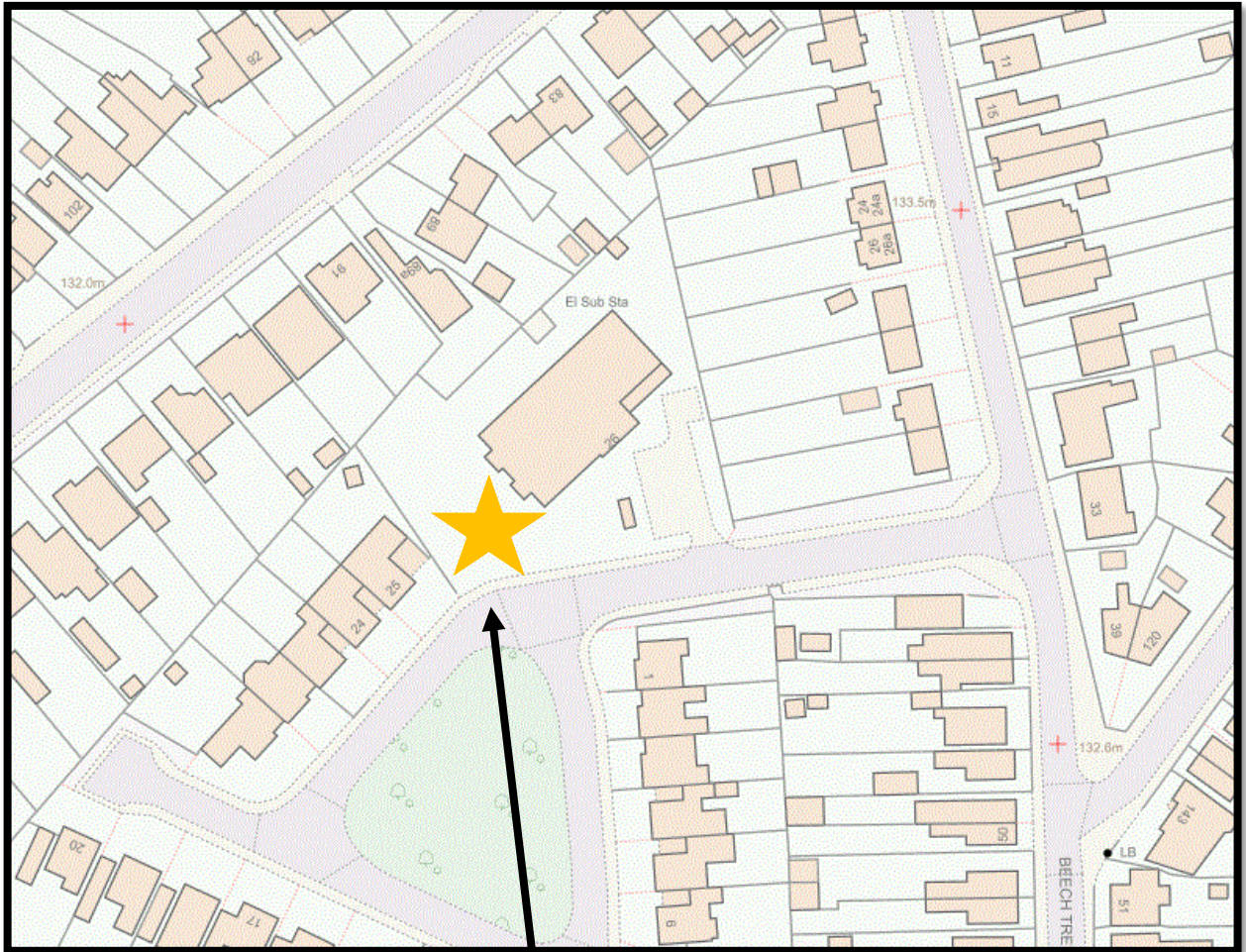


**SITE VISIT  
MEETING POINT**



**Application: TPO 2023/08**

**Location: 26 St. Lukes Close, WS11 1BB**

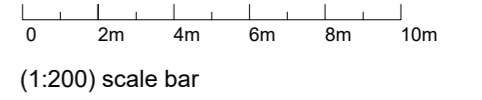


**SITE VISIT  
MEETING POINT**



PLANNING ISSUE

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LANDSCAPING:

GROUND PREPARATION:

Planting areas for new shrubs to be sprayed out with a glyphosate a minin days prior to any further ground work to ensure weed control. Prior to plac topsoil all areas to be cleared of all builders rubbish, stones etc. and base a depth of 500mm. Planting areas to be cultivated to a depth of 500mm.

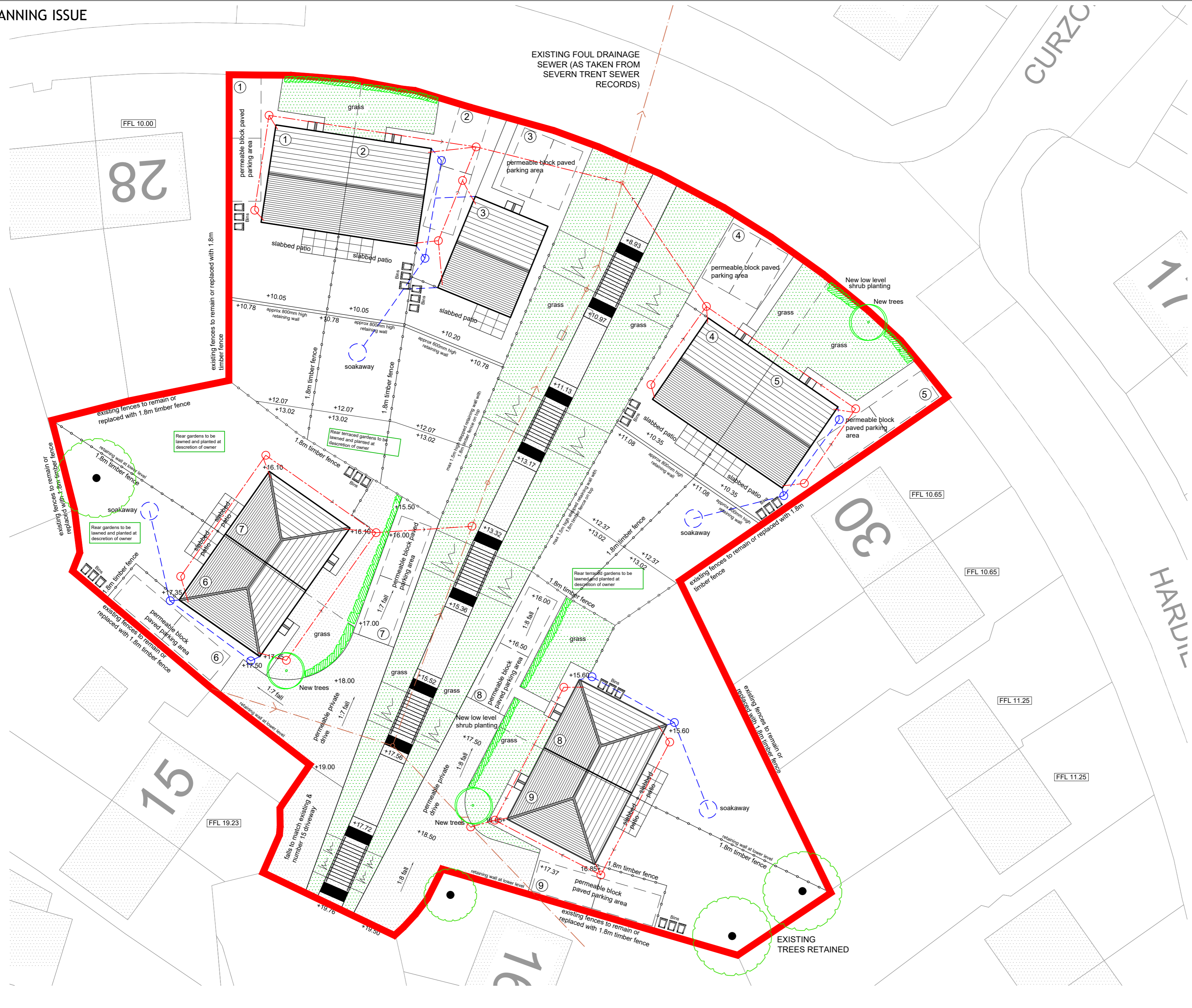
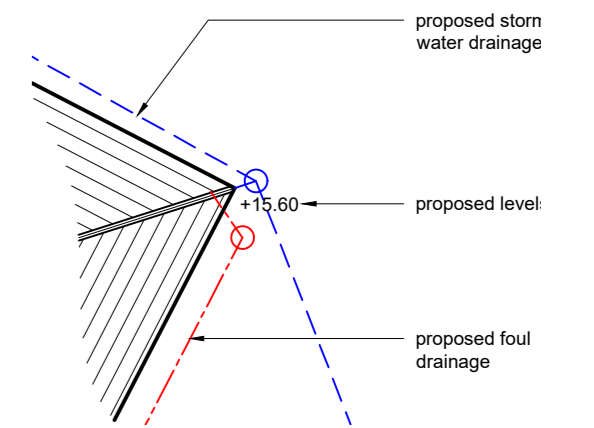
PLANTING:

Plants to be of size and type as shown in schedule. Trees and shrubs to b locations given unless otherwise agreed. Plants shall be removed from the covering or packing immediately prior to planting. Roots shall not be allow under any circumstances. Immediately before planting the plants shall hav fully soaked in 3:1 water:broadleaf root dip solution.

PLANTING OF TREES SIZE 45-120mm TALL & SHRUBS:  
All plants to be pit planted, with pits for trees to be at least 75mm greater t spread and depth but pits shall not be less than 450x450x300mm with bas with fork to a depth of 200mm. Pits for shrubs to be a minimum 75mm gre spread or depth and with base broken up. Notch planting will not be allow mixture to consist of 3:1 excavated material: peat free compost to which h added 20grms of balanced NPK fertilizer per tree and 15grms per shrub. T be set to prevailing windward side of tree with stake set in ground prior t as to avoid root damage to roots. Stakes not to be driven into ground follw of trees.

PLOT NO.	FFL
1	10.20
2	10.20
3	10.35
4	10.50
5	10.50
6	17.50
7	16.25
8	15.75
9	17.00

KEY:



REV:	DATE:	DESCRIPTION:

**CENTRAL BC LIMITE**

**CENTRAL**  
Suite 9,  
Stapleford Busi  
1 Toton Lane, £  
Nottingham, NC  
T. 01543 8873;  
0115 648 4915

**PROJECT:**  
**PROPOSED DEVELOPMENT AT  
LAND BETWEEN HARDIE AVENUE & ASH  
ROAD, PEAR TREE ESTATE, RUGELEY**

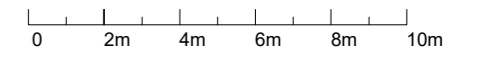
**DRAWING TITLE:**  
**PROPOSED SITE PLAN**

<b>DATE:</b> Oct 23	<b>SCALES:</b> 1:200 @ A2
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<b>CHECKED:</b>	<b>4054-005-03</b>

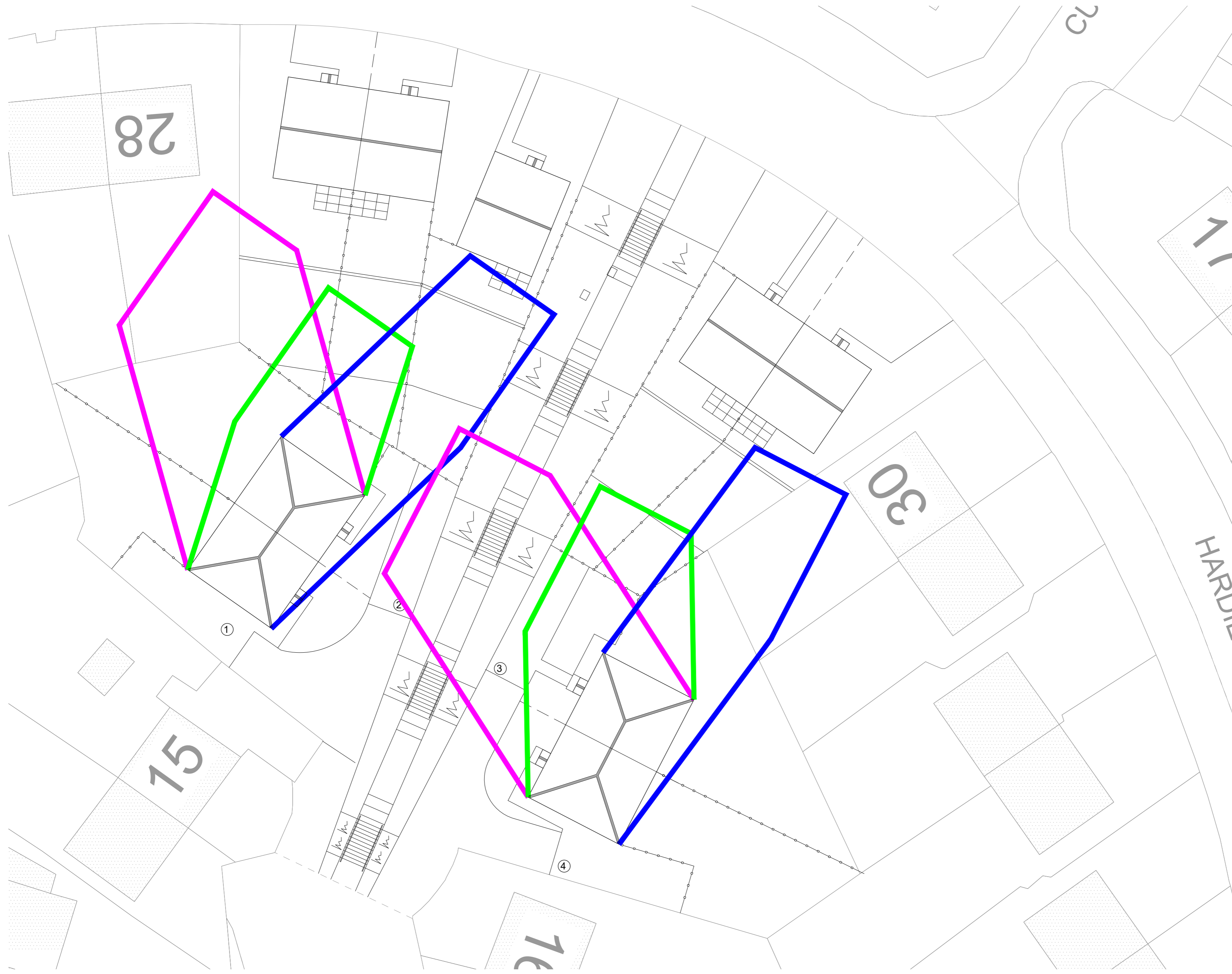


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(1:200) scale bar

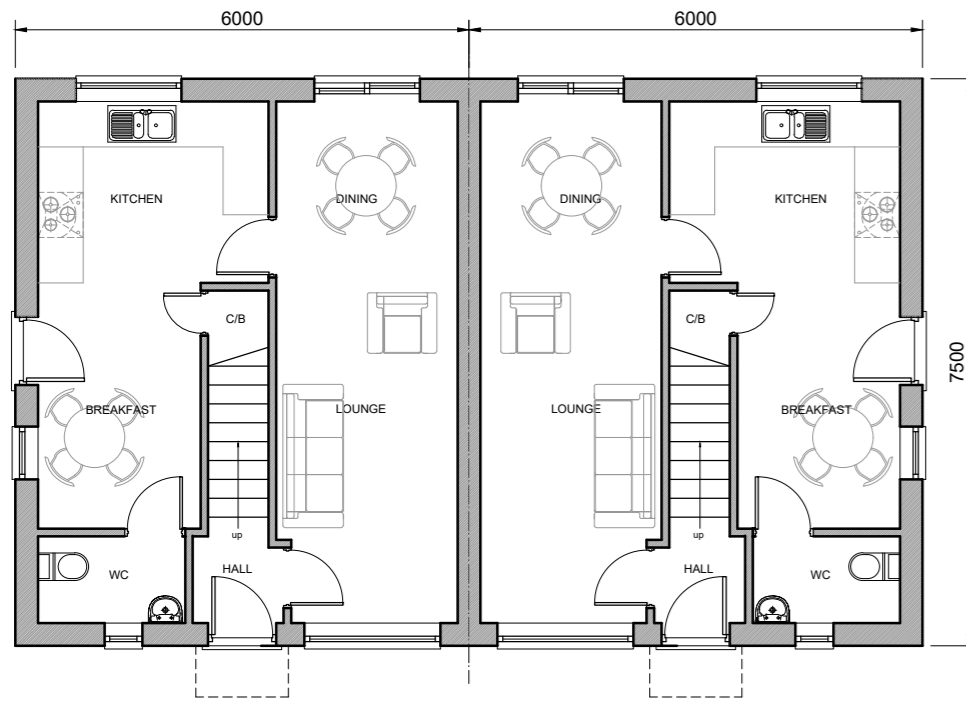
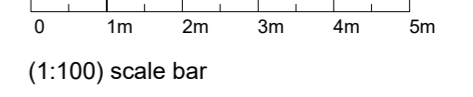


	Indicates 9am
	Indicates midday
	Indicates 3pm

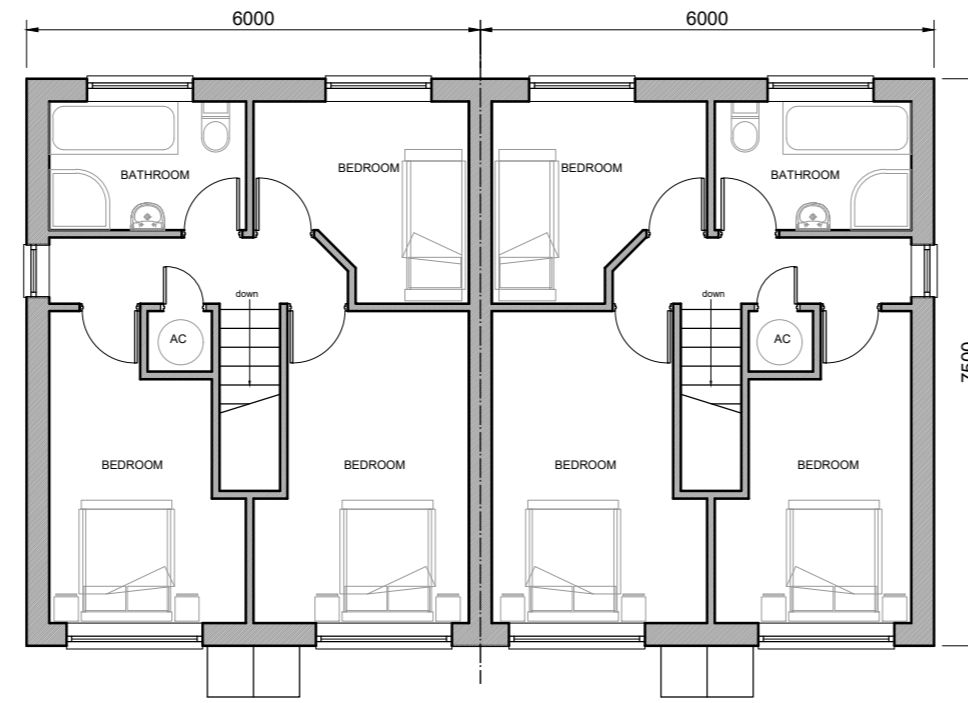
REV:	DATE:	DESCRIPTION:
<b>CENTRAL BC LIMITED</b>		
		Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ  T. 01543 887321 or 0115 648 4915
<b>PROJECT:</b>		
PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE & ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY		
<b>DRAWING TITLE:</b>		
PROPOSED EQUINOX SHADOWS		
<b>DATE:</b>	Oct 23	<b>SCALES:</b> 1:200 @ A2
<b>DRAWN:</b>	IG	<b>DRG No.:</b>
<b>CHECKED:</b>		<b>4054-005-04</b>
		<b>REV:</b>

PLANNING ISSUE

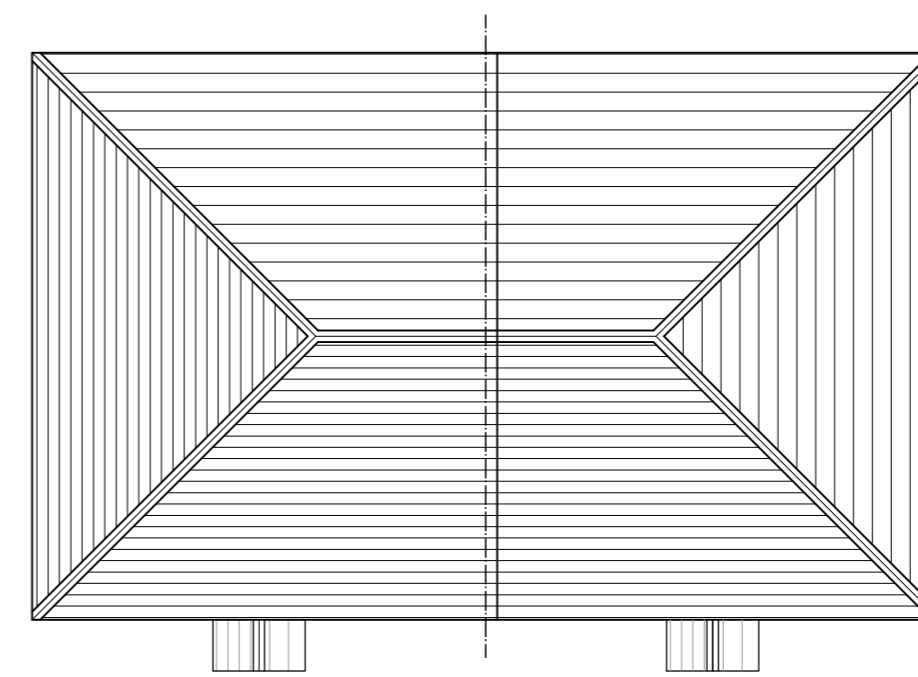
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GROUND FLOOR PLAN (PLOTS 6-7 & 8-9)



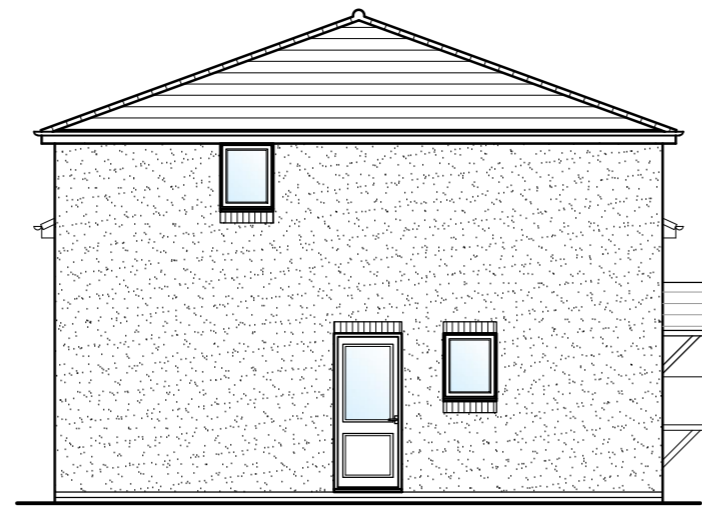
FIRST FLOOR PLAN (PLOTS 6-7 & 8-9)



ROOF PLAN (PLOTS 6-7, PLOTS 8-9 SIMILAR BUT HANDED)



FRONT ELEVATION  
(PLOTS 6-7, PLOTS 8-9 SIMILAR BUT HANDED)



LEFT HAND SIDE ELEVATION  
(PLOTS 6-7, PLOTS 8-9 SIMILAR BUT HANDED)



REAR ELEVATION  
(PLOTS 6-7, PLOTS 8-9 SIMILAR BUT HANDED)

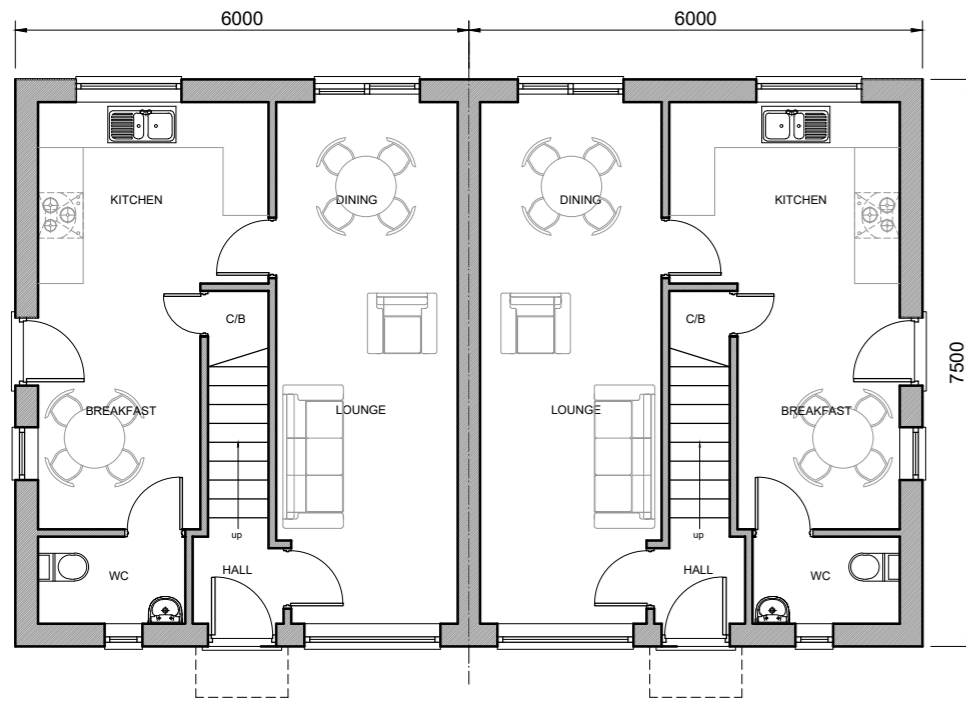
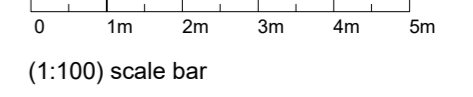


RIGHT HAND SIDE ELEVATION  
(PLOTS 6-7, PLOTS 8-9 SIMILAR BUT HANDED)

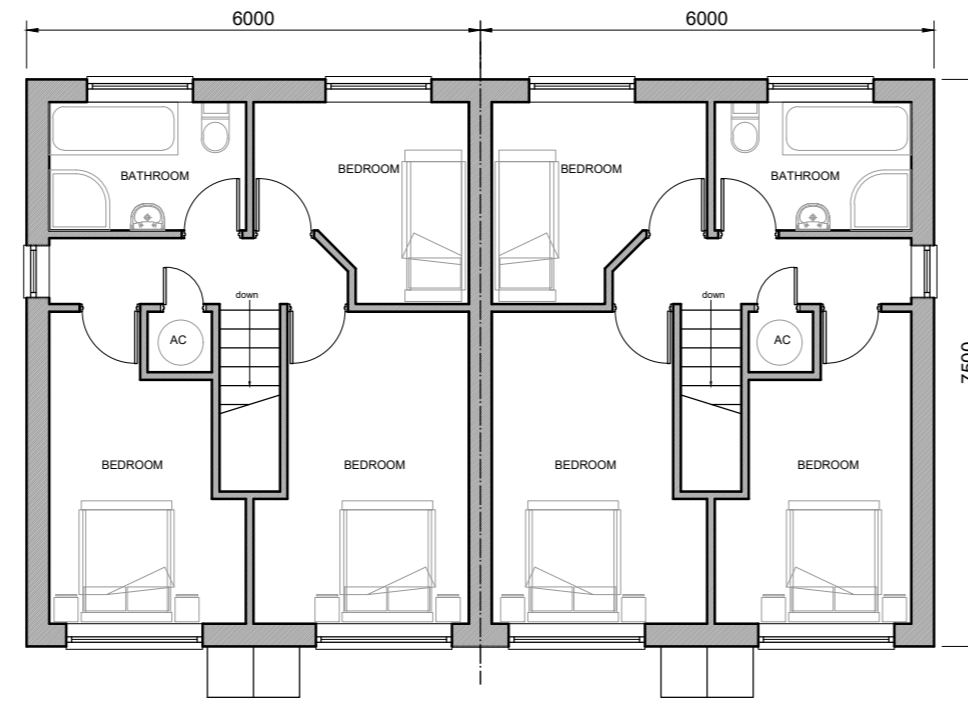
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<p><b>CENTRAL BC LIMITED</b></p>  <p>Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ</p> <p>T. 01543 887321 or 0115 648 4915</p>		
<p><b>PROJECT:</b> PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE &amp; ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY</p>		
<p><b>DRAWING TITLE:</b> PLOTS 6-7 &amp; 8-9 PROPOSED PLANS &amp; ELEVATIONS</p>		
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PLANNING ISSUE

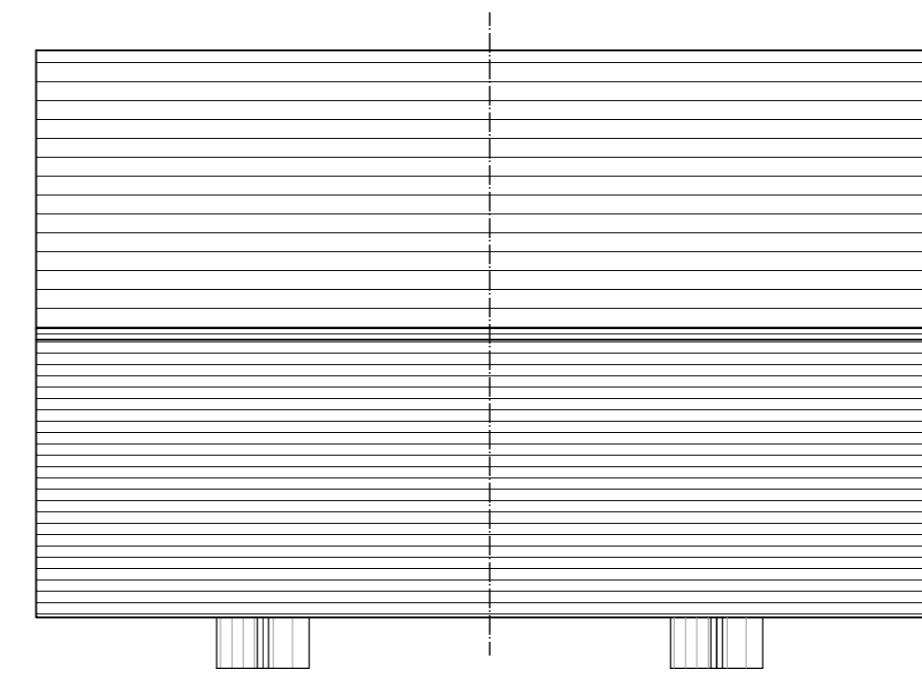
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GROUND FLOOR PLAN (PLOTS 1-2 & 4-5)



FIRST FLOOR PLAN (PLOTS 1-2 & 4-5)



ROOF PLAN (PLOTS 1-2 & 4-5)



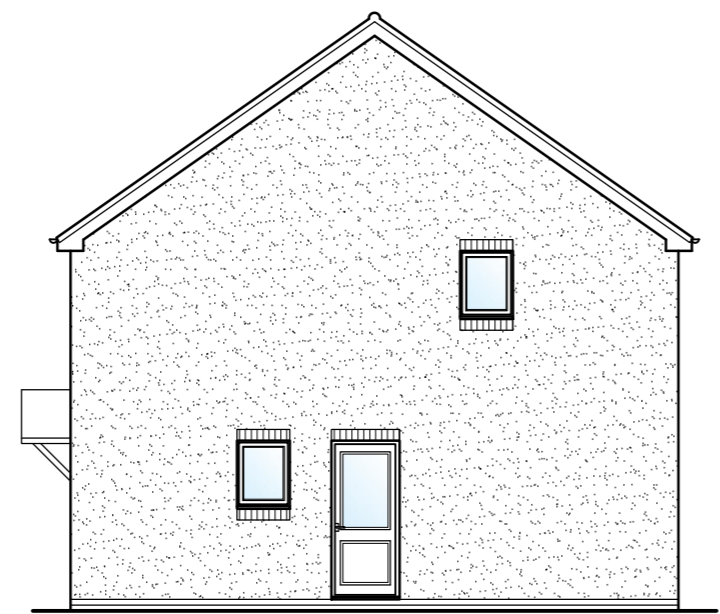
FRONT ELEVATION  
(PLOTS 1-2 & 4-5)



SIDE ELEVATION  
(PLOTS 1-2 & 4-5)



REAR ELEVATION  
(PLOTS 1-2 & 4-5)



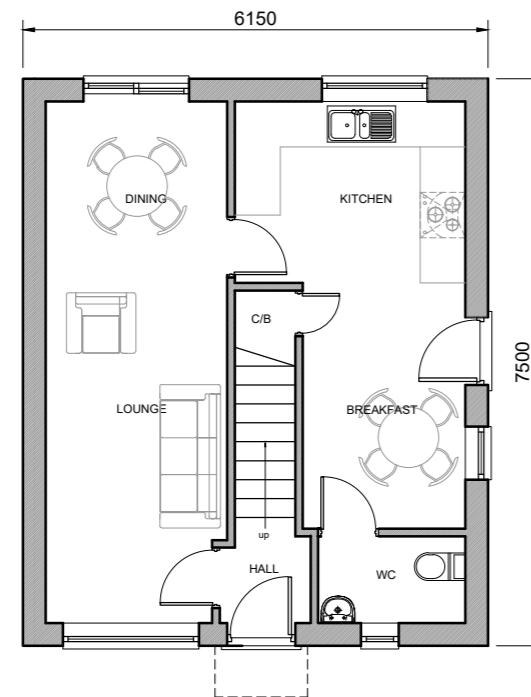
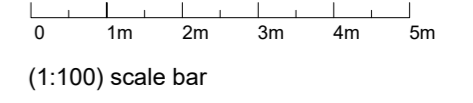
SIDE ELEVATION  
(PLOTS 1-2 & 4-5)

REV:	DATE:	DESCRIPTION:
<p><b>CENTRAL BC LIMITED</b></p> <p>Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ</p> <p>T. 01543 887321 or 0115 648 4915</p>		
<p><b>PROJECT:</b> PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE &amp; ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY</p>		
<p><b>DRAWING TITLE:</b> PLOTS 1-2 &amp; 4-5 PROPOSED PLANS &amp; ELEVATIONS</p>		
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DRAWN:	IG	DRG No.:
CHECKED:		4054-005-05
		REV:

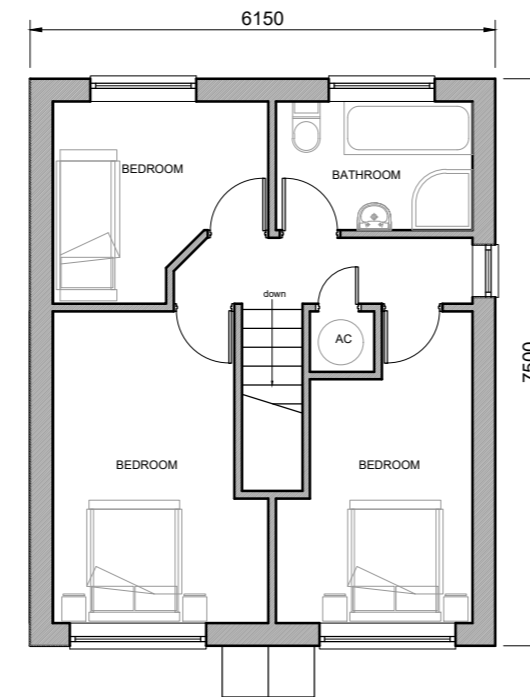


PLANNING ISSUE

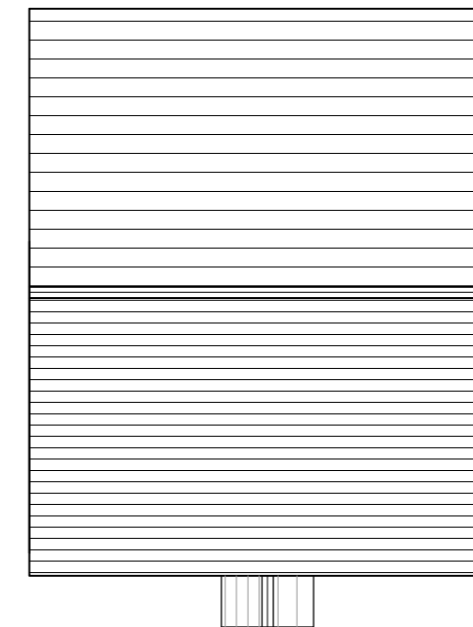
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GROUND FLOOR PLAN (PLOT 3)



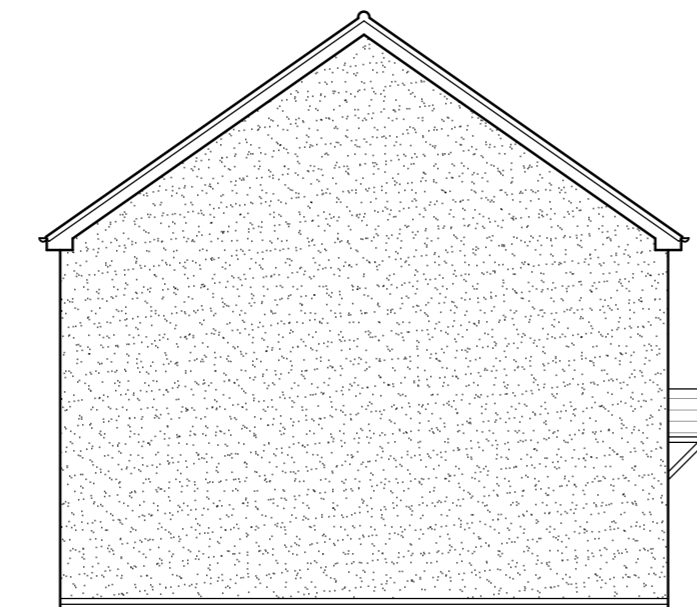
FIRST FLOOR PLAN (PLOT 3)



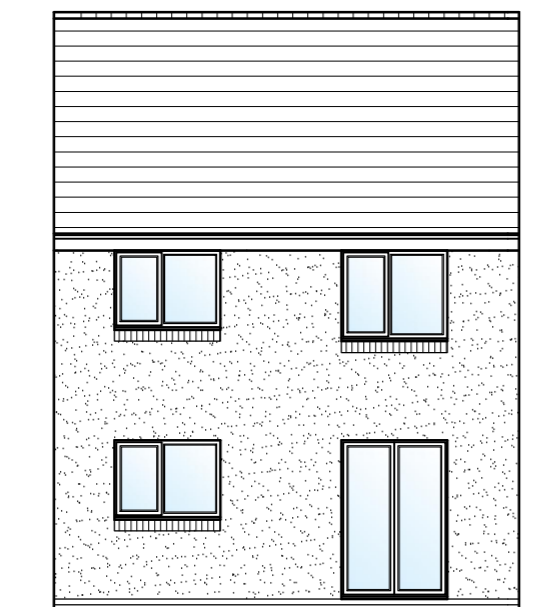
ROOF PLAN (PLOT 3)



FRONT ELEVATION (PLOT 3)



SIDE ELEVATION (PLOT 3)



REAR ELEVATION (PLOT 3)



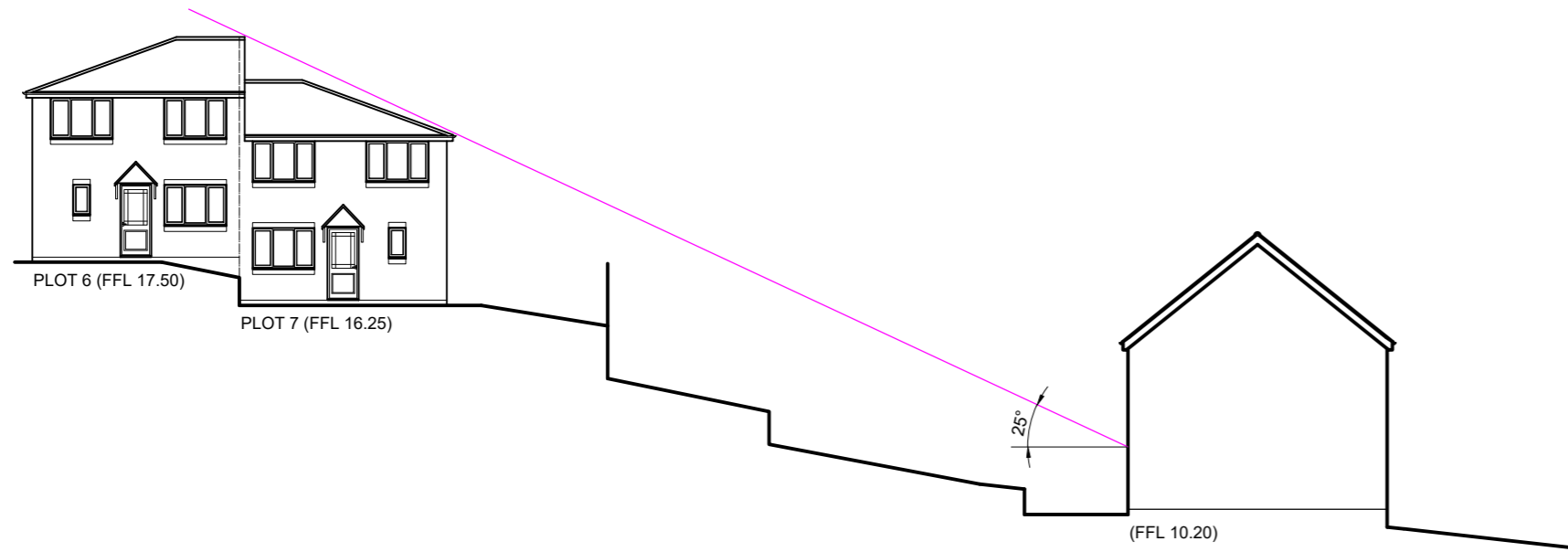
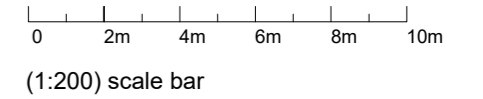
SIDE ELEVATION (PLOT 3)

REV:	DATE:	DESCRIPTION:
<p><b>CENTRAL BC LIMITED</b></p>  <p>Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ</p> <p>T. 01543 887321 or 0115 648 4915</p>		
<p><b>PROJECT:</b> PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE &amp; ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY</p>		
<p><b>DRAWING TITLE:</b> PLOT 3 PROPOSED PLANS &amp; ELEVATIONS</p>		
DATE:	Oct 23	SCALES: 1:100 @ A2
DRAWN:	IG	DRG No.:
CHECKED:		4054-005-06
		REV:

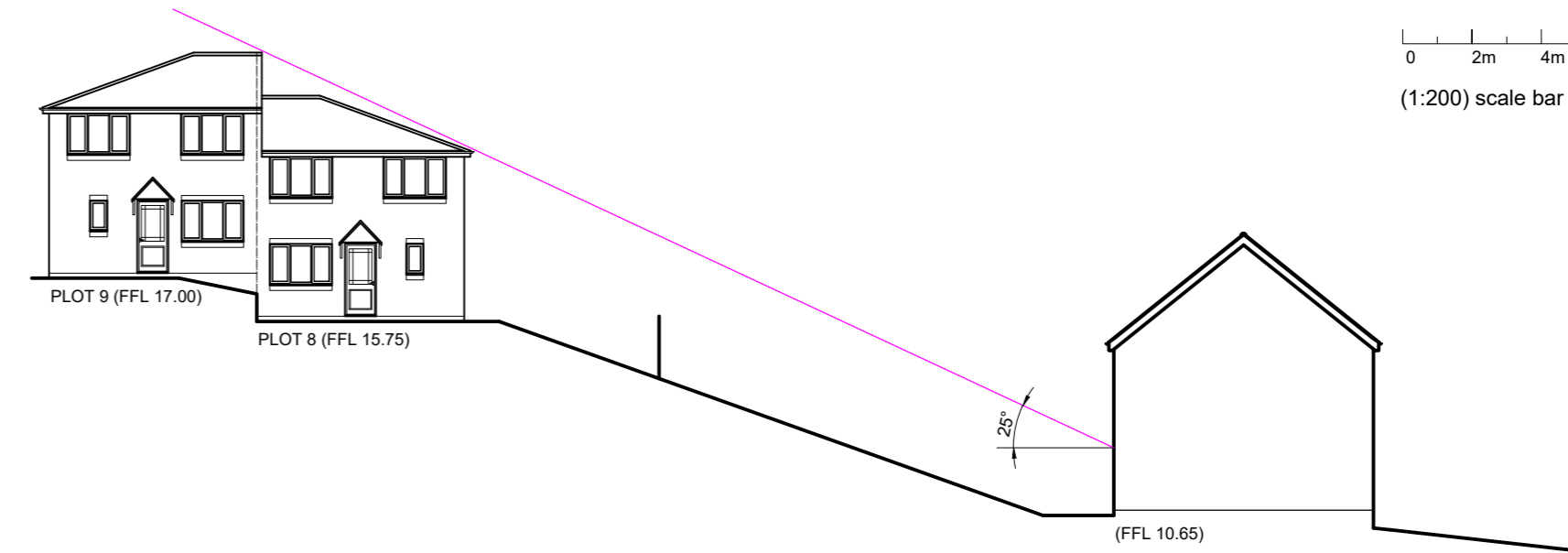


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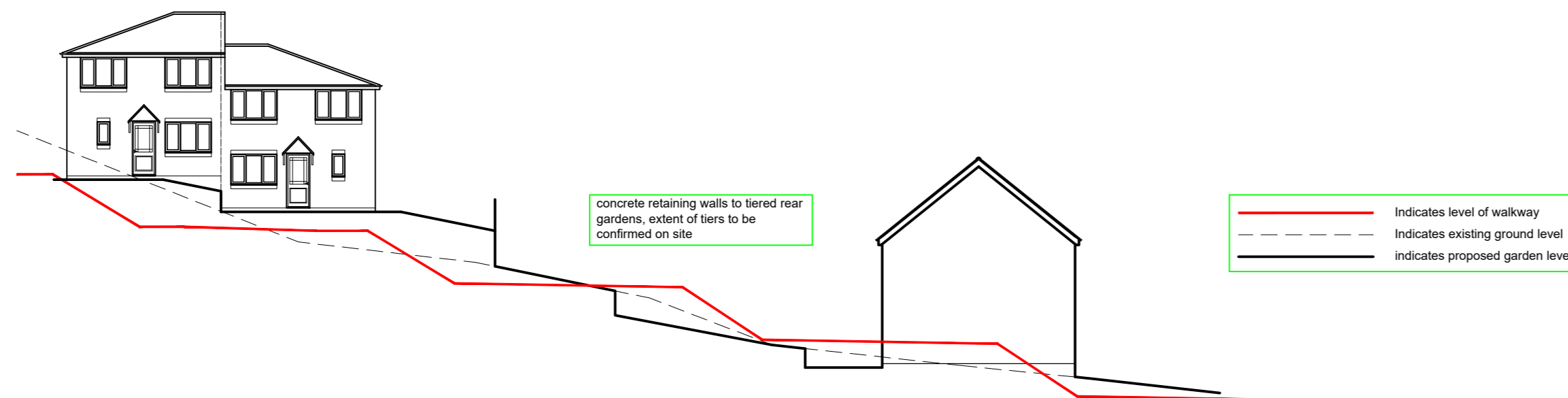
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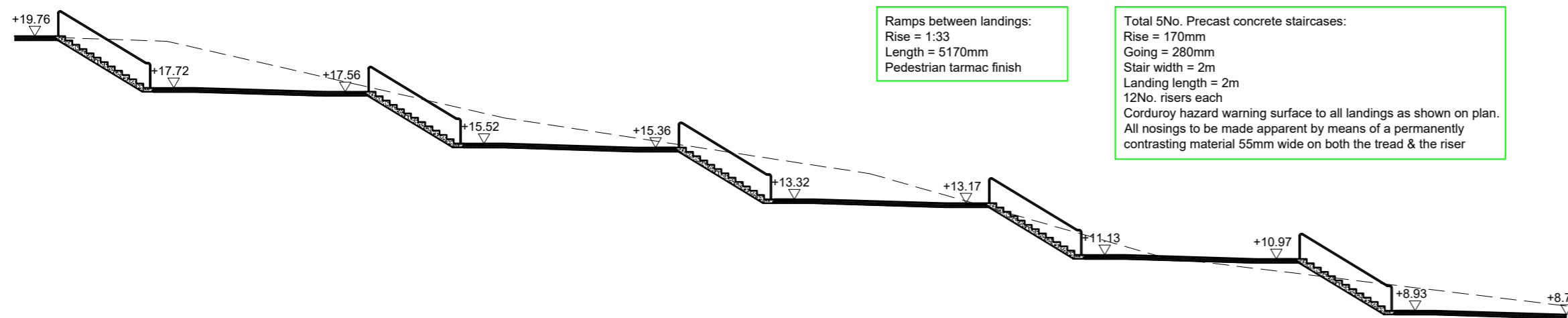
SITE SECTION (PLOT 7 ASHLEIGH ROAD TO PLOT 1 HARDIE AVENUE)



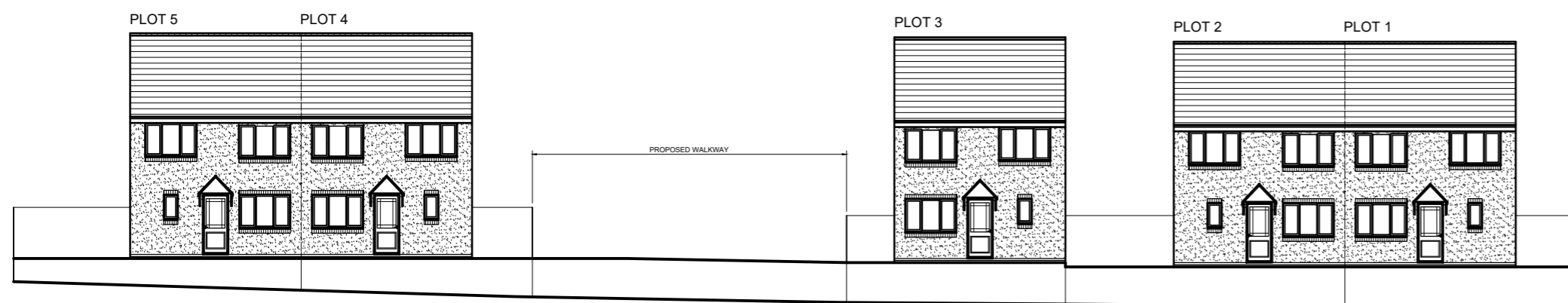
SITE SECTION (PLOT 8 ASHLEIGH ROAD TO 32 HARDIE AVENUE)



SECTION THROUGH WALKWAY / GARDENS



SECTION THROUGH WALKWAY

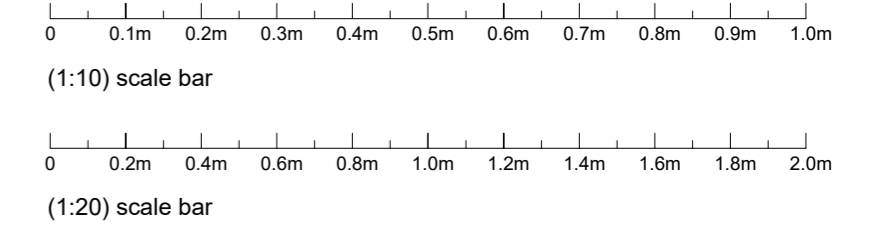
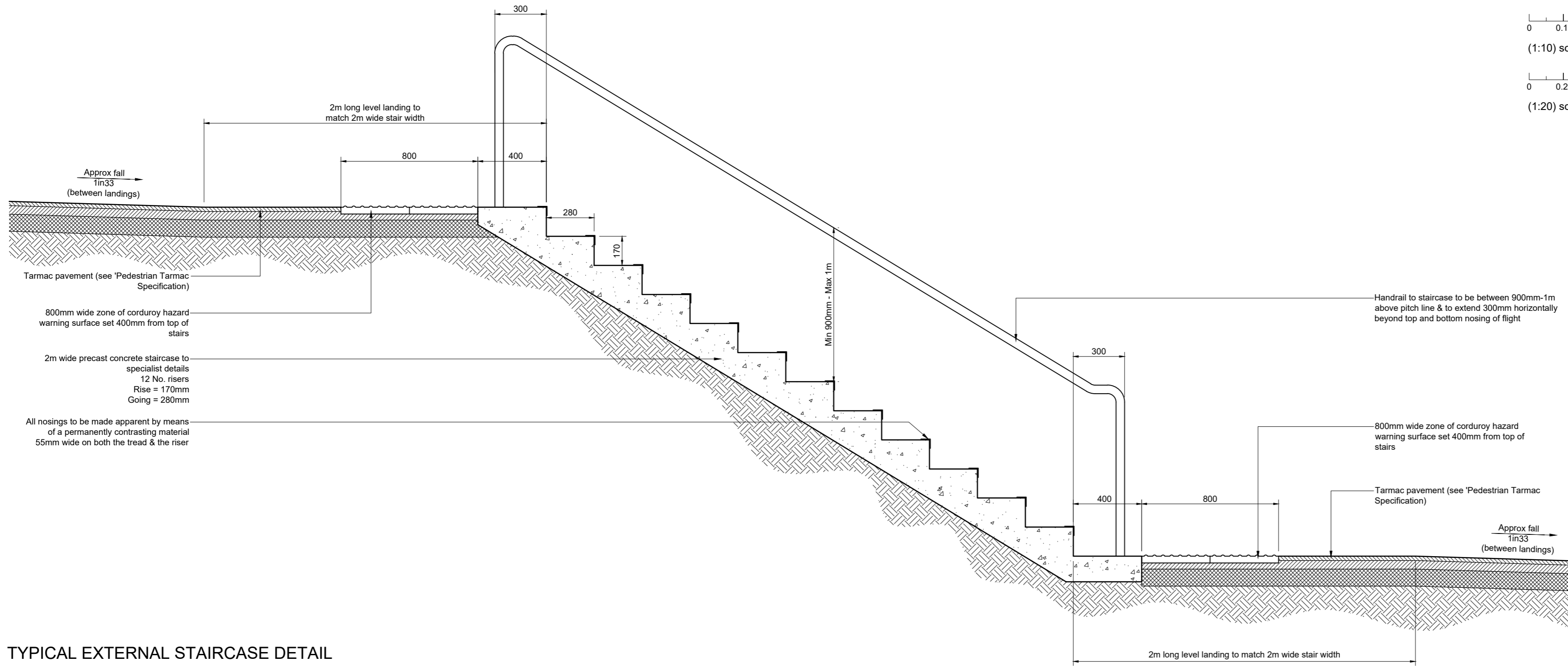


PROPOSED STREET SCENE (HARDIE AVENUE)

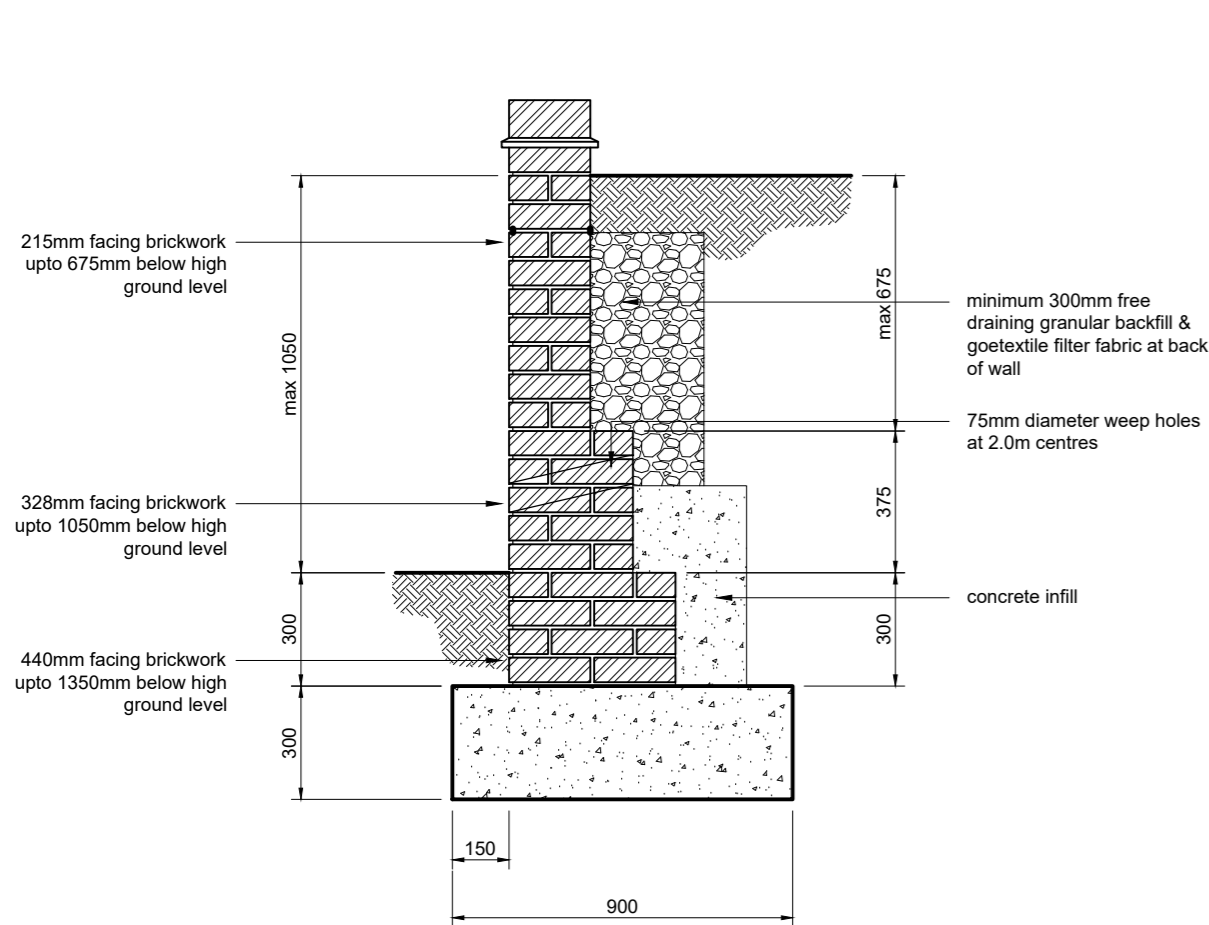
REV:	DATE:	DESCRIPTION:
<b>CENTRAL BC LIMITED</b>		
		Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ
		T. 01543 887321 or 0115 648 4915
<b>PROJECT:</b> PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE & ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY		
<b>DRAWING TITLE:</b> SITE SECTIONS & PROPOSED STREET SCENE		
<b>DATE:</b>	Oct 23	<b>SCALES:</b> 1:200 @ A2
<b>DRAWN:</b>	IG	<b>DRG No.:</b>
<b>CHECKED:</b>		<b>4054-005-08</b>
		<b>REV:</b>

PLANNING ISSUE

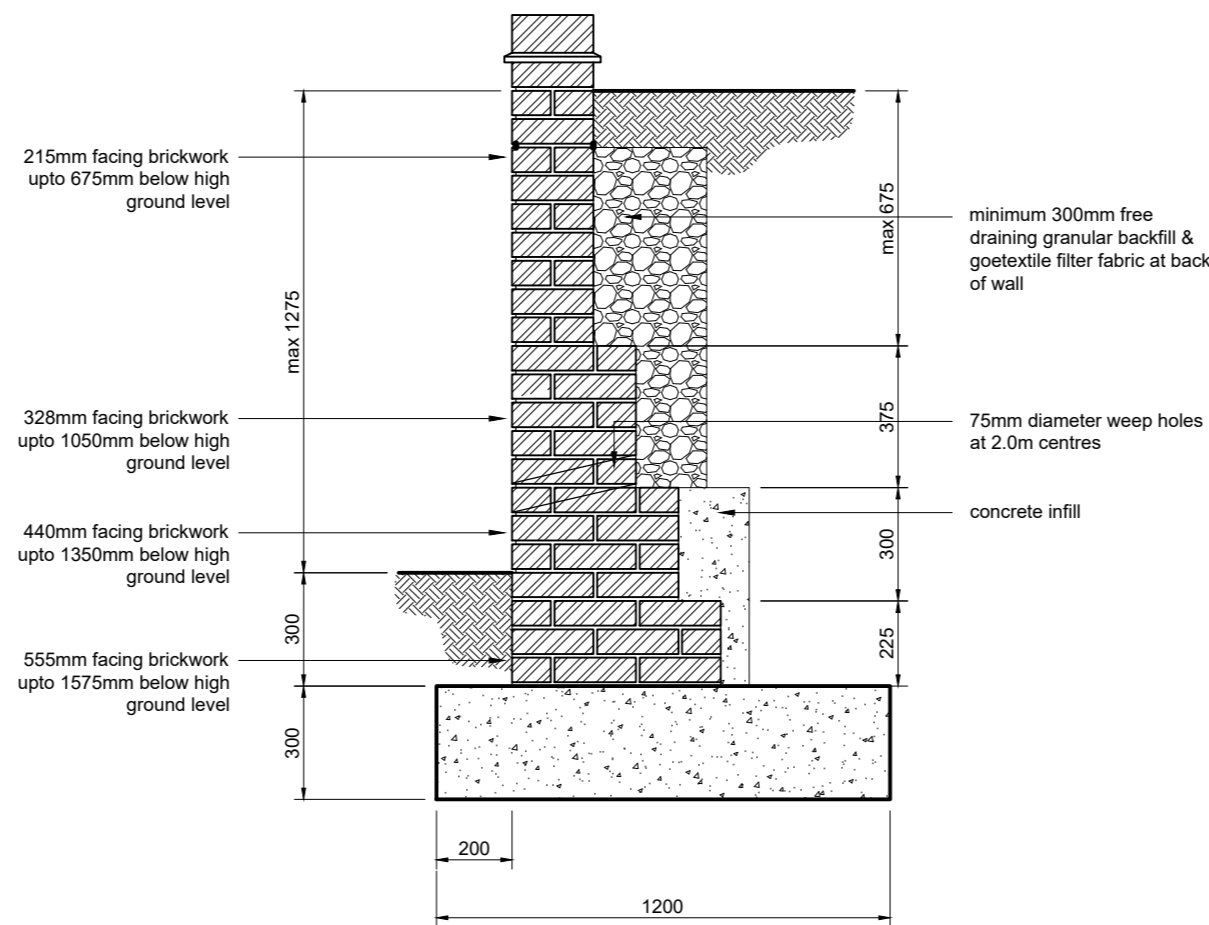
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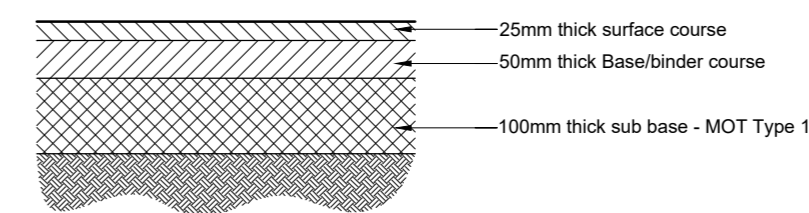
TYPICAL EXTERNAL STAIRCASE DETAIL




TYPICAL SECTION THROUGH RETAINING WALL  
(DIFFERENCE IN HEIGHT - MAX 1.05m)



TYPICAL SECTION THROUGH RETAINING WALL  
(DIFFERENCE IN HEIGHT - MAX 1.275m)



PEDESTRIAN TARMAC SPECIFICATION

REV:	DATE:	DESCRIPTION:
<p><b>CENTRAL BC LIMITED</b></p>  <p>Suite 9, Stapleford Business Hub, 1 Toton Lane, Stapleford Nottingham, NG9 7JQ T. 01543 887321 or 0115 648 4915</p>		
<p><b>PROJECT:</b> PROPOSED DEVELOPMENT AT LAND BETWEEN HARDIE AVENUE &amp; ASHLEIGH ROAD, PEAR TREE ESTATE, RUGELEY</p>		
<p><b>DRAWING TITLE:</b> PROPOSED WALKWAY DETAILS</p>		
DATE:	Oct 23	SCALES: 1:10 & 20 @ A2
DRAWN:	IG	DRG No.: 4054-005-09
CHECKED:		REV:

<b>Contact Officer:</b>	<b>David O'Connor</b>
<b>Telephone No:</b>	<b>01543 464 515</b>

<p><b>Planning Control Committee</b></p> <p><b>7 February 2024</b></p>
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<b>Application No:</b>	CH/23/0401
<b>Received:</b>	30 November 2023
<b>Location:</b>	26 Hardie Avenue, Rugeley, Staffordshire WS15 1NU
<b>Parish:</b>	Rugeley CP
<b>Ward:</b>	Hagley
<b>Description:</b>	Erection of 8x 3-bed semi-detached houses and 1x 3-bed detached house on land between Ashleigh Road and Hardie Avenue Rugeley WS15 1NU
<b>Application Type:</b>	Full Planning Permission

**The application is being presented to Members for determination as the site is owned by Cannock Chase Council**

**RECOMMENDATION:**

**It is recommended that delegated authority be given to the Head of Economic Prosperity to grant planning permission, subject to the completion of a S106 agreement to:**

**- secure appropriate maintenance responsibilities for the future footpath and thereafter, the conditions outlined below.**

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. Prior to the commencement of any development or earthworks on the site, a detailed report providing evidence to demonstrate the proposed dwellings and footpath will not impact upon ground stability shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the following:
  - a) the proposed means of retaining the land and dwellings, details of any required

specialist foundations and shall provide evidence of appropriate calculations from a suitably qualified party to demonstrate the suitability of the proposed engineering solution.

- b) any required testing to establish ground conditions.
- c) required drainage within any retaining structures post completion and during the construction of any retaining structures.
- d) the proposed means of installation of any retaining structures, assess any potential impacts upon neighbouring properties and assess the opportunities for mitigating or minimising such impacts.

The development shall thereafter be undertaken in accordance with the approved report.

Reason:

In the interests of human health and addressing land stability in accordance with NPPF paragraph 170.

3. No part of the development hereby approved shall commence until a scheme detailing the extent of the proposed retaining walls, the materials used in their construction and details of any proposed balustrading have been submitted to and approved by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason

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

4. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved 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 development shall be carried out in accordance with the approved details.

Reason

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

5. Prior to the commencement of the development a Construction and Environmental Management Plan and details of an intended Programme of Works shall be submitted to an agreed in writing by the Local Planning Authority. The Construction and Environmental Management Plan shall include details of site compounds, site hours, types of vehicles, proposed delivery hours, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, vehicle movements (including those associated with the demolition works) to avoid school

travel times and storage of plant and materials used in constructing the development and the method of piling should piling be used.

The approved scheme shall thereafter be implemented prior to and throughout the duration of any works on site.

Reason

To comply with the objectives and policies contained within the NPPF. In the interests of site sustainability and highway safety.

6. The development hereby permitted shall not be commenced until details of proposed measures to mitigate known former landfill gases have been submitted to and agreed in writing by the Local Planning Authority.

Thereafter the approved measures shall be incorporated into the construction of each dwelling hereby permitted. No dwelling shall be occupied until verification that the approved measures have been incorporated into the construction of that dwelling has been received by the Local Planning Authority.

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.

7. Prior to the commencement of the development, details of the proposed means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall pay due regard to the sloping nature of the site and land stability.

Thereafter the development shall be carried out in accordance with the approved details.

Reason:

In the interests of ensuring appropriate site drainage that takes account of the constraints on the site in accordance with the NPPF.

8. All side facing first floor windows and all bathroom windows shown within the approved plans shall be obscured glazed to a minimum privacy level of Grade 5 and shall be permanently so retained for the life of the development.

Reason:

In the interests of reducing opportunities for overlooking and enhancing the privacy within neighbouring existing dwellings.

9. The development hereby permitted shall be carried out in strict accordance with the approved sectional details and stated datum levels within drawings 4054-005-08. Unless otherwise agreed in writing the development shall be carried out in accordance with the stated levels. At the reasonable request of the Local Planning Authority, where it would appear deviation from the approved levels is apparent, the developer at his expense, shall provide evidence of the finished levels within the site via formal site survey.

Reason:

In order to ensure compliance with the submitted details in the interests of amenity

and allow for assessment of the resulting stated levels on site, where required.

10. No construction work or deliveries to the site shall be undertaken outside the hours of 0800 to 1900 Monday - Friday, 0800 to 1300 on Saturdays or at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of neighbouring occupiers.

11. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided and surfaced in accordance with drawing number 4054-005-03 Proposed Site Plan and shall be thereafter retained for the lifetime of the development.

Reason:

In the interests of highway safety and the safe and convenient flow of traffic.

12. Prior to the commencement of the development the replacement public footpath shall be provided in accordance with the submitted Drawing Number 4054-005-03 Proposed Site Plan and Drawing Number 4054-005-08 Site Sections and Proposed Street Scene.

Reason:

In the interests of maintaining connectivity during the course of the construction process.

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

4054-005-03 Proposed Site Plan dated Oct 23

4054-005-04 Proposed Equinox Shadows

4054-005-05 Plots 1-2 and 4-5 Plans and Elevations

4054-005-06 Plot 3 Floor Plans and Elevations

4054-005-07 Plots 6-7 and 8-9 Plans and Elevations

4054-005-08 Site Sections and Proposed Street Scene.

4054-005-09 Proposed Walkway Details

Reason:

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

### **Notes to the Developer:**

Please note that prior to any alterations to the existing access within the public highway you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH or email (nmu@staffordshire.gov.uk) [www.staffordshire.gov.uk/transport/staffshighways/licences](http://www.staffordshire.gov.uk/transport/staffshighways/licences)

## **Consultations and Publicity**

### **Internal Consultations**

#### **Parks and Opens Spaces - Comments**

There are no objections to the proposed tree removals but further details in relation to proposed tree protection to be instigated during the work should be provided.

Details landscaping information should be provided.

Bollards to prevent vehicular access should be provided which may involve redesign of the steps.

Additional levels information and a barrier between the private access drive and parking areas should be provided. Litter bins should be provided.

Confirmation is required as to the future responsibility for the access corridor.

Ecological Enhancements should be provided.

#### **Planning Policy – Comments**

The site forms part of the Green Space Network but does not fall within any other designated areas shown on the Local Plan Policies Map. I can also advise that the site comprises SHLAA (2023) sites R168 (6-15years) and R142 (Restricted and Excluded).

The development site is identified as being located within the Hagley Character Area; this character area is identified as being in a suburban area Character Density Zone. The Character Area Descriptions and District Profile for Hagley, states that this is a residential suburban area to the south-west of Rugeley town centre of inter-war and modern character types of houses with associated community facilities e.g., schools, health centre, reaching out to the urban-rural fringe.

The Character Area Descriptions identifies key local design principles and / or design principles new development should consider, including: recognise scope for variety of good quality design and materials throughout area whilst respecting scale and density of existing development, however area characterised by housing estates of homogenous design types which are each more sensitive to introduction of innovation; promote the permeability of cul-de-sac developments and links between key facilities is via improved green links where appropriate; consider visual impact of development on local views from nearby high ground.

The Design SPD for new dwellings also considers that the effects of shade from existing/proposed trees or buildings on or adjacent to the site must be fully considered. Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes.

It is considered that the proposed should respect the character and density of the area and promote the creation of better places in which to live and work.

## **Environmental Health – No objections subject to conditions**

No particular concerns with the proposed development, although construction times should be restricted to minimise impact on residential amenity.

A Construction Hours condition is recommended.

## **External Consultations**

### **Staffordshire County Council Highways Authority – No response received**

Previous comments on the past scheme indicated no objections to the development subject to conditions requiring:

- (i) the parking and access arrangements proposed being provided prior to use of the dwellings
- (ii) The replacement of the public footpath
- (iii) The provision of cycle storage facilities in line with details to be submitted and agreed

## **Response to Publicity**

The application has been advertised by neighbour letter. No letters of representation have been received in relation to the proposals.

### **1. RELEVANT PLANNING HISTORY**

- CH/15/0255 - 5 No. 3 bedroom houses and associated access, Land adjacent to 28, Hardie Avenue, Rugeley. Approved subject to completion of S106 agreement. S106 yet to be formally signed and completed and therefore decision not yet issued.
- CH/17/295 - Residential development: Erection of two pairs of semi-detached dwellings. Approved Feb 2019

### **2. SITE AND SURROUNDINGS**

- 2.1 The application site relates to an irregular piece of land located to the side and behind numbers 28 and 30 Hardie Avenue on the Pear Tree Estate, Rugeley. The land is an open grassed area that forms part of the Green Space Network (GSN). The land slopes up steeply from Hardie Avenue providing a link to Ashleigh Road. All land at present is understood to be within the Council's ownership.
- 2.2 There are two stepped paths on either side of the site, which lead to Ashleigh Road. The street scene comprises of a residential estate with semi-detached dwellings, which are all similar in appearance.





Figure 1: Satellite imagery showing the sites location and context in relation to neighbouring properties. Taken from Google Earth ©

### 3. PROPOSAL

- 3.1 The application proposes the erection of four pairs of semi-detached dwellings, and one detached dwelling providing for 9 No. dwellings in total. These are proposed to take access from both Hardie Avenue (the lower road) and Ashleigh Road to the south via a driveway with a 1 in 7 gradient. The Hardie Avenue properties will front the main highway in a similar manner to the existing dwellings adjacent. The properties off Ashleigh Road will be set down from the height of the dwellings on the higher land but owing to the steeply sloping nature of the site, will sit substantially above the finished floor level of the dwellings at the foot of the slope. The dwellings will straddle the proposed new formalised public footpath link that is to be sited within the centre of the site.

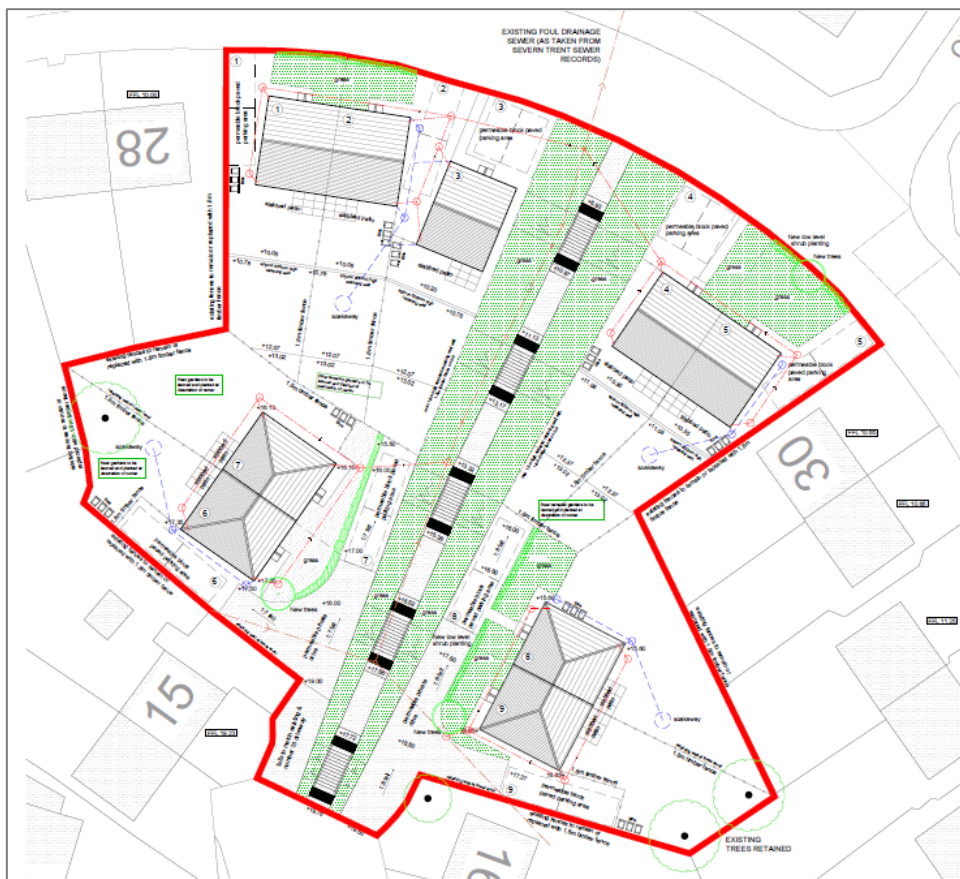


Figure 2: Extract from Proposed Site Layout Plan Ref 03.

#### 4. PLANNING POLICIES

- 4.1 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.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

##### **Cannock Chase Local Plan Part 1**

- 4.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

##### **Minerals Local Plan for Staffordshire**

- 4.4 Relevant Policies within the Minerals Plan Include:

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

## **National Planning Policy Framework (NPPF)**

- 4.5 The NPPF (2023) 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.
- 4.6 The NPPF (2023) 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.
- 4.7 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
  - 60, 75, 76, 77, 78: Delivering a Sufficient Supply of Homes
  - 131, 135, 137, 139: Achieving Well-Designed and Beautiful Places
  - 180, 191: Conserving and Enhancing the Natural Environment
- 4.8 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
  - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
  - (iii) Manual for Streets

## **5. DETERMINING ISSUES**

- 5.1 The determining issues for the proposed development include: -
- (i) Principle of development
  - (ii) Character and Appearance
  - (iii) Amenity Considerations
  - (iv) Highways Considerations
  - (v) Tree Considerations
  - (vi) Biodiversity
  - (vii) Land Stability and Contamination
  - (viii) Other Issues

## 6. PRINCIPLE OF THE DEVELOPMENT

- 6.1 Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.
- 6.2 The site is located within the settlement of Rugeley. Policy CP6 states that housing proposals for 2350 new dwellings will be provided on urban sites with 29% provided in Rugeley. These will generally be provided on sites identified within the SHLAA, albeit the figures do account for discounts and additional windfalls evidenced historically within the SHLAA.
- 6.3 In respect to the principle of the proposal it is noted that the site is within the existing settlement, is within walking distance of key public services, public transport and is served by a local centre. Spatially therefore it is considered 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.
- 6.4 Development of the site would run in conflict with the general presumption to maintain existing sites that form part of the defined Green Space Network. However, Policy CP5 states that there will be a general presumption against the loss of these sites unless:
- (i) The site is surplus to requirements and no longer required to meet demand for any of the identified purposes or,
  - (ii) The wider sustainability benefits of the proposals outweigh the loss or.
  - (iii) Appropriate replacement facilities of equivalent or better quality, quantity and accessibility are provided.
- 6.5 The development in this case, as has previously been confirmed by the Council's Landscape Officer, is considered to be poor quality open space owing to the steeply sloping nature of the site. In their view, the site is surplus to requirements and does not fulfil its status as designated Green Space Network land. The site is also immediately adjacent to properties who report they have been burgled in previous years. The disposition of the public space around these existing dwellings means easy access is available to land that is not particularly overlooked, is in close proximity to private spaces and offers opportunities for individuals to linger unchallenged which in turn would likely contribute to anti-social behaviour (ASB). This is exacerbated by the various potential escape routes available, the absence of territoriality, ownership or management of the space, the poor appearance of the land and the overall absence of defensibility in terms of the transition away from public to private. Such factors are known to contribute to crime and the fear of crime alongside ASB and are cited within the Secured by Design Standards 2016, Urban Design Compendium and Building for Life Design Criteria.
- 6.6 To remove opportunities such as these via the provision of the new dwellings would promote natural surveillance of the spaces, increase territoriality and ownership of the public space, and would remove unmanaged or unmaintained corners where individuals could linger without challenge. Such changes display clear benefits in terms of reducing crime and the fear of crime and in terms of the



aesthetic appearance of the area. Such benefits closely accord with the desire to promote defensible space set out in Local Plan Policy CP3.

- 6.7 Therefore, on the basis of both the site being surplus to requirements in terms of open space provision and in terms of the wider sustainability benefits that would flow from the environmental improvements resulting from the development, in principle the proposals are considered to accord with the exceptions requirements of Local Plan CP5.

## 7. DESIGN CHARACTER CONSIDERATIONS

- 7.1 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.



*Figure 3: Site imagery taken from Hardie Avenue looking up towards Ashleigh Road*

- 7.2 The land in question is undeveloped grassland with two footpaths providing links to Hardie Avenue from Ashleigh Road. The land is not particularly well managed partly as a consequence of the difficulty in mowing such a steep site. It also is steeply sloping, which in bad weather means mud or icy conditions would render the route unusable. In conjunction fronting onto Hardie Avenue, it is proposed to formalise the footpath into a single landscape strip with steps. This has benefits in terms of the appearance of the site and accessibility year-round to the wider footpath network. It is noted retaining walls will be required to address the levels. It will be important to ensure these are constructed from appropriate materials and conditions are recommended accordingly.



Figure 4: Extract from proposed front elevation that reflects the roof form of adjacent properties.

- 7.3 In terms of the appearance of the buildings, the general roof form proposed to the dwellings and the general plan form is reflective of the appearance of the neighbouring semi-detached properties. It is noted that in order to reduce the effects of the proposed dwellings on neighbouring properties, the hipped roofs proposed to the upper dwellings are to be much shallower than that apparent in the existing dwellings. This is considered to run at odds with the prevailing appearance of the existing dwellings in the area. Members will need to consider if this design deviation is so serious as to warrant refusal of the application. In the Officer's view, the design approach taken is justifiable on the basis of minimising effects on neighbouring buildings.
- 7.4 Taking the above into account, Officers consider that subject to conditions the proposals broadly accord with the guidance within the Design SPD and broadly accord with the aims of Local Plan Policy CP3 and the aims of the NPPF. Whilst a slight deviation from the design ideal is apparent resulting from the differing roof pitches proposed to existing properties, this is considered minor and is justifiable in amenity impact terms.

## 8. AMENITY CONSIDERATIONS

- 8.1 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.

- 8.2 Of particular note in relation to the assessment of amenity impacts is the proximity to neighbours at 34 Hardie Avenue and 15 Ashleigh Road as well as No. 34. Working through these in turn:

### 8.3 28-36 Hardie Avenue & prospective occupants of proposed dwellings

#### Separation Distances – Inter-visibility between dwellings

- 8.4 In relation to properties on Hardie Avenue and loss of privacy within dwellings, in all instances where some outlook is apparent broadly towards neighbouring properties, separation distances in excess of 20m are apparent and these often are not square relationships (i.e. such that the standard can afford to be reduced marginally without impacting privacy and inter-visibility). The Council's standards

suggest 21.3m would convey an acceptable relationship. Taking into account the particular circumstances of this case, (i.e., not facing elevations, unusual levels differences etc) it is considered there is no significant impact in terms of inter-visibility and privacy impacts between the most affected existing dwellings in the vicinity of the site and the prospective occupants of the lower dwellings proposed.

### **Overlooking of Gardens**

With regard to garden areas and overlooking, the Council's standards within the Design SPD suggest that side facing windows not be nearer to boundaries than 10m. The windows in this case that are side facing serve only landing space and any lesser distance to a boundary will be dealt with by condition. However, the Council's standards do not state a specific distance to boundaries for rear facing windows. It seems reasonable to Officers to carry forward the 10m side boundary standards to the rear as a minimum figure for main windows on the rear elevation.

- 8.5 Taking into account the above and applying it to the proposed development, it is noted that the first-floor plans position the main rear facing window more centrally within the building and the other window is a bathroom window that could be obscure glazed and permanently so maintained by condition. In all cases for dwellings 28-36 Hardie Avenue and the new prospective properties this distance is 9.5m – 10m and often with an angular relationship such that direct views are less likely. Taking this into account, it is judged the proposed dwellings would not cause an unacceptable degree of overlooking to neighbouring gardens.

### **Loss of Light and Overbearing**

- 8.6 The submitted plans provide detailed sectional analysis of the proposed buildings versus the existing finished ground levels for properties on Hardie Avenue. In particular the relationship to 32 Hardie Ave is examined in detail alongside Proposed Plot 1. In both instances the 25-degree standard is shown to be met within the detailed sectional appraisal. In line with the Council's guidelines for opposite obstructions this is indicative that an acceptable level of daylight and outlook would remain to the respective properties.

### **Overshadowing and Solar Panels**

- 8.7 Detailed appraisal of the levels of overshadowing that would result from the proposals is provided in the submissions. These plans assess the shadows cast at Spring Equinox levels. This means the shadow path analysis is a mid-point analysis that takes account the shadows would be less than shown in the summer and more than shown in the winter. This approach to assessing the effects accords with the requirements of the BRE Site Layout: Planning for Daylight and Sunlight guidelines.
- 8.8 The submitted Shadowing Assessment plans show that all dwellings will receive at least 2 hours of sunlight to more than 50% of their gardens on 21 March (Spring Equinox Level). This accords with the suggested minimum standard at paragraph 3.3.7 of the above guidelines. Moreover, it is shown within the shadow assessment plans that all neighbouring gardens to the existing and proposed properties would receive in excess 3 hours sun within their gardens such that the standard will be comfortably exceeded. The shadow paths shown also do not overlap existing or proposed building through the main parts of the day. This means that no shadowing of internal spaces is likely to occur (at Spring Equinox

'medium' sun levels) when some shadowing is permissible in practice. Hence the development is considered to not to cause significant additional shadowing of internal or external spaces to warrant refusal of the submission.

In relation to the proposed shading of solar panels at 34 Hardie Avenue, this property is situated due east of the proposed plots 3 and 4. Shading could not substantially affect the roof of this building until late into the evening when the sun is west of the development. Hence during main productive hours and at Spring Equinox mid-levels, it is not considered the solar panels associated with No. 34 would be substantially affected.

### **Amenity Considerations for 15 and 16 Ashleigh Road**

8.9 For numbers 15 and 16 Ashleigh Road, these are the properties to the south of the site that are most likely to be impacted by the development. In exploring whether the proposals would lead to amenity impacts on these dwellings it is considered:

- The southerly position of these existing dwellings means no overshadowing from the development.
- The front and back outlook of these existing properties is consistent with those proposed. In tandem with the lower finished datum level of the proposed properties this ensures no loss of light, sense of enclosure or inter-visibility between living spaces.
- Subject to conditions requiring obscured first floor side facing windows, no overlooking towards neighbouring gardens or other areas would result.

### **Prospective Residents Amenity**

8.10 For the proposed dwellings, the proposals would meet the minimum recommendations for outdoor amenity space and parking provision.

8.11 Taking the above factors into account, in accordance with the assessment criteria set out within the Council's adopted standards, it is considered that a good standard of amenity would be achieved for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and the NPPF.

## **9. IMPACT ON HIGHWAY SAFETY AND PUBLIC FOOTPATH**

9.1 Paragraph 115 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

9.2 In this respect, the County Highway Authority previously raised no objections to the proposals in terms of highway safety subject to conditions. Whilst it is recognised there is some degree of on street parking on Ashleigh Road, it is not judged that 4 No. additional dwellings would pose a severe transport or highways issue at the location. Furthermore, the conditions in particular require that the dwellings permitted are not brought into use until the driveways are provided i.e., to minimise on street parking.



- 9.3 The conditions seek to secure the replacement footpath shown on the drawings is provided prior to commencement of the development. This is considered justified taking account the full planning balance apparent in this case. i.e., there is a loss of open space and potentially public footpath. In order to combat this loss and ensure walkability within the community is not impacted, Officers would recommend that it is ensured the development is completed following re-provision of the footpath as shown. In addition, this is intended to form a component of the S106 as part of this development.
- 9.4 With regards to parking provision, the dwellings proposed are 3-bedroom properties. Each would therefore require 2 off-street spaces. The proposals provide for this with appropriate manoeuvring. Accordingly, it is considered the proposals accord with the Parking SPD of 2 spaces per 3-bedroom dwelling.
- 9.5 Overall, it is concluded that the residual cumulative impacts of the proposal would not be severe in highway terms, conditions would ensure site permeability is maintained and the proposals would be in accordance with the Parking SPD and the NPPF.

## **10. IMPACT ON NATURE CONSERVATION INTERESTS**

- 10.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection, or which are of particular conservation interest.
- 10.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 10.3 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. There is a net increase in dwellings of 9 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development.
- 10.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

## **11. LAND STABILITY AND CONSTRUCTION MANAGEMENT**

- 11.1 The development is located on a steeply sloping site. To develop the site will require detailed structural consideration to prevent land slip and danger to properties lying beneath the development. Whilst it is recognised an engineering drawing for a retaining wall with surface drainage outfall has been provided, more detailed consideration of potential land slip, impacts from surface water during construction and post completion and any other potential safety implications is considered necessary. Such matters can reasonably be secured by condition in the interests of health and safety of residents and property.

- 11.2 By its nature, the construction of the appropriately engineered solution and the dwellings and footpath will necessitate care and planning in relation to the development programme. Materials deliveries to the site, plant and machinery deliveries and storage etc, will all need to be considered given the constraints applicable to the site. Furthermore, Environmental Protection recommend controls and care is taken in the construction process given the proximity to existing dwellings. Accordingly, it is considered in the interests of maintaining safe and convenient access to the site and neighbouring properties and on the basis of amenity, a construction and environmental management plan and programme of works that takes account of any specialist engineered solution is required. Such a plan can reasonably be secured by condition.

## **12. OTHER CONSIDERATIONS**

- 12.1 The Council's Landscape Officer recommends that boundary treatment details and balustrading details to retaining walls. Clarification via details of the maintenance responsibility for these features is also sought. Such details are relevant to the design merits of the proposals and are considered reasonable. Details of soft landscaping and foul and surface water drainage are also sought. These matters can also reasonably be secured by condition.
- 12.2 In terms of S106 requirements and contributions, the Councils CIL Charging Schedule was approved on 19<sup>th</sup> February 2015 and came into effect on the 1<sup>st</sup> June 2015. The CIL at the current rate is payable for all new residential development and is used to pay for infrastructure including SAC contributions. Therefore, the only S106 matter required to be written into a formal agreement is the re-provision of the footpaths through the site and the maintenance responsibility.

## **13. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

### **Human Rights Act 1998**

- 13.1 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.

### **Equality Act 2010**

- 13.2 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.
- 13.3 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.

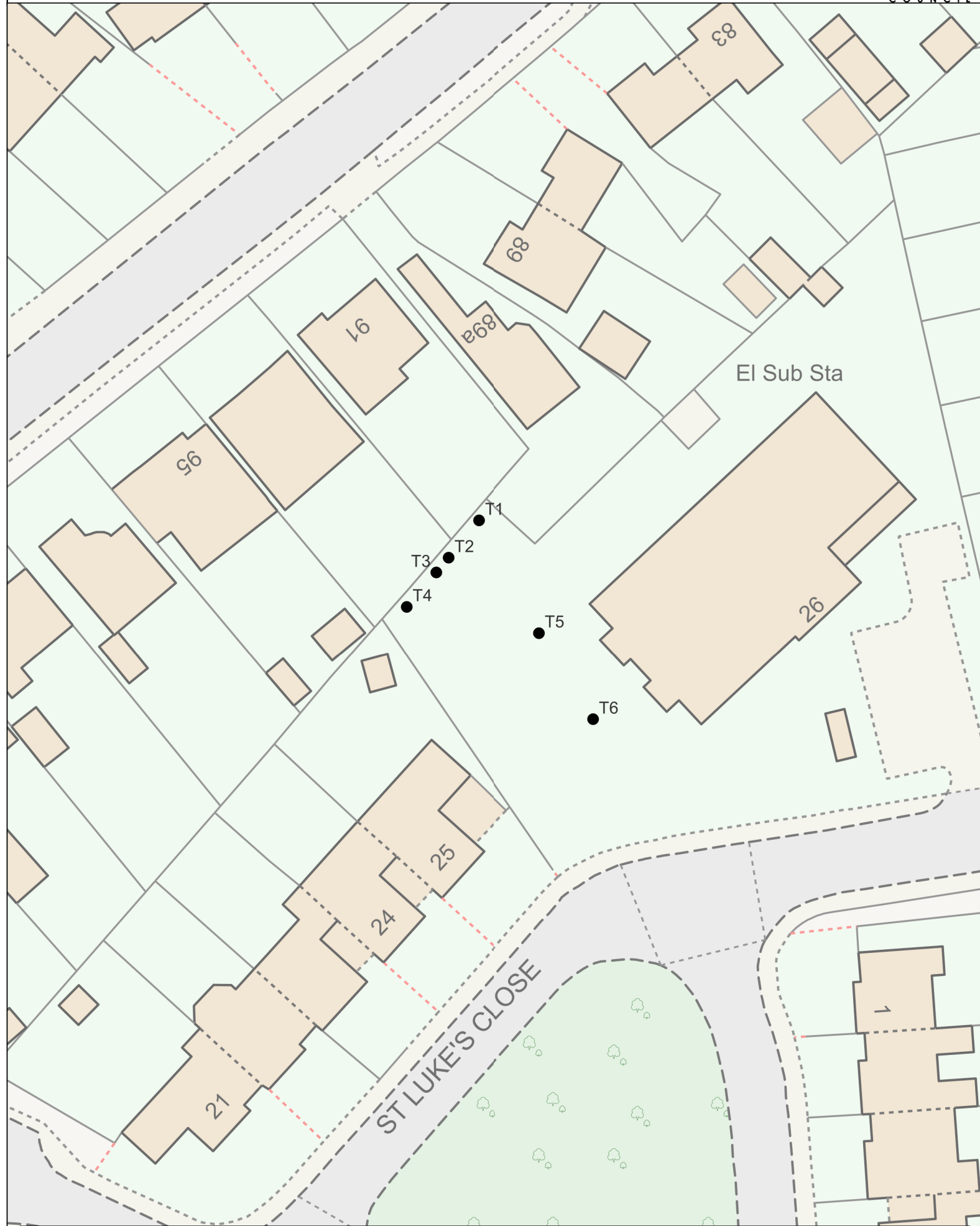
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

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

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

#### **14. CONCLUSION**

- 14.1 The application proposes the erection 9 No. dwellings in total. The proposed redevelopment of the site is considered to be acceptable in principle given the sites location within the settlement of Rugeley. Whilst the site does form part of the Green Space Network, as evidenced within this report, the site is considered surplus to requirements and does not fulfil its function as Green Space Network given the steeply sloping nature of the site. Indeed, the location of the land in question and its appearance, are considered to be a contributing factor to ASB and crime within the area. Hence redevelopment of the land would assist in improving the appearance of the area, reducing the fear of crime, and improving accessibility to the wider footpath network owing to the replacement footpath proposed.
- 14.2 Although in part, the design of the proposed dwellings could be improved by steepening the roof pitches to reflect neighbouring dwellings, the shallower pitch is required to minimise the effects upon neighbouring properties. Detailed assessment of the amenity impacts of the development have been carried, including via sectional and shadow analysis. Overall, the submitted plans show that the proposed development would be in accordance with the Design standards set out with. he adopted Design SPD.
- 14.3 A number of other issues such as traffic and parking, land stability, construction considerations have been considered in this report. In all cases it is considered there are no substantial reasons as to why permission should be withheld, and in many cases the issues can be addressed via planning conditions.
- 14.4 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.



<b>Contact Officer:</b>	<b>Gareth Hare</b>
<b>Telephone No:</b>	<b>01543 462 621</b>

<p><b>Planning Control Committee</b></p> <p><b>7 February 2024</b></p>
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<b>Tree Preservation Order Reference:</b>	TPO 2023/08
<b>Location:</b>	26 St. Lukes Close, Cannock, WS11 1BB
<b>Ward:</b>	Cannock West

**Reason for Committee Decision:**

Two objections were raised in response to the making of the Tree Preservation Order (TPO). These must be considered by the Committee in order to determine whether or not to confirm the Tree Preservation Order.

**Recommendation:**

To confirm Tree Preservation Order No: 2023/08 without modification.

**Reason(s) for Recommendation:**

To protect the amenity value that the trees provide to the locality.

<b>1 Policy Context</b>
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- 1.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders.
- 1.2 Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.
- 1.3 Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they should be used to protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Matters to consider are:

## Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

## Individual, collective, and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- Size and form
- Future potential as an amenity
- Rarity, cultural, or historic value
- Contribution to, and relationship with, the landscape, and
- Contribution to the character or appearance of a conservation area.

## Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 1.4 An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

## 2 Description of Site and Tree

- 2.1 The trees are growing to the side/rear of 26 St Lukes Close, Cannock. They are four Birch, one Cherry and one Horse Chestnut. Four of the trees (T1-T4) are sited adjacent to rear boundaries of properties on Dartmouth Avenue.



*Google Street view 2023 from St Lukes Close showing trees T1-T4 in background and T5/6 in foreground*





Google street view 2023 from Dartmouth Avenue showing grouping of trees T1-T4 behind properties.

- 2.2 Images from google street view (2023) show the trees in context. The first image shows the view from St Lukes Close and the second from Dartmouth Avenue. From St Lukes Close, the trees are prominent in the streetscene and provide screening between the properties on Dartmouth Avenue and St Lukes Close. The views from Dartmouth Avenue are principally between properties with trees 1-4 visible to the rear of the houses.
- 2.3 From both viewpoints -but particularly when viewed from St Lukes Close- the trees afford substantial amenity to the surrounding area, both softening built form and providing a green backdrop to surrounding development. The area to the side/rear of 26 St Lukes Close is perceived as an incidental green space in the area with the trees offering a significant contribution.
- 2.4 Two of the trees (T5 and T6) are already protected under TPO 1996/02 and this will be superseded when and if this new TPO is confirmed.

### **3 Representations**

- 3.1 Two objections have been received from residents and these are summarised jointly below.
- 3.1.1
- The way in which the Order was served and the delay in notification of residents.
  - Discrimination against affected residents.
  - Responsibility for the trees.
  - The Bird faeces from roosting birds falling into adjacent gardens.
  - Material falling from the trees causing maintenance issues to garden sheds etc.
  - Rats from 26 St Lukes Close accessing adjacent gardens.
  - Safety concerns regarding the condition of the TPO's trees.
  - The impact the TPO may have on the progress or completion of a land transfer.
  - Health risks to occupiers of adjacent land.

## 4 Responses to Representations

- 4.1 The TPO was made on the 26<sup>th</sup> of September and sent to the Councils Legal services on the same day for service. However, the TPO was not sent out until the 27<sup>th</sup> of October 2023 due to a mix up and consequent delay within Legal Services. However, the period for objections (28 days after service) ran from the 27<sup>th</sup> of October rather than the date the TPO was made thus giving objectors the opportunity to make representations within that time frame. The delay -although understandably frustrating for the affected parties- did not disadvantage the affected parties in terms of their opportunity to object to the order. Previous enquiries about the protected status of the trees (August 2023) appear not have been answered clearly. This appears to have been due to uncertainty and delays caused by a backlog of work and enquiries within the Parks and Open Spaces team. This in addition to temporary staff covering the then vacant Trees and Landscape Protection Officer position and other staff absence. Apologies have already been offered with regard to this specific issue and are re-iterated here.
- 4.2 The question of discrimination against the affected parties is raised as an objection. Tree preservation orders are served for a variety of reasons. A change in land ownership can be one such reason and intentions to fell or prune trees where this is the case are not always known in advance. The trees were held to contribute amenity to the locality and a TPO was made. The Council acted within its powers in the same way as it has and continues to do wherever a tree preservation order is required. For this act to be discriminatory, the process of serving the TPO would need to treat the affected parties differently or in a prejudicial manner. Given that the reasons for and service of the order is consistent with other orders and that persons served with the order were not known at the time of service (served to Owner/Occupier) the question of discrimination does not appear to be applicable.
- 4.3 A tree preservation order does not affect the responsibility for trees. That responsibility remains with the owner.
- 4.4 Bird faeces being deposited by roosting birds can be addressed in a number of ways which fall short of pruning or removal of trees. Bird deterrents and a variety of bird scaring methods can be of assistance. The cleaning/removal of bird droppings is generally viewed by the planning inspectorate as a normal part of property maintenance.
- 4.5 As with 4.4, the removal of material deposited by trees is generally viewed by the planning inspectorate as a normal part of property maintenance. Preventative maintenance will avoid the replacement of structures or parts thereof such as shed roofs etc.
- 4.6 Rats from 26 St Lukes Close appear to have been a long-standing issue for adjoining residents. This issue is not linked to the TPO'd trees and can be dealt with via discussion/negotiation with the site owners.
- 4.7 Concerns were voiced regarding the safety or otherwise of trees included in the TPO. On viewing the trees, the Trees and Landscape Protection Officer could not identify any substantial concerns with trees 1-4 which are the trees adjacent to the boundary line. Objectors were re-assured that no obvious defects were observed. Ultimately, the responsibility for the trees remains with the site owner as at 4.3.



- 4.8 The tree preservation order would need to be considered as part of any transfer of land. However, if all parties are aware of the order and any implications, the order should not impact unduly on the completion of any transfer process.
- 4.9 The potential health risks to occupiers of adjacent land have been considered in the foregoing points. If normal domestic maintenance is undertaken and any tree maintenance undertaken at the appropriate time, then the trees should not present any higher risk than comparable trees in or adjacent to similar sites.

## **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 confirm the Order accords with the relevant legislation 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 Equality Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and all relevant legislation, it is considered that TPO 2023/08 should be confirmed without modification.

7 Enclosure

7.1 TPO Plan

