1. INTRODUCTION

1.1 This statement is provided in support of a full application for a detached dwelling at 'Woodside', off Cheddleton Road, Birchall, Leek.

1.2 The statement complements the Design and Access Statement and addresses the key planning issues raised by the proposal including planning policy considerations and the concerns expressed by a Planning Inspector in relation to a previous appeal at this site.

09/00770 FUL 22 JUL 2009 - SMD

2. BACKGROUND

a) The Site and Its Surroundings

2.1 The site comprises part of the rear garden of 'Woodside' which is a large detached dwelling situated within a substantial residential curtilage. It is predominantly a lawned area with trees (conifers) along its northern boundary. A hedgerow exists along its eastern boundary.

2.2 The site, and the property of which it forms a part, is located in an established residential area which was once characterised by low density development of large dwellings within substantial plots but is now more 'suburban' in nature following a range of infill and small scale developments. The area remains attractive with predominantly detached dwellings located within mature gardens.

2.3 The site is accessed from a private drive which serves 4 residential plots. The drive has a passing place to ease vehicle movement. The drive joins the A520, Cheddleton Road at a priority junction. Visibility is good in both directions.

2.4 The site slopes towards the west which allows for the introduction of a split level detached dwelling.

b) Planning History

2.5 Outline permission was granted in February 2009 for the construction of a detached dwelling on part of the garden area of Woodside, to the west of the existing dwelling. The permission remains live and it is expected that Reserved Matters submissions will be made in the near future. This permission is important in that it establishes the acceptability of the principle of development at this area of Birchall. It also provides an indication of the size of development plot which is now appropriate in this location. Reference to the site location plan shows the types of dwelling and development plots which predominate in this locality.

2.6 The current application site was the subject of an appeal in 2006 following the refusal of outline planning permission for a single dwelling with all matters reserved except for access. The appeal was dismissed following the Inspector's consideration of relevant issues comprising;

- The effect of the development on the character and appearance of the area, with particular regard to the impact on (unprotected) trees at the site
- The effect of the development on neighbours
- The adequacy of the vehicular access

2.7 The Inspector concluded that the development would not have a significantly adverse impact on the character or appearance of the area and nor would access arrangements be unacceptable. She did conclude, however, that the development of the site "with a dwelling having an appropriate scale, would be unacceptably harmful to the privacy and residential amenity of the occupiers of neighbouring dwelling". The Inspector's report did not suggest that the principle of development at the site, or in this location generally, was unacceptable. Moreover, the Inspector did not suggest that the access arrangements, and the impact of the development on the access road/ A520 junction was in any way unacceptable or limited to the development of a further single dwelling only off the access road.

2.8 The Inspectors specific concerns were;

- The interrelationship of existing dwellings places a severe constraint on the size and design of property that could be built at the site without compromising the residential amenity of the occupiers of neighbouring dwellings.

- The prospect of delivering a 'small and squat' building in order to meet space standards which would be out of keeping with neighbouring dwellings and unlikely to meet high quality design aspirations.

3. THE PROPOSAL

3.1 The submitted proposal takes account of the Inspectors concerns and a full application is submitted in order to demonstrate that;

- There will be no significant and unacceptable impact on the residential amenity of neighbouring dwellings and
- The proposed dwelling will not be out of keeping with neighbouring dwellings and satisfies the requirements for high quality design.

3.2 The scheme proposal is for a split level 3-bed detached dwelling with integral garage. The dwelling is to be located on an east-west axis with the front elevation facing the private access road from which vehicle access to the property is to be provided.

3.3 The property footprint measures 11.4m x 7.1m. The height to the ridge from the ground level in front of the garage is 6.7m; the floor to ridge height of the bungalow property is 4.7m.

3.4 The dwelling is to be located at a distance of between 9m and 7.5m from the boundary with no.7 Boundary Close (between 13m and 12.2m from the blank side elevation of that property). The distance between the blank side elevation of the proposed dwelling and Woodside ranges from a minimum of 8m to a maximum of 9.2m. The only habitable room along the back elevation of Woodside is a bedroom and it is proposed to insert a new window to this room and replace the existing glazing on the rear elevation with existing glazing. As such, any loss of amenity/ privacy to the bedroom will be overcome.

3.5 The eastern side elevation of the proposed dwelling is also to be blank in order to minimise any adverse impact, in terms of privacy, on the occupiers of Hillside which is located to the east of the application site. The distance between the window of Hillside's family room and the lounge of the proposed dwelling is some 14.0m but the building disposition means that there will not be any direct relationship and the risk of overlooking is therefore significantly reduced.

3.6 Although the proposed dwelling is smaller than Woodside it is in fact much larger that was the original Hillside cottage, prior to a substantial extension in

around 2003, and is consistent with the size of many of the existing properties in close proximity to the site.

The proposed dwelling is to be constructed of render with brick detailing and tile. Windows and fascias are to be upvc.

3.7 Although the details of a landscaping scheme can be dealt with by way of a condition, it should be noted at this stage that additional planting is to be provided on the eastern boundary to supplement the existing hedgerow.

3.8 Access is to be from the existing access road linking the site, and adjoining residential properties, to the A520. As part of the application, an additional passing place is to be provided adjacent to Woodside. The area for this facility is in the applicant's ownership as is the current passing place that runs alongside the frontage of Silverwood.

4. ISSUES AND CONSIDERATIONS

a) The Previous Appeal Decision

4.1 As mentioned at para 2.6 an appeal relating to an outline proposal at the application site was dismissed in 2006. As stated, the dismissal was not at the level of principle but rather because of the Inspectors belief that impacts would be adverse, notwithstanding the outline status of the proposal.

4.2 It is considered that if it can be shown, through the submission of a full application, that the Inspectors concerns have been or can be overcome then there can be no reasonable basis for withholding permission.

4.3 In considering the alleged planning policy conflicts raised by that application the Inspector concluded that the proposal would not conflict with Policy N20 (retention and adequate safeguarding of trees) and nor did she consider that existing access arrangements from the A520 were inadequate. The Inspectors concerns related to a potential conflict with Policy B13 and Appendix 3 of the Local Plan. This concern arose from the Inspectors contention that in order to meet the standards contained in the Local Plan, the dwelling would be 'small and or squat' and thus out of keeping with neighbouring dwellings.

4.4 The submission of a full application responds specifically to the Inspectors concerns and demonstrates the following:

a)

- That the size of the proposed dwelling, in terms of both scale and footprint is not out of keeping with neighbouring dwellings. This area of Birchall is now characterised by a variety of dwelling types and sizes including bungalows; split level properties, and traditional detached two storey properties. No single style predominates and a three-bed split-level property at the application site will be entirely in keeping with the now mixed character of built form which exists.

b)

- That all reasonable planning standards can be met or, where they are not met, the shortfall will not result in any unacceptable loss of amenity for adjoining occupiers. There will be a separation distance of 14m between the closest windows of the proposed dwelling and Hillside

even though the distance between the properties will be slightly less at 11.7m. The orientation of the existing and proposed dwellings are such that there will be no 'direct' lines of vision between these properties. As such any marginal shortfall in planning standards will not result in actual harm in terms of loss of residential amenity.

- That the relationship between the proposed dwelling and the existing 'Woodside' property will be acceptable, particularly as a new bedroom window is to be provided to the closest bedroom which will enable the existing window, which faces the application site, to be provided with obscure glazing.

- Both the proposed dwelling and Woodside will be provided with private garden space which is far in excess of the normal planning standards.

4.5 The provision of a split level dwelling will enable the roof height of the new property to align with that of Woodside whilst ensuring that it will not dominate with relationship with Hillside. Indeed, direct views from Hillside will effectively be unaltered as the outlook will be over the proposed dwelling rather than onto the property.

4.6 Overall, the submission of a full application has demonstrated that planning standards and levels of residential amenity can and are met without having to resort to the Inspectors concerns that this would result in a 'small and squat' building.

b) Planning Policy Issues

4.1 The application site is, by definition, brownfield in character and is located within Leek's settlement boundary. At the level of principle, therefore, the development of this site is entirely acceptable.

4.8 The proposal raises no issues of strategic importance and concern.

4.9 At a local level, the previous key policies were N20 and B13 of the adopted Staffordshire Moorlands Local Plan. The Inspector noted that Policy N20 would not be contravened by development at the application site. As regards policy B13, and the associated Local Plan Appendix 3, the submitted scheme has demonstrated that the policy is not materially contravened to the point

where unacceptable harm would be caused to standards of residential amenity and related impacts which the policy seeks to maintain or protect.

4.10 There have been no recent amendments to the development plan and emerging planning policy has not overtaken the status of relevant adopted/ saved local plan policies. It is considered that the proposal complies with the relevant saved policies and also with the thrust and emphasis of both regional and national policy imperatives (e.g. brownfield site priority; sustainable locations; good quality design etc).

c) Impact Issues

4.11 As outlined elsewhere in this statement, the main impacts arising from this development are in relation to the adjoining residential properties, namely, Hillside to the west; Woodside to the east and no.7 Boundary Close to the north. With regard to the latter, a distance of between 12m and 13.2m separates the properties with a substantial dividing hedge between the two which is over 20m in height. In addition, there does not appear to be a principal window on the side elevation of no.7. As such there will be no material nor adverse impact on this property.

4.12 The impact of the proposed dwelling on both Woodside and Hillside has been considered elsewhere and it is sufficient to note that no harmful impacts will arise by virtue of a combination of,

- Meeting planning standards
- Building relationships and dispositions, both existing and proposed
- Design considerations
- Mitigating measures (e.g. introduction of obscure glazing)

4.13 The impact on the road network will be minimal. The Inspector for the 2006 appeal noted that visibility is 'good' in both directions where the access road meets the A520, and concluded that a new dwelling would not cause harm. The subsequent approval of a dwelling to the west of Woodside has confirmed that no adverse impacts will be caused to conditions of highway safety. In relation to future development there is scope for only two more dwellings to be served by the existing access road, namely the application site and a single dwelling within the residential curtilage of Hillside. It is considered that the impact of only two further dwellings will not have a detrimental impact on the highway safety at the access road/ A520 junction.

5. CONCLUSIONS

5.1 The application proposal complies with the provisions of the development plan and no reasonable objections can be made at the level of principle to the development of this site.

5.2 The key issues of impact on amenity, privacy and character of the area have been addressed through the submission of a full application which has demonstrated that the Inspectors concerns about the development of this site can and are overcome. As such, the application proposal is acceptable at the levels of both principle and detail and should, therefore, be permitted subject to conditions relating to, inter alia, materials, landscaping and means of enclosure.

Proposed Dwelling on land at the rear of Woodside, Cheddleton Road, Birchall

For

Mrs. S Mellor

Tree Survey and Assessment

July 2009

22 JUL 2009

This report has been prepared by Hulme Upright Manning with all reasonable skill, care and diligence, within the terms of the contract with the client. The report is confidential to the Client and Hulme Upright Manning accept no responsibility of whatever nature to third parties to whom this report may be made known.

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6. **Conclusion**

DRAWINGS

21222-02 **Scheme Layout Drawing**

1. INTRODUCTION

This tree survey and assessment has been prepared on behalf Mrs. S Mellor, in support of a full application for Planning Permission for a proposed dwelling on land to the rear of the Clients existing dwelling.

The application site is currently part of a larger site containing a single dwelling with large landscaped gardens on a site which slopes generally to the west.

The location of the proposed dwelling is in a large grassed area to the east of the existing house.

Whilst no trees will be directly affected by the proposals, several existing trees are within the vicinity of the proposed dwelling, which vary in maturity. Due to their proximity to the proposed changes, they have been included within this report.

2. TREE SURVEY AND ASSESSMENT IN RELATION TO DEVELOPMENT - METHODOLOGY

This tree survey and assessment has been carried out, within the criteria of BS5837 as revised in September 2005 and following a site inspection during July 2009.

The tree survey and assessment covers those trees within the garden areas adjacent to the existing restaurant and kitchen facilities, which will be effected by or in the proximity of the proposed works. The findings are presented in tabular form in Section 3 below. Common English names and Latin specifies are given as precisely as possible given the season and site conditions. Nomenclature is as described in Hillers' Manual of Trees and Shrubs, Third Edition published 1973.

Survey The survey covers observations made from ground level. A climbing inspection is advised where there is sufficient concern to warrant such activity in advance of any tree surgery that may be recommended.

The survey describes the location, species, approximate height and spread of each tree. The diameter of the trunk is given in millimeters at 1.5m above ground level, or on the upper side where the tree is growing on a bank. The height of the canopy is referred to as crown clearance and is measured to the base of the lowest limb.

The age class used follows the terminology in the revised British Standard, namely young, middle-aged, mature, over-mature and veteran. It is important to consider the species of the tree in this context as a 30 year old flowering cherry is likely to be over-mature whereas a 30 year old oak will be still young to early middle aged.

Physiological Condition refers to the health of the tree and is simply presented as good, fair, poor or dead. Details for each tree are included where relevant. Similarly the structural condition offers background to the current apparent health or otherwise of the tree and allows detailed assessment of the potential for future usefulness and / or amenity, including ecological value.

Preliminary management recommendations including investigation of suspected defects are suggested where relevant and subject to these an estimation of the remaining contribution of the tree over the following time periods;-
Less than 10 years
10 – 20 years
20 – 40 years
More than 40 years.

Assessment The Quality and Value of each tree is classified as per the Cascade Chart for tree quality assessment set out in the revised British Standard. Each tree is shown on the accompanying plan, drawing number 20465-LAL(9)01. Unaffected trees are shown in black and white. The colours used are as the BS 5837 Rev Sept 2005.

Light Green Category A. Trees of high quality and value.

Mid Blue Category B. Trees of moderate quality and value.

Grey / Brown Category C. Trees of low quality and value.

Dark Red Removal Category.

TREE SURVEY SCHEDULE.

Ref	Species	Height in m	Stem Diam. in mm @ 1.5m.	Branch Spread in m	Height of Crown Clear-ance	Age class	Physiological Condition	Structural Condition	Preliminary Management Recommend ations	Estimated remaining contribution in years	Category Grading.
1	Scots Pine *Pinus slyvestris*	11.0m	350mm	5.5m –W 3.0m- E 5.0m - N 3.8m – S	2.8m	Semi - mature	Moderate - vigour. Moderate quality, uneven crown in a sloping grassed area in close proximity to adjacent trees, some previous work to thin out the trees and remove them has previously been carried out as part of the management of the site. Good to moderate visual amenity, visible from within the curtilage of the site and adjacent rear gardens.	Uneven canopy suppressed by adjacent trees and over-extended to the west. Self set Holly and Elder at the base.	Continue management to improve shape and quality of tree. Monitor self set trees at bole and remove as not sustainable in this location.	20-40 years	Blue
2	Scots Pine *Pinus slyvestris*	5.0m	240mm	2.8m –W 2.0m- E 2.8m - N 2.0m – S	2.5m	Semi-mature	Moderate - vigour. Moderate quality, uneven crown in a sloping grassed area in close proximity to adjacent trees, some previous work to thin out the trees and remove them has previously been carried out as part of the	Uneven canopy suppressed by adjacent trees and over-extended to the west.	Continue management to improve shape and quality of tree.	20-40 years	Blue

							management of the site. Good to moderate visual amenity, visible from within the curtilage of the site and adjacent rear gardens.				
3	Scots Pine *Pinus slyvestris*	13.0m	470mm	5.0m –W 3.0m- E 5.0m - N 4.5m – S	2.7m	Semi - mature	Moderate - vigour. Moderate quality, uneven crown in a sloping grassed area in close proximity to adjacent trees, some previous work to thin out the trees and remove them has previously been carried out as part of the management of the site. Good to moderate visual amenity, visible from within the curtilage of the site and adjacent rear gardens.	Uneven canopy suppressed by adjacent trees and over-extended to the west. Overhanging branches have been hard pruned back on the Eastern side	Continue management to improve shape and quality of tree.	20-40 years	Blue
4	Hawthorn *Crataegus monogyna* *Multi-stem at 750mm*	7.0m	750mm approx. o/a (access limited)	1.0m –S 2.7m- N 5.0m - W 4.0m – E	300mm	Mature	Moderate – high vigour. Low quality, spreading tree in a sloping grassed area adjacent to a fenced boundary. Low visual amenity visible from within the curtilage of the site and access driveway.	Poor quality uneven spreading tree, hard cut back on the northern side	Sustained management to improve shape and quality	10-20 years	Grey

5	Cherry *Prunus*	9.0m	210mm	2.8m –S 2.3m - N 3.0m - W 2.8m - E	2.4m	Mature	Moderate vigour. Moderate to high quality, spreading tree in a sloping grassed area adjacent to a fenced boundary. Moderate to high visual amenity visible from within the curtilage of the site and neighbouring site	Large uneven spreading canopy tree, leans to the west, broken branch at 3.2m, partially suppressed by adjacent trees and fencing.	Monitor broken branch and management to improve shape and quality	20-30 years	Blue
6	Cherry *Prunus* *Multi-stem*	3.7	600mm o/a	1.2m –S 0.8m - N 0.8m - W 1.6m - E	300mm	Young	Moderate vigour. Moderate quality, spreading tree in a sloping grassed area adjacent to a fenced boundary. Moderate to high visual amenity visible from within the curtilage of the site and neighbouring site	Uneven spreading canopy tree, partially suppressed by adjacent trees and fencing.	Management to improve shape and quality	20-30 years	Blue

Table 1- CASCADE CHART FOR TREE QUALITY ASSESSMENT

Trees for Removal				
Category and definition **Category R**	**Criteria**			**Identification on plan.**
"Those trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management."	• Trees that have a serious irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other R category trees. • Trees that are dead or are showing signs of significant, immediate and irreversible decline. • Trees that are infected with pathogens of significance to health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality			Coloured dark red.
There are no trees in this category	• Trees whose location is unsustainable and their removal will benefit adjacent trees.			
Trees Considered for Retention				
Category and definition	**Criteria - Subcategories**			**Identification on plan.**
	1. Mainly arboricultural values.	**2. Mainly landscape values.**	**3. Mainly cultural values including conservation.**	
Category A "Those of high quality and value: in such condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)"	"Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features."	"Trees, groups or woodlands that provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance, eg avenues."	"Trees, groups or woodlands of significance to conservation, historical, commemorative or other value. Eg veteran trees or wood-pasture."	Green
There are no trees in this category				

Category B "Those of moderate quality and value: in such condition as to be able to make a substantial contribution (a minimum of 20 years is suggested)"	"Trees that might be included in the high category, but are downgraded because of impaired condition. (eg Presence of remediable defects including unsympathetic past management and minor storm damage.)"	"Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals but which are not, individually, essential components of formal or semi-formal arboricultural features. (eg trees of moderate quality within an avenue that includes better A category specimens) or trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality."	"Trees with clearly identifiable conservation or other cultural benefits."	Mid blue.
Tree 1 Scots Pine - *Pinus slyvestris* Tree 2 Scots Pine - *Pinus slyvestris* Tree 3 Scots Pine - *Pinus slyvestris* Tree 5 Cherry – *Prunus* Tree 6 Cherry – *Prunus*	• Trees to be retained, with continued maintenance and management for the site.			
Category C "Those of low quality and value: currently in adequate condition to remain until new planting could be established, (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm."	"Trees not qualifying for higher categories."	"Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low or only temporary screening benefit."	"Trees with very limited conservation or other cultural benefits."	Grey
Tree 4 - Hawthorn - *Crataegus monogyna*	• The shape and condition of the tree will require ongoing management and monitoring to ensure its longevity and improve its visual amenity			

RECOMMENDATIONS FOR THE PROTECTION OF RETAINED TREES

Where existing trees adjacent to the development are to be retained they shall be protected throughout the course of the works. The root protection area around the trees will be protected by temporary fencing installed prior to the commencement of any construction works within this area, in accordance with BS 5837.

All works within the RPA will be carried out with care by hand to minimize potential damage to the tree. All construction traffic and materials will be confined to hard surfaced areas.

The temporary fencing will be partially removed to allow for the works to progress but will be reinstated whenever there is a pause in any operations within the RPA to minimize compaction or disturbance.

Soft areas within the RPA where disturbed by the works will be carefully broken up using hand tools. Sufficient base material will be removed to allow replacement with clean topsoil mixed 50:50 with mycorrhizal compost. The ground level will be topped up with soil / compost mix to marry in with existing ground levels and will be grass seeded.

The protective fencing will be removed on completion of the works. The retained trees will be a fundamental part of the new landscape scheme and will continue to be managed in accordance with the existing management plan for the whole site. Any final minor surgery or light pruning will be undertaken to ensure balance and form suitable for the new development.

Root Protection Table

Diameter at 1.5m above ground level.	**Area of protected porous ground needed concentric to the bole of the tree.**
150mm	10.18m^2
200mm	18.10m^2
250mm	28.28m^2
300mm	40.72m^2
400mm	72.39m^2
500mm	113.112m^2
600mm	162.88m^2
700mm	221.70m^2
750mm	254.502m^2
800mm	289.57m^2
900mm	366.48m^2
1m	452.45m^2

Root Protection Area Table for multi-stemmed or trees forked below 1.5m.

Basal Diameter at the ground level.	**Area of protected porous ground needed concentric to the bole of the tree.**
200mm	12.57m^2
300mm	28.28m^2
400mm	50.27m^2
500mm	78.55m^2
600mm	113.11m^2

700mm	153.96m^2
800mm	201.09m^2
900mm	254.50m^2
1m	314.20 m^2
1.1m	380.18 m^2
1.2m	452.45



Looking across the site to the north-east

CONCLUSION.

Works to form the proposed dwelling will not affect the existing trees to the boundaries of the site to maintain the mature screening surrounding much of this part of the site.

It is proposed that further planting be introduced along the eastern boundary shared with 'Hillside' to provide further height and screening to the existing Ligustrum boundary hedge. Planting here will include Silver Birch, Rowan, Beech and Cherry.

Existing trees will be protected during the works. A detailed landscaping scheme contiguous to the proposed dwelling is to be carried out, which will enhance the existing trees and shrubs as well as those of neighbouring properties, whilst also maintaining existing habitats.

Further hedgerow planting will be introduced to divide the current site and provide additional screening, maintaining privacy and providing opportunities for wildlife.

Any areas of the construction works which fall within the protection zone of trees will be carried out in accordance with BS 5837, Revised September 2005. On completion of the works all rubble will be removed, voids backfilled with topsoil and all disturbed areas hand cultivated and replanted with shrubs or grass seeded.