

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14 July 2022

Application No:	SMD/2021/0790	
Location	Werrington Library	
Proposal	Proposed ramped path to give access from the schools playing field to existing toilet block.	
Applicant	Councillor David Shaw	
Agent	Myk Kaszuba	
Parish/ward	Werrington / Werrington	Date registered 16 th Dec 2021
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full - Minor and is referred to Committee due to being in the name of an elected member of the Council.

1. SUMMARY OF RECOMMENDATION

Approve

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Urban setting. Mid to later 20thC and more recent modern buildings – a GP surgery, library and school respectively on three sides. Also a sub-station with galvanised fencing. Tarmac surfacing dominates. Secure green mesh metal fencing. Tree and beech hedge backdrop.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 As per application description – essentially a very minimal and minor intervention to install a ramped macadam surfaced path. The proposal involves a dwarf retaining wall to one side as the path traverses a shallow slope.

4. RELEVANT PLANNING HISTORY

- 4.1 None on recent record.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Area Strategy
- DC1 Design Considerations
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

- 6.1 The last consultation expiry date was 17th March 2022 (site notice).
- 6.2 No public representations have been received.

Werrington Parish Council

- 6.3 No consultation response received.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 Within the development boundary of a larger village therefore acceptable in principle. The main consideration is the degree to which there could be any adverse construction impact on the adjacent trees / hedgerow.

Design

- 7.2 The scheme appears intended to formalise and provide surfacing to an existing route utilising an existing gated gap in the boundary hedge (marked by wooden frame). The finished development will be very similar to existing paths including ramped paths nearby. It will have minimal visibility in the wider setting which comprises similar characteristics of hard surfacing.

Amenity / Living Conditions

- 7.3 There are no near residential neighbours to be affected. There is no reason to suggest that the adjacent health centre could be adversely affected given the existing surroundings and uses.

Trees / Hedges

- 7.4 The proposed shallow gradient ramped path is routed parallel to a beech hedge in which there are also some small to medium sized semi-mature beech trees.
- 7.5 Further details have been sought from the applicant about the depth of dig proposed. A revised drawing has been supplied with a 'typical section' diagram added at 1:50 scale. This shows that along the path edge closest to the hedge a basic kerb detail would be used bedded on a 150mm depth concrete base. The overall depth is indicated at c.300mm. Where the path is required to cut into the ground slope, on the far side from the hedge, a low brick retaining wall is proposed. This is showing excavation to potentially 800mm. This would be positioned along a parallel line c.2.0m from the midline of the hedge.
- 7.6 The arrangement is not ideal but the applicant has limited options to achieve the 1:20 ramp gradient. The excavation involved will almost certainly lead to root disturbance and root severance. The extent to which this may jeopardise the longevity or even survival of the hedge and c. two small to medium trees is less certain. As the hedge appears well established and vigorous its roots are unlikely to be confined to the area of proposed path construction and it may reasonably be considered that it will have the ability to tolerate the disturbance. A similar conclusion may be reached regarding the small to medium trees present.
- 7.7 The drawing refers to treating the excavated ground with "a suitable strength weed killer" prior to laying the surfacing base materials. It would be critical that any weedkiller be used in a form only to inhibit growth in the path surface and not with any intention of treating any tree or hedge roots. Any roots encountered during excavation should be cleanly cut to avoid unnecessary tearing from the ground. These points need to be referred to by condition and / or informative.

- 7.8 A further condition should be attached to require retention of a beech hedge as currently existing in the boundary for the life of the development with replacement planting taking place as necessary.

8. Conclusion and Planning Balance

- 8.1 It must be assumed that provision of the path will have social benefits for the community by improving and encouraging the ability to use and access valuable local services. There is some risk of harm to the hedge but on balance it is judged that the hedge is likely to survive the development impacts. Nevertheless some restraint to the construction methods to minimise risk to the hedge and trees should be advised. The hedge and trees provide valuable site landscaping in a location that could otherwise seem much more harshly urban given the nature of surrounding ground surfaces and boundary structures with extensive tarmac and security-style fencing used.

9. RECOMMENDATION

A. Approve subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**
- 2. The development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
MK/027/21 as amended and supplied by e-mail dated 26.06.2022
Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.**
- 3. Any woody tree or hedge roots encountered within the excavations required for the construction hereby approved shall be carefully and cleanly cut and lifted for removal to avoid tearing or ripping from the ground. Notwithstanding the references in the submitted details and plans no weedkiller shall be used in the development capable of affecting the existing established boundary trees and hedgerow shrubs growing along the south east site boundary parallel to the path to be constructed as hereby approved.
Reason: In the interests of maintaining the visual amenity and biodiversity benefits of the existing established trees and hedgerow shrubs.**
- 4. Hedgerow planting of native broad-leaved species shall be retained and maintained in the line of the existing established boundary hedgerow for the life of the development.**

Reason: In the interests of maintaining the visual amenity and biodiversity benefits of the existing established hedgerow.

Informative

- 1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.**

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155644>

10.2 – location plan

