

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

8th June 2023

Application No:	SMD/2023/0132	
Location	The Orchard, Springfield Drive, Leek, ST13 6ET	
Proposal	Erection of dormer bungalow, alterations and extensions to The Orchard and reconfiguration of site access to enable both dwellings to be accessed from Deebank Heights.	
Applicant	Mr John Hurst	
Agent	Planning & Design Practice Ltd	
Parish/ward	Leek	Date registered: 16.03.2023
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 christopher.johnston@staffsmoorlands.gov.uk		

REFERRAL

The application is before committee because it has been called in by Cllr Brian Johnson so that the impact on local residents can be assessed particularly due to the proposed enlargement of the current house. The application is locally controversial and has attracted over ten letters of objection.

1. SUMMARY OF RECOMMENDATION

APPROVE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site lies within the development boundary of Leek in the eastern part of the town. It comprises a detached three-bedroom dwellinghouse with an early 20th Century style and which lies within spacious grounds with a large number of trees. It is currently accessed via the end of the Springfield Drive private cul-de-sac which adjoins Springfield Road (A523) to the west. The Meadows Secondary School lies immediately to the south of the cul-de-sac and the application site. The property used to lie within an even larger plot to the east of the dwelling and at the end of Deebank Avenue cul-de-sac to the north. There is a new cul-de-sac development of seven new dwellings (bungalows/chalet dwellings) nearing completion in this area called Deebank Heights and some of those dwellings are now occupied. The end of another residential cul-de-sac lies to the north of the application site (Woodfield Court) and like Deebank Avenue and Springfield Drive, comprises almost entirely of bungalows. The bungalows facing Springfield Drive lie to the south-west of the existing dwelling on site. To the north-west of the dwelling lies another bungalow on a backland plot behind the Springfield Drive bungalows and which is connected to the private cul-de-sac (No.8 Springfield Drive which has a rear elevation facing the rear and side garden of The Orchard).

2.2 There is a group of three trees (two lime and one ash) close to the south boundary that are covered by a Tree Preservation Order (TPO). There is also a lime tree to the east of the dwelling and a tree immediately to the other side of the northern boundary of the site (at the end of the Woodfield Court cul-de-sac) also protected by TPO's.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for a new dwelling ("plot 9") to add to the new development of seven new dwellings being built and also for extensions to the current dwelling, "The Orchard". The current access to the site, at the end of the Springfield Drive private cul-de-sac to the west, would be removed and a new access formed at the end of the new Deebank Heights cul-de-sac to the east, for both plots, which would have separate driveways connected to a small shared hardstanding at the end of the cul-de-sac. A pedestrian access to the existing dwelling at The Orchard would be formed at the end of Springfield Drive, in the form of a path, separated from Plot 9 by a 1.8m close-boarded timber fence. A gate would be placed at the end of the cul-de-sac in front of the proposed pedestrian path.

3.2 The new dwelling would be a chalet-type dwelling (i.e. single storey but with an upper floor or rooms within a large roof with dormers) of similar size, height, form, design and appearance as the seven new houses. It would be placed to the south of the existing house where the existing circular driveway for The Orchard (and island of trees) is located. The front elevation, with two dormers, would face the proposed new access and driveway to the east, with the rear elevation (with single-storey gable projection) facing the current Springfield Drive entrance to the west and a rear garden formed in this area for the new plot. A detached double garage for Plot 9 would be placed in the south-east corner of the site next to the boundary with the school to the south and the new Plot 4 side boundary to the east. This would be next to the driveway and parking area for Plot 9. The new dwelling would have two double-bedrooms at first floor level and at ground floor level, a third double bedroom at the front (facing east) and a "study" (which could effectively be used as a fourth single bedroom) facing the rear (west). There would be a large living/dining and kitchen open area facing the front and rear and also to a side garden to the south where living room bi-fold doors would be located. The new dwelling would have a ground to roof ridge height of 6.4 metres and would have a red-brick and slate-grey tiled roof. The new dwelling would have an air-source heat-pump installed and an array of solar panels on the rear roof-slope.

3.3 The existing dwelling would considerably widened with extensions on both sides (i.e. to the south and north). The current single-storey front projection with porch (facing the east towards Deebank Heights) would be removed and replaced by a two-storey front extension with large front-facing roof gable. This would not project any further forward than the current front projection to be removed.

3.4 The current single-storey rear study projection (facing west) would be also be removed. This would be replaced by a single-storey rear utility room extension, projecting 1.0 metre less towards the rear than the current study. This would link

with a side single garage extension which would be angled away diagonally from the side of the house. This would be in the form of a single-storey extension with a large roof to accommodate an office above accessed via internal staircase within the garage. The office would have two front facing rooflights. The garage extension would have a ground to roof ridge height of 5.8 metres. Solar panels would cover most of the rear roof-slope of the garage and an air-source heat pump would also be installed for the house.

3.5 At the other side of the house, towards the north, a two-storey extension is proposed, projecting from the current side wall by 3.8 metres. A large single-storey side-wing would extend off this projecting a further 4.0 metres to the side but also extending towards the rear, 4.0 metres beyond the main rear wall of the house. This would accommodate a large open living area, part of an open plan living/dining/kitchen space.

3.6 The fully hipped current roof of the house would be replaced by a steeper pitched gable-sided roof covering the resultant two-storey main part of the house. This will be 1.0 metre higher than the current roof. The eaves of the house will remain at the same height. The replacement roof will result in the ground to roof ridge height of the house being increased from 7.5 metres to 8.5 metres. The new replacement roof including the adjoining new front-gabled roof, will accommodate two bedrooms and a landing in the roofspace at second floor level. The roof bedrooms will be front and side facing, lit by gable windows and rooflights. The landing will be lit by three obscure-glazed rear rooflights with a lower edge placed 1.6 metres above the floor.

3.7 Internal reconfiguration of the current house, together with the proposed extensions will result in the current 3-bedroom house becoming a 5-bedroom house. The whole house with extensions, other than the single-storey living room side wing, will have a chalk colour render finish applied. The side wing will have a contrasting redbrick finish but with continual glazing above plinth level for the whole of the north side and rear walls. The proposed tiles for the new roofs would be slate-grey tiles. The proposed external windows and doors would comprise Irish oak-effect uPVC.

3.8 Final amended plans were received on 25th May 2023 (drawing 85F). These show an earlier amendment in the form of the replacement of a second floor rear landing dormer with a third rooflight (obscure glazed) and a new amendment, which is the removal of a rear first-floor bedroom window in the side extension and the enlargement of the two side-facing windows to this room.

3.9 The application was submitted with a Planning, Design and Access Statement, later revised in early May 2023 to clarify the proposed access situation. An Arboricultural Report, which surveys the quality of the existing trees on site and assesses the impact of the proposed development on the trees, was also submitted, followed up with a Report in early May 2023 listing all trees on site to be retained, pruned or removed.

3.10 The above reports state that the proposed development will not be within the root protection zones of the protected trees and these are not proposed for removal. There will be a number of "low quality" trees surrounded by the current

driveway to the south of the dwelling which will need to be removed in order to accommodate the proposed new dwelling. The Planning, Design and Access Statement also states the following:

“To allow construction of the proposed new driveway to Plot 9, T9 (Lime tree) will be removed. With regards Plot 8, it is proposed that one Tilla Cordata be planted to the northwest of the retained pavilion, three Prunus Kanzan be planted to the side of the southeastern gable and two Pyrus Calleryana trees be planted in the respective rear gardens of Plot 8 and Plot 9 to increase the density of trees on site. Special protective measures will be required where the proposed new driveway encroaches into RPA’s. This section of the driveway will require a ‘no-dig’ construction method and the use of a 3D cellular confinement and load spreading system. It is also recommended that all retained trees are protected during the construction period to ensure they are not damaged. All retained trees will require protection during construction work to ensure there is no further damage. This can be achieved with a Construction Exclusion Zone (CEZ), using barriers to exclude vehicles, personnel and materials from that area.”

3.11 The application files including the drawings, reports and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=169068>

4. RELEVANT PLANNING HISTORY

SMD/2015/0208: Outline permission with some matters reserved (except access) for erection of one dwelling and creation of new vehicular access. Refused on 4.6.15.

SMD/2015/0390: Outline permission with some matters reserved (except access) for erection of one dwelling and creation of new vehicular access (resubmission of SMD/2015/0208). Approved on 13.8.15.

The adjacent development of seven dwelling, nearing completion, was approved under full planning permission SMD/2016/0134 on 8.7.16.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS5 Leek Area Strategy

- H1 New Housing Development
- DC1 Design Considerations
- T1 Development and Sustainable Transport
- NE2 Trees Woodland and Hedgerows

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development
 Section 5: Delivering a Sufficient Supply of Homes
 Section 12: Achieving Well Designed Places

6. CONSULTATIONS

6.1 A site notice was posted and displayed at the entrance to Springfield Drive on 18th April 2023. Letters were also sent out to adjacent properties shortly after the application was received and 21 days was given for comments in response. On receipt of the first amended plans, revised Planning, Design and Access Statement and Tree List, adjacent properties and local residents who had submitted letters in response to the application were consulted, on 12th May 2023 and given 14 days in which to submit any further comments.

Public response to consultation

6.2 Letters of objection were received from 14 people, either local residents or representing local residents. An objection letter was also received from "Residents of Deebank Avenue" with a petition signed by 13 residents. Letters were received from three further local residents neither supporting or objecting to the application. The points raised and grounds of objection are as follows:

- Removal of trees
- Concerns that the access will be a through road from Deebank Ave to Springfield Drive
- Previous refusals for an 8 or 9 house development
- Increase traffic on Deebank Heights and Deebank Drive causing highway safety problems and congestion as current turning circle is too small
- Current seven house development is taking too long and lack of completion is causing highway safety issues and continued noise and disruption affecting Deebank Avenue residents
- Enlarged current dwelling will be overbearing on Deebank Heights
- Parking of excess cars at the enlarged property will be unsightly
- Increase in parking on Deebank Avenue
- Loss of privacy to adjacent dwelling on Springfield Drive due to extensions
- Loss of light to adjacent dwelling on Springfield Drive due to extensions
- Increase in height of existing dwelling unneighbourly and overbearing to adjacent dwelling on Springfield Drive due to extensions
- Disruption of wildlife including badgers, bats, hedgehogs and foxes
- Noise and disruption during construction phase will affect Springfield Drive residents and the school
- Increase in height will be visually overbearing to adjacent bungalows and

- chalet dwellings, out of keeping with the area
- Top floor windows will overlook Springfield Drive gardens
 - Overdevelopment of the site
 - Further loss of green space and biodiversity
 - Security risk of pedestrian path connecting The Orchard to Springfield Drive
 - Springfield Drive should be fenced off from The Orchard as this is used as a through-route from/to Deebank Heights and Deebank Avenue and also would encourage delivery drivers to access The Orchard via Springfield Drive causing disturbance and disruption
 - Plot 9 residents should not have access to Springfield Drive
 - Concern over impact on drains on Springfield Drive
 - Insufficient proposed re-planting
 - The proposals appear to retain the lower grade trees but remove the better grade trees

6.3 One letter of support has been received from a local resident who considers that one additional dwelling would add positively to the seven already built, considered to be a good quality development and would not amount to overdevelopment given the plot size and that the trees to be removed are low quality. The extensions to the Orchard are supported because the refurbishment of the property is needed to prevent deterioration, demolition and then a number of further new dwellings would be built on the plot to the detriment of the area.

6.4 In response to the re-consultation on 12th May, so far one letter has been received (from a previous objector) and the new points raised which have not been raised previously are as follows:

- The removal of trees deemed to be unsafe is due to damage caused by neglect and the storage of building materials so close to the trees
- The proposed dwelling would not be “affordable”
- Too many “fair” to “good” quality trees would be removed

6.5 Any further letters received will be reported at the Planning Applications Committee meeting.

Leek Town Council

6.6 Objection raised due to issues raised by parishioners regarding access and parking. The clearance of trees was also objected to. The council resolved that the application is un-neighbourly and ask that Planning Officers consider the objections carefully.

SCC Highways Authority

6.7 No objection. The Orchard and the new dwelling will be accessed via the existing vehicular access at Deebank Avenue. There will be a slight increase in traffic along the private drive, but this will not result in a significant increase in vehicular movements and will not impact highway safety. There are sufficient car parking spaces proposed in line with the Staffordshire Moorlands parking guidance.

The properties also include garages which will accommodate cycle facilities.

Environmental Health

6.8 The Environmental Health Department has no objection subject to standard conditions normally imposed on new dwellings including during the construction phase.

SMDC Trees and Landscape Officer

6.9 No objection subject to conditions requiring retention of trees shown for retention, tree protection measures during the construction phase, details of building methods to protect trees during the construction phase to be submitted and approved and a condition requiring the planting of the new proposed trees in accordance with the plans and to replace those which fail within five years. The Officer's specific comments are as follows:

"There is a group of 2 Lime trees and 1 Ash tree collectively protected as G1 under TPO No. SM.288 situated at the southern boundary of the application site adjacent to Leek High School, and another Lime tree individually protected as T1 under the same TPO situated approximately 14m to the east of the main front elevation of the existing dwelling at The Orchard. A mature Oak is situated just over the northern boundary at the turning head of the Woodfield Court cul-de-sac and is protected as T1 under an older TPO, No. SM.112.

An arboricultural report has been submitted in support of the application. For cross-referencing purposes, the Limes in Group G1 of TPO SM.288 are denoted as T3 and T5 in the applicant's arb report; the Ash also in G1 of TPO SM.288 is denoted T4 in the arb report; the individual Lime T1 of TPO SM.288 is denoted T10 in the arb report; and the Oak T1 in TPO SM.112 is denoted as T21 in the arb report. (Although of little practical consequence in this context, it is noted that the north point is misaligned on the plans contained within the arb report).

There are also several non-protected trees on/adjacent to the site, also shown in the arb report, which to greater or lesser degree (in terms of their significance and condition) contribute to the character and setting of the site and immediate surroundings.

Some detail of the proposed layout has been amended since the arb report was drawn up; specifically the existing timber summerhouse is now shown retained in its existing position, and a previously intended new detached garage to serve The Orchard which was to be located where the summer house stands has now been omitted in favour of an integral garage attached to the southern end of the dwelling under the alteration/extension proposals. Accordingly, there is also a consequential amendment to the detail of the vehicle access drive arrangements. These amendments followed my pre-application site meeting with the applicant, when options for enabling retention of a greater number of existing trees were discussed. The applicant has been responsive to this, resulting in the amendments to layout noted above, which would notably allow the retention of an early-mature Silver Birch and an early-mature Oak near the summer house, denoted as T12 and T13

respectively in the arb report. These amendments are not specifically represented in the arb report as they post-date the report, but it is not considered necessary to require an amendment of the arb report itself; layout amendments are not at all uncommon during the processing and evolution of a planning application, but do not necessarily require corresponding amendment of all supporting documents and information originally submitted. However, given the now-intended retention of T12 and T13 we also need to have regard to potential impact on these trees, in particular where any new construction features are proposed within their Root Protection Areas (RPAs).

Whilst the arb report itself has not been updated, the applicant has submitted an extract from this report, being the Appendix A tree survey schedule, and given it the sub-heading "List of Trees for Retention & Removal" on which he has updated whether each tree is to be retained or removed to accord with the proposed layout plan. I note that at least one public comment received queries what they regard as discrepancy between the "Recommendations" column entries in the arb report tree survey schedule as originally submitted and the addendum information in the "List of Trees for Retention & Removal" version. In fact as is normally the way with such arb reports, the "Recommendations" column often simply notes any initial tree management suggestions or recommendations which occur to the surveyor when carrying out the survey, but these are simply related to arboricultural management considerations such as tree condition or structural form or any existing encroachment issues, and not necessarily related to the proposed development itself and how the tree in question may or may not be affected by it. Thus for example, for T25 (Beech) the surveyor has recommended "fell tree on the grounds of safety" due to a weak fork with included bark and unbalanced crown, although this tree is in the north-west corner of the garden and is not affected by the proposed development and hence the applicant has annotated it to be retained. In contrast, the arb surveyor has noted group G1 as "no work required" because in arboricultural terms there are no serious problems requiring remedial action whereas the applicant has annotated G1 for removal because it is located within the footprint of the proposed Plot 9 dwelling and the group would clearly have to be removed in order to accommodate the development if it goes ahead. It is up to the applicant whether or not to implement any arboricultural management recommendations noted in the arb report (subject to any consent required from the planning authority in respect of protected trees) but any such recommendation is not an instruction or obligation, and it is not the purpose of a BS 5837 arb report accompanying a planning application to carry out a detailed tree safety inspection nor, specifically, to make recommendations for general arboricultural maintenance or tree safety work. It is worth noting that even amongst arboricultural professionals there may be differences of opinion about what work, if any, is recommended in response to observed tree condition/structural form, dependent amongst other things on the individual's level of caution and risk aversion. This in the context that there is inevitably some degree of risk from the presence of trees but if every tree with any noted imperfection or defect were to be felled there would be a great deal of unnecessary tree loss.

Turning to the more fundamental assessment of the potential impacts of the proposed development on trees:

The building footprints of proposed Plot 9 (dwelling and detached garage) and all

extension/alterations to the existing dwelling would be outside the RPAs of all protected trees and all other existing trees considered to be of sufficient significance and quality to be retained in the context of the proposed development. On this basis, there should be no significant adverse impact on trees shown to be retained arising from implementation of the scheme, given implementation of suitable tree protection measures during construction.

There would be a need to remove a number of trees in order to accommodate the proposed scheme, however these are not included in the TPO and are not considered to be of significant wider amenity value – particularly in views from publicly accessible viewpoints – and it would therefore not be appropriate to recommend refusal of planning permission on the grounds of the loss of these trees of lesser significance.

The proposed layout plan includes details of new tree planting, comprising 5 trees. Given the retention of numerous existing established/mature trees around the combined site, there is little opportunity for more new tree planting than the 5 indicated, but Plot 9 and The Orchard (both individually and in combination) would retain a significant amount of tree cover which would continue to contribute to the character of the site and surroundings. Given that the site would be enclosed by existing and new boundary fences and hedges, together with peripheral retained tree cover, there would be no requirement for a development landscaping scheme other than the new tree planting noted above, as it is not appropriate for the planning authority to dictate or control how individual private gardens are laid out or maintained.

The proposed vehicle access drives to Plots 9 and The Orchard leading from Dee Bank Heights would pass over the RPAs of a few trees along the eastern side of the site. The application Design and Access Statement acknowledges this at para 5.13 and states that special measures (no-dig method and 3-D cellular confinement construction) would be used where the driveway encroaches into RPAs, and the layout plan annotation confirms the proposal for use of such a root protection system with respect to the new drives to both Plot 9 and the existing dwelling. This is also indicated graphically on the arb report Arboricultural Impact Assessment drawing in respect of T10 (tree T1 under TPO SM.288), but now that T12 and T13 are also to be retained such special measures construction specification would also be required where the drive encroaches into the RPAs of these trees. These are all recognised and acceptable measures for dealing with the provision of hard surfacing for drives near retained trees, and can be secured by condition in the event that planning permission is granted.”

Severn Trent Water

6.10 No objection subject to a condition requiring details of foul and surface water drainage.

SMDC Waste Collection Service

6.11 No issues regarding waste collections.

7. OFFICER COMMENT AND PLANNING BALANCE

Introduction

7.1 Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:

i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.2 Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protect, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

7.3 The main issues with the proposal are as follows:

- Whether or not the principle of the development is acceptable in this location
- The impact on the character and appearance of the area as a result of the development and the proposed removal of trees
- The impact on the residential amenities/living conditions of nearby residential properties and the future residents of the site
- The impact on highway safety

The principle of the development

7.4 The site is within the development boundary of the town of Leek and in a sustainable location which is walking distance from the town centre, shops, supermarkets and services such as public transport and schools. A proposed new dwelling in this location complies with the Leek Strategy in the Local Plan (policy SS5) and the overall housing strategy for the District (policies SS2 and H1) and is therefore acceptable in principle, subject to other policies in the Local Plan which would include policy DC1 'Design Considerations' which looks to protect the visual and residential amenities of the area and the surrounding environment in general.

Planning permission was granted for a dwelling on this plot in 2015 and although the Local Plan has changed since that date, the policies regarding new dwellings within the confines of towns and large villages remain broadly the same and there have been no significant changes to the actual application site or the established surrounding environment other than the current construction of seven new dwellings on the adjacent former paddock to the east which was once part of the same overall property. Whether or not an additional dwelling to add to the seven nearing completion would lead to significant harmful impacts to the surrounding environment has also been taken into consideration.

7.5 With regard to the demand for new housing and meeting the housing targets for the District, although the Council's current Local Plan was adopted in September 2020, demonstrating a five year housing supply of land, the supply of housing land has since slipped to below five years and as a result of the policies in the government's NPPF, the Local Plan is now deemed to be "out of date" (including policies SS2, SS5 and H1 in terms of the strategy for new housing). Therefore paragraph 11 of the NPPF applies, which is copied above in this report (in para 7.1) meaning that the Council should grant permission for the new dwelling unless there are any "adverse impacts" identified which are deemed to outweigh the social and economic benefits of providing one additional dwelling in a sustainable location. Whether or not such adverse impacts would arise as a result of this proposal is discussed below in this report.

The impact on the character and appearance of the area

7.6 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

7.7 The proposed dwelling would be a "dormer bungalow" or "chalet dwelling" i.e. single-storey with single-storey eaves height and a large roof for accommodating upper floor rooms, which is a form of development in keeping with the seven new houses nearing completion. The site would be accessed from the end of the new cul-de-sac (Deebank Heights) and with a primary (front) elevation facing the new cul-de-sac, would appear as an additional dwelling for the development. Despite some differences such as the shape of footprint (with wider front and rear elevations and narrower sides), side gables and not front and rear gables, no side off-shot and the addition of dormers (the other dwellings have rooflights in the roof), the scale, height, chalet-style form and materials would be similar to the new houses and would not look out of place in Deebank Heights. The proposed detached garage has an acceptable scale, height and design and is placed considerably behind the front wall of the end dwelling of the new development (Plot 4) and so would not be visually prominent when viewed from the new cul-de-sac.

7.8 The plot is considerably larger than the seven plots being built on at Deebank Heights and therefore the new development would not appear as a relatively overcrowded form of development.

7.9 The large extensions to The Orchard and particularly the replacement roof and

change from brick to render, would significantly alter the form and appearance of the current dwelling at The Orchard. However, the current dwelling was always different to the surrounding built forms comprising almost entirely of mainly modern bungalows and new chalet dwellings and the house is seen in isolation to the surrounding street scenes. It never addressed the nearest road which provides the original access (Springfield Drive) as the front elevation faces east towards the new cul-de-sac and the scheme of works would reinforce the east facing primary elevation. The gable sided and front gable features are traditional in the District and the proposed fenestration design would also reflect the existing house. The chalk render materials would give the dwelling a more modern twist but this colour of render is prominent as one of the primary materials of the new housing development to the east (as well as red brick) and so the resultant extended dwelling would not look entirely out of keeping with the area considering its current appearance with contrasting coloured bricks. The proposed side wing would be finished with brick in contrast to the rest of the house but this part is set back considerably from the main front wall of the house and would not be harmfully prominent from any of the surrounding roads including Deebank Heights.

7.10 The scheme would result in an increase in height from 7.5 to 8.5 metres but this is not considered to be a substantial increase and a height of 8.5 metres is not considered to be an excessive height for a traditionally designed two-storey dwelling let alone a two-storey dwelling with rooms in the roofspace. Although there would be rooflights and narrow windows in the gables, at second floor height, the eaves height would remain the same and the proposed rear dormer has been removed from the scheme and as a result, the dwelling would appear as a two-storey dwellinghouse in form overall and not a three-storey dwelling. Due to its resultant height and form, the enlarged dwelling is not considered to visually dominate or be overbearing towards its surroundings. It is also worth noting that the adjacent school has two and three storey forms of buildings and so the height and form of the proposed enlarged dwelling would not harm the appearance and character of the wider area or townscape.

Trees and Landscaping

7.11 There are a large number of trees on the site which contribute significantly to the character and appearance of the area. Policy NE2 of the Local Plan aims specifically to protect all trees from development which are considered worthy of protection, regardless of whether they are TPO trees or not. There are 29 individual trees on site and a grouping of trees, to the south of the dwelling surrounded by the current driveway and which are within the footprint of the new proposed dwelling. These would need to be removed but have a limited contribution to the overall appearance of the area and their removal is not objectionable.

7.12 There are four large mature high quality trees which are protected by a Tree Preservation Order. These comprise two lime trees and one ash tree adjacent to the south boundary and a further lime tree about 14 metres to the east of the current house. These would not be affected by the proposed development and would be retained.

7.13 Of the 29 individual trees on site, only six would be removed, with the remaining

23 retained with or without alteration/pruning. These would need to be removed in order to accommodate the proposed development but none of these are considered by the Tree Officer to be of significant amenity value, particularly from public viewpoints (i.e. roads, footpaths and public open spaces). Of the six to be removed, five are considered to be "lower category" trees i.e. Class C or Class U (the lowest category with less than a ten year lifespan). However, it is noted that on the Tree List provided by the applicants Arboriculturist, one of the trees to be removed is a Class B tree with a height of about 15m and a lifespan of over 20 years but not included in the Tree Preservation Order. This is close to the proposed site access next to Deebank Heights and is part of a group of trees of similar quality. Although this loss is unfortunate, there would still be three similar quality trees immediately either side and overall it is not considered that a refusal of the scheme is sustainable given that six higher quality trees would be retained and that five new trees would be planted. The Council's Trees and Landscape Officer does not object to the proposal. Due to the overall number of trees to be retained, the five new trees to be planted are considered to be an acceptable number in terms of compensation for the removed trees and in the interests of the overall appearance of the site and surrounding area and in any case, there is limited space within the site for anymore. Three of the new trees would be grouped together close to the category B tree to be removed next to the new site entrance off Deebank Heights. The other two would be in the rear gardens of The Orchard and the new plot, adjacent to the side boundary of No.12 Springfield Drive.

7.14 The footprints of the new dwelling, detached garage and the extensions to The Orchard will not encroach within the root protection zones of the protected trees or the other better quality trees to be retained.

7.15 The proposed vehicle access drives to Plots 9 and The Orchard leading from Dee Bank Heights would pass over the root protection zones of a few trees to be retained along the eastern side of the site. Special measures are proposed to ensure the trees are not damaged by the construction of the hard-standings such as no-dig method and 3-D cellular confinement construction. These are considered by the Council's Trees and Landscape Officer as being acceptable measures for dealing with the provision of hard surfacing for drives near retained trees and a planning condition can be added to ensure these measures are carried out throughout construction works.

7.16 Similarly conditions would be added to retain all trees other than shown on the plans for removal, for the trees shown for removal to be removed outside of the bird nesting season and to secure tree protection fencing for all of the trees to be retained to protect them from the construction process. A further condition would be added to secure the planting of the five new trees and ensure that these are replaced within five years in the event of them becoming damaged or otherwise failing to establish.

7.17 Overall, the proposal is not considered to lead to any significant harm to the character and appearance of the area and would comply with Policy DC1 in this respect.

The impact on residential amenity

7.18 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.19 With regard to the new dwelling, the closest existing dwelling to where this would be placed, excluding The Orchard, is No.12 Springfield Drive. The rear elevation of the new dwelling would be 9.0 metres away from the neighbouring bungalow. However the rear ground floor living room window would face the front garden of No.12 and not the bungalow itself. The ground floor rear study window would face the side wall of the front projection at No.12. However, there are no primary windows in the side wall at No.12. Furthermore, views towards No.12 from the proposed dwelling would be largely screened by existing and proposed boundary fences including a side boundary fence and a proposed fence to enclosed the proposed pedestrian path to The Orchard from the end of Springfield Drive. Views from the study towards No.12 would also be screened by one of the five new trees to be planted (in the rear garden of the new plot). The only upper floor window facing No.12 would be a small bathroom rooflight. Obscured glazing can be inserted into the rooflight to minimise overlooking. The dwelling approved for the plot in 2015 was 6.3 metres from the side wall of No.12 and more of the approved rear wall was facing this flank wall. The new proposal pushes the new dwelling 2.7 metres further away from the bungalow and moves it further towards the south boundary. It is considered the new proposed dwelling would have less impact on No.12 than the previous approved scheme.

7.20 The next nearest dwelling to the proposed dwelling is the new dwelling at Plot 4 at Deebank Heights. The proposed front wall would be 12.5 metres from the flank wall of the chalet dwelling. Views towards Plot 4 would be largely screened by a current side boundary fence and the presence of the proposed double garage which would also block views from the upper floor front dormer windows into most of the Plot 4 rear garden. Views towards Plot 7 to the north-east of The Orchard are blocked by the abundance of trees, boundary fences and the presence of The Orchard summer house structure.

7.21 Overall, it is considered the proposed new dwelling would not lead to any significant loss of privacy or light provision affecting neighbouring residents or appear overbearing by virtue of the limited height of the proposed dormer bungalow and its distance and positional relationship in relation to the neighbouring properties and the presence of existing and proposed screening by way of trees, outbuildings and boundary fences.

7.22 With regard to the proposed extensions to The Orchard, it is noted that the current rear elevation of the existing dwelling faces the side boundary of No.12 Springfield Drive but is not directly perpendicular to No.12. The rear wall tapers away diagonally from the side boundary of No.12. The rear elevation of The Orchard directly faces the rear garden of No.12 rather than the flank wall of the bungalow. There is no real vegetation screening between the rear of The Orchard house and the side boundary of No.12. The ground floor rear wall is at least 3.4 metres from

the side boundary of No.12 and at least 6.8 metres separates the side boundary from the first-floor rear elevation of The Orchard. It is clear that the presence of the existing house and its rear elevation already has an established intrusive impact on the neighbouring property at No.12. The proposal involves removing the single storey rear study projection (which has two windows facing No.12) and this would be replaced with a single-storey side and rear extension which would be one metre further away from No.12 than the study projection. However, a higher side garage structure would be adjoining it and the rear wall would face the flank wall of No.12. This is a single storey extension with single-storey eaves height but a large roof to accommodate an office. The roof would slope away from No.12. There are also no primary windows on the flank wall of No.12. There are no windows or rooflights proposed for the rear elevation of the garage extension which would face No.12. There would be a rear window for the utility room but this would be further away from No.12 than the two study windows which would be removed. Overall it is not considered that the side and rear garage and utility room extension would lead to an overbearing impact on No.12, despite the garage roof being clearly visible from the rear garden of No.12, due to the distance between it and the rear garden and the roof sloping away from No.12. This would also not lead to any additional further loss of light to No.12 in relation to the current presence of two-storey part of the house. The absence of upper floor rear windows would also lead to the privacy levels at No.12 not being affected.

7.23 The more substantial and higher enlargements to the house would be in the opposite direction of where the side boundary of No.12 is located. Despite this, the widening of the two-storey rear elevation would be visible from the rear windows of No.12 and particularly from the rear garden of No.12 and the new higher and wider main roof would also therefore be visible from this property, despite the house being placed at an angle to No.12. However, it is not considered the two-storey extensions and new roof would lead to a significantly more overbearing impact or loss of light provision affecting No.12. The two-storey extension is directionally away from No.12. The new roof despite being 1.0 metre higher and having a steeper pitch would still be sloping away from No.12. The raising of the walls would potentially have a negative overbearing impact but the eaves height will remain the same. The bulk of the new additions run away from No.12, not towards it. In terms of privacy, the original plans showed a proposed rear main bedroom window at first floor level. Despite the presence of an existing upper floor rear bedroom window already overlooking the rear part of No.12, it was considered this additional rear bedroom window would lead to significant further overlooking of No.12. However, this window has been removed from the plans, received on 25th May. The same amended drawings also show a rear dormer removed and replaced with a small rooflight along with two rear rooflights (on the original plans) all of which would be placed 1.6 metres above floor level and which serve a landing and which would have obscured glazing inserted (by way of a planning condition) so the rooflights would not lead to any harmful overlooking of No.12.

7.24 Overall, it is not considered any of the extensions would lead to any significant harm to the residential amenities and living conditions at No.12 Springfield Drive. With regard to other neighbouring properties, the rear elevation of The Orchard faces the rear elevation of the bungalow at No.8 Springfield Drive on a backland plot. However, the proposed extensions would be at least 22m from the rear boundary of

No.8 and 31m from the rear elevation of the dwelling at No.8 and this exceeds the standards set out in the Council's Space About Dwellings SPG guidance applying to facing rear elevations. The proposal would not lead to any overbearing impact or loss of light or privacy affecting No.8 Springfield Drive. The extensions would also not be close enough to the other neighbouring properties, plots 4 and 7 and No.2 Woodfield Court to lead to an overbearing impact or loss of light provision. The proposed upper floor front and side windows would also not directly face any primary windows of those properties. The only rear garden that could be overlooked is at Plot 7, from the two proposed side windows (enlarged to allow more light in due to the removal of the rear bedroom window) at first-floor level and top floor gable side window but the retention of the large trees close to the side boundary of Plot 7 would effectively screen this garden from a harmful level of overlooking and helped by the distance between the garden and the side windows (14 metres).

7.25 The living conditions of the proposed residents of the new plot would be acceptable as the floorspace would exceed the standards set out in the governments Nationally Described Space Standards for two-storey 3-bedroom dwellings and also 4-bedroom dwellings if the study was to be used as fourth bedroom. The garden length would not meet the standard in the Space About Dwellings guidance but the presence of a side garden would ensure the overall size of private garden would exceed the size threshold (65 sq.m) and this would compensate for the short back garden length.

7.26 Overall, neither the proposed new dwelling or the enlargement of the existing dwelling would result in harm to the residential amenities of the area and would therefore comply with Policy DC1 in this respect.

The impact on highway safety

7.27 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

7.28 Springfield Drive is a private road but linked to A523 to the west. The closing of the access from this cul-de-sac, currently used by the occupants of The Orchard, would potentially therefore lead to slight reduction in vehicle movements along the road. There would potentially be an increase in vehicle movements along Deebank Avenue as the existing occupants of the site and the future occupants of the proposed dwelling would be using a new access onto Deebank Heights but this is predicted to not be substantial increase to the extent that additional traffic problems would arise to the detriment of highway safety along the road. The parking provision is in line with the Council's parking standards. There would be enough space to park and turn three vehicles at both The Orchard and Plot 9. This would ensure that there would be no significant parking problems at Deebank Heights or Deebank Avenue.

7.29 Overall, the proposal would not lead to any highway safety issues. No objection has been raised by the local highways authority (Staffs County Council) and the proposal would therefore comply with the relevant part of Policy DC1 and also T1.

Other Points

7.30 A large number of letters of objection have been received. The points relating to the impact on the visual and residential amenities of the area and highway safety are addressed above in this report. Other points raised include that the current seven house development is taking too long to complete causing ongoing highway safety issues (e.g. alleged lack of a turning circle) and continued construction noise and disruption affecting Deebank Avenue residents. However, this issue is not relevant to the planning application and the amount of time taken to carry out construction works is not a material planning consideration. Similarly, regarding noise and disturbance from the new building works in the event of this current application being approved, it is accepted that this will occur but is a consequence of all new development, but again, this is a temporary impact. The Environmental Health Section recommend a condition requiring adherence to a Construction and Environmental Management Plan (CEMP) to be submitted and approved beforehand which includes methods to minimise noise, disturbance and spread of dust. It is considered this should be applied to any permission granted for the application.

7.31 With regard to the concerns over the impact on wildlife, the planning policies look to prevent protected species and habitats from being affected and also, where this is possible, achieve a Net Biodiversity Gain via development. Despite the loss of trees, most of the trees on site will remain and the one tree of any quality which will be removed will be replaced by five new trees. No protected species or habitats will be affected. An abundance of green space and trees will remain and the ecological value of the area will be protected and also enhanced via new planting.

7.32 With regard so security risks, some of the objection letters state that pedestrians have been using the site as a through route from the residential areas east of the site onto Springfield Drive (presumably as a short cut towards the town centre). However, this proposed development will effectively cut off this “through route” via the erection of fencing and a gate to a pedestrian path to The Orchard only, which is no different from the current set up (the main access to The Orchard is currently via Springfield Drive). There is a concern that a new gate could be formed at the back of the new plot but this not shown on the plans but in any case, this occurrence would not compromise security given this will only allow access to the future residents of the plot.

7.33 Finally with regard to drainage, Severn Trent Water have recommended one of their standard conditions requiring details of foul and surface water drainage to be submitted to the Council for approval. However, the connections to existing foul and water sewers/drains are already shown on the drawings. If the drains are private then this is a private matter to be resolved by the residents and therefore a legal matter and not a material planning consideration that the Council can have control over.

8. Conclusion and Planning Balance

8.1 The proposal is acceptable in principle in this location and would not harm the visual or residential amenities of the area or highway safety. The proposal would comply with the Council’s Local Plan. In this case the governments planning guidance contained in the National Planning Policy Framework (NPPF) requires that

permission be granted unless any adverse harms have been identified which would outweigh the benefits of the proposal. The “tilted balance” is therefore activated. In this respect, it is considered that although the provision of just one new dwelling in a sustainable location would provide only limited social and economic benefits, these would not be outweighed by any adverse environmental harms arising from the new house or the proposed extensions to the existing property. The planning balance is therefore tilted towards the approval of the application in line with paragraph 11 of the NPPF. Therefore, the application is recommended for approval.

9. RECOMMENDATION

A. That the application be APPROVED 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, including the building materials specified, shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

2015-2095-78D

2015-2095-74L

Amended Plan: 2015-2095-85 Revision F dated 25.05.23

2015-2095-76F

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development at The Orchard or “Plot 9” as shown in the drawings, without prior written consent from the District Council as Local Planning Authority.

Reason:-

To protect the amenity and living conditions of adjacent residential properties from overlooking or perceived overlooking and the visual amenities in the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A, B, C, D and E or Part 2 Classes A to C shall be undertaken at The Orchard or “Plot 9” as shown in the drawings without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.

5. No trees shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:-

To protect the visual and residential amenities of the site and the ecological value of the area.

6. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and generally as set out in the Tree Heritage Ltd arboricultural report reference THL-R21-155-A dated 17th June 2022 submitted in support of the application hereby approved subject to the requirement to also similarly erect such temporary tree protection barriers in respect of trees T12 and T13 other than where the proposed new driveways as hereby approved would encroach within the Root Protection Areas of these trees. These tree protection barriers shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the Local Planning Authority.

Reason:-

To protect the visual and residential amenities of the site and the ecological value of the area.

7. Before the commencement of development (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) full details of all tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include full construction specification for a no-dig cellular confinement system for the proposed driveways where these encroach within the Root Protection Areas of trees to be retained, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees on and adjacent to the application site, to include details for the provision of suitable temporary ground protection measures for all Root Protection Areas outside

the protection barriers where these are used for any temporary or permanent vehicular access in connection with the construction and completed use of the development hereby approved. All approved ground protection measures shall be provided at the outset of development before any works commence and maintained in place for the duration of the period that development takes place or until any no-dig cellular confinement system for the new permanent drives is in place. Such method statement and protection measures shall specifically include details and sequences to ensure that appropriate measures are implemented to protect tree roots from the initial outset of any construction activity. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.

Reason:-

To protect the visual and residential amenities of the site and the ecological value of the area.

8. The tree planting scheme shown on the Sammons Architectural Site Plan Drg. No. 2015-2095-74 Rev L shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable planting season.

Reason:-

To protect the visual and residential amenities of the site and the ecological value of the area.

9. No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

- VI. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority;**
- VII. the parking of vehicles of site operatives and visitors;**
- VIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment;**
- IX. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.**

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason:-

To protect the amenity of local residents and that of the surrounding area from noise disturbance.

10. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: -

To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

11. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:-

To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

12. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation and shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason:-

To protect the local amenities of the local residents by reason of excess of illuminance.

13. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:-

In the interests of highway safety.

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/in formatives/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.

Location Plans



