

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th November 2023

Application No:	SMD/2023/0440	
Location	The Orchard, Springfield Drive, Leek, ST13 6ET	
Proposal	Alterations and extensions to The Orchard and reconfiguration of site access to enable the dwelling to be accessed from Deebank Heights.	
Applicant	Mr John Hurst	
Agent	Planning & Design Practice Ltd	
Parish/ward	Leek	Date registered: 06.09.2023
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 a previous application for extensions to the dwelling was decided at Committee and it is again locally controversial, attracting 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). The side garden area to the south of the existing dwelling has been removed from the application site, edged red and is

shown edged in blue as required for adjoining land within the same ownership. This plot is known as “Plot 9” whereas the application site containing the existing dwelling at The Orchard, is known as “Plot 8”.

2.2 There is a group of three trees (two lime and one ash) close to the south boundary of the overall property 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 resubmitted full planning application for extensions following the refusal in July 2023 of a full application for extensions to the dwelling along with a proposed new dwelling in the grounds of the existing house. The application was refused by Members against an officer recommendation of approval following the decision at the 13th 2023 Planning Applications Committee, for the following reasons:

1. The proposed development would result in the loss of trees which contribute positively to the character and appearance of the area, resulting in harm to the character and appearance of the area. The proposal is therefore contrary to Policy DC1 'Design Considerations' of the Council's Local Plan (adopted September 2020) which aims, inter alia, to protect the visual amenities of the area and policy NE2 'Trees, Woodland and Hedgerows' which aims to protect significant trees from development. The proposal would also therefore be contrary to Sections 12 and 15 of the NPPF.

2. The proposed extensions to the existing dwelling, by virtue of their scale/massing, design and form, would not harmonise with the scale, form and design of the existing dwelling, resulting in the overdevelopment of that part of the site and harm to the character and appearance of the area, contrary to Policy DC1 (parts 1 and 2) of the Council’s adopted Local Plan, the adopted Design Guide 2018 and Section 12 of the NPPF.

3. The proposed extensions to the existing dwelling, by virtue of their scale, form and height, would lead to an overbearing form of development when viewed from adjacent existing residential properties to the detriment of the residential amenities of those properties, contrary to Policy DC1 (part 5) of the Local Plan and Section 12 of the NPPF.

4. The proposed extensions to the existing dwelling by virtue of their design, scale and form would fail to respond to, and harmonise with the character of the host dwelling. As such the proposals fail to deliver a well designed development to reinforce the attractive character of the host dwelling, contrary to Policy DC1 of the Council’s adopted Local Plan and Section 12 of the NPPF.

3.2 Notwithstanding the reasons for refusal as stated on the Decision Notice, the minutes of the meeting held on 13 July 2023 include an amendment of minute 19 to make reference to site as a whole and not just the proposed new dwelling.

3.3 This new application removes the proposed new dwelling. A separate concurrent application has been submitted for this (SMD/2023/0439). The scaled down scheme of extensions to the existing dwelling has been put forward with this new application with the following changes:

- Removal of the garage wing on the south side elevation.
- Removal of the rear projection of the proposed single-storey side extension on the north side of the house.
- Addition of a lean-to pitched roof over the existing side integral store/garage - The squaring off of the proposed single-storey rear extension.
- Addition of rear utility room window on the rear wall of the single storey rear extension.
- Addition of solar panels on the rear roof slope of the main roof.
- Widening of the dining room bi-fold doors/windows on the rear elevation.
- Solar panels on the side roof slope of the front gable (south side elevation)
- Solar panels on the new lean-to roof slope over the existing integral side garage (south side elevation).

3.4 Around the dwelling, there are no changes elsewhere on the current application site from the previous application. The works elsewhere on site would be as follows:

3.5 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 the site and the plot where the proposed new dwelling would be located ("Plot 9") and 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.

3.56 The roof extensions would remain the same as previous. The scheme for the roof is as follows:

3.7 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.

3.8 Internal reconfiguration of the current house, together with the proposed extensions will result in the current 3-bedroom house becoming a 5-bedroom house just as with the previous scheme, as it is the ground floor of the extensions which would be reduced in size (along with the removal of the room above the previously

proposed garage which has also been removed from the scheme). The finishing materials will remain the same as previous. The whole house with extensions, other than the single-storey living room side extension, will have a chalk colour render finish applied. The side extension 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.

3.9 This new application includes an updated/revised Planning, Design and Access Statement (dated August 2023). The same Arboricultural Report as submitted with the previous application, which surveys the quality of the existing trees on site and assesses the impact of the proposed development on the trees, has again been submitted with this new application, unaltered.

3.10 The strategy for the trees remains the same as previously. The above report states 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:

"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 It was noted on the south elevation drawing that a previously proposed rear part of the side extension, now removed from the scheme, was visible. A corrected Elevations drawing showing its complete removal was received on 18.10.23 and local residents were notified of the corrected drawing and given a further 14 days in which to comment. On 6.11.23 an amended site plan was submitted to show a minor correction to the tree survey info.

3.12 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.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=173627>

4. RELEVANT PLANNING HISTORY

SMD/2023/0439: Erection of dormer bungalow. Pending.

SMD/2023/0132: 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. Refused on 14.7.23.

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 19th September 2023. Letters were also sent out to adjacent properties shortly after the application was received and 21 days was given for comments in response.

Public response to consultation

6.2 Letters of objection have been received from ten people, either local residents or representing local residents. An objection letter was also received from “Deebank Developments Residents Action Group” and two petitions against the proposal have also been received, one with 15 signatures, the other with 16, both attached to letters raising points of objection. 26 people have also submitted a duplicate objection letter, signed. The same issues were raised in the previous application and there remains concern over the loss of trees and the impact on the character and appearance of the area and the residential amenities of the area despite the reduction in the size of the proposed extensions. There were two letters received neither supporting or objecting to the application. The points raised and grounds of objection raised in response to the previous application that relate to Plot 8 are as follows:

- Removal of trees
- Concerns that the access will be a through road from Deebank Ave to Springfield Drive
- Enlarged current dwelling will be overbearing on Deebank Heights
- Parking of excess cars at the enlarged property will be unsightly
- 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
- 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
- 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
- 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
- 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
- Too many “fair” to “good” quality trees would be removed

Leek Town Council

6.3 Leek Town Council Planning Committee resolved unanimously to object to this application for alterations and extensions to The Orchard and reconfiguration of site access to enable the dwelling to be accessed from Deebank Heights.

The application for extension to a traditional detached house is overbearing due to the scale of the development being massive, making the building a three-story

extension which will be dense in comparison to the adjacent properties.

The extensions will significantly change the design of the current two-story traditional house which will be detrimental to the character of the area with close proximity to three 1960's bungalows.

The change of access proposed onto Deebank Heights is a Highways issue with the loss of a turning circle used by all residents in the street having significant impact to access and visibility and causing congestion which is un-neighbourly.

SCC Highways Authority

6.4 Recommendation Summary: Conditional

Site Visit Conducted on: 04-Oct-2023

CONDITION

1. Before the proposed development is brought into use, the parking area shall be provided in accordance with the approved plan 2015-2095-89 B and shall thereafter be retained for the purposes of parking and turning, for the life of the development.

REASONS

To comply with NPPF paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

NOTES TO PLANNING OFFICER

Application is for alterations and extensions to existing dwelling, the Orchard and reconfiguration of the access to provide access via Deebank Avenue.

Current records show that there was not any personal injury collision on Deebank Avenue within 43m of the development site for the previous five years.

The access is proposed off the Deebank Heights which is a private road with a speed limit of 30mph. This connects to Deebank Avenue which is an unclassified road (Road No. D1293) with a speed limit of 30mph.

SMD/2016/0134

for Erection of 7 dwellings provided the initial access off Deebank Avenue.

The Orchard is proposed to be accessed via 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 adequate car parking spaces proposed in line with the Staffordshire Moorlands parking standards. The property also includes a garage which can accommodate cycle facilities.

SMDC Trees and Landscape Officer

6.5 Summary: No objection subject to conditions

There is a mature Lime tree individually protected as T1 under TPO No. SM.288 situated adjacent to the southern boundary of the application site and approximately 14m to the east of the main front elevation of the existing dwelling at The Orchard. In

addition, 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 Lime T1 in TPO SM.288 is denoted T10 in the arb report, and the Oak T1 in TPO SM.112 is denoted 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.

The proposed extensions and alterations to The Orchard are very similar to the corresponding element of the previous application SMD/2023/0132, and virtually identical in terms of potential impact on and relationship with the various existing trees.

No trees need to be removed in order to accommodate the proposed extensions and alterations to the existing dwelling. All extensions to the existing dwelling would be situated outside the Root Protection Areas (RPAs) of all existing trees, protected or otherwise, and therefore subject to implementation of temporary tree protection measures during development the extension/alteration of the existing dwelling itself would have no significant adverse impact on any trees.

The development would directly require the removal of a mature Lime (denoted T11 in the application arb report) in order to accommodate the proposed new vehicle access into the site from the existing cul-de-sac of Dee Bank Heights. T11 was initially included in TPO SM.288 as part of its "Group G2" (along with further Limes denoted T9 and T10 in the application arb report); however T9 and T11 were subsequently omitted from the amended TPO plan when it was modified when the Order was considered for confirmation. Given that omission of T11 from the TPO was formally authorised, in part so that its removal could benefit the adjacent T10 (the best of the 3 Limes in this group), and that T11 leans significantly, and is considered to be of borderline quality and significance to merit TPO protection, I consider that it would not be appropriate to object to or refuse the application on the grounds of the loss of this tree; nor would such refusal be considered reasonably defensible on appeal.

In addition, the proposed new access drive and turning/parking area to The Orchard would encroach partly over the RPA of retained Lime tree T10 (tree T1 under TPO SM.288), and also partly over the RPAs of Birch T12 and Oak T13 (both indicated to be retained). The application Design and Access Statement acknowledges this encroachment at para 5.12 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 drive etc. This is also indicated graphically on the arb report Arboricultural Impact Assessment drawing in respect of

T10. However, the arb report was compiled to support an initially proposed but subsequently superseded layout for SMD/2023/0132 which did not provide for the retention of T12 and T13, and therefore the arb report does not specifically indicate special measures for drive construction where it encroaches into the RPAs of these two trees. Nevertheless, the current application now clearly shows the retention of T12 and T13, and its D & A Statement clearly indicates at Paragraph 5.10 a general proposal to incorporate such measures “where the proposed new driveway encroaches into RPAs” (plural). These no-dig/cellular confinement special measures 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.

The application arb report, dated 17th June 2022, states at Paragraph 2.2 that it is valid for a period of 2 years as part of the planning application process. Its tree size/condition data, retention categories and tree constraint extents are considered to remain reliable and valid, and notwithstanding the fact that the arb report shows a previous layout subsequently amended in a few matters of detail (as is often the case in the assessment of a planning application between submission and determination) this does not require submission of a revised/updated arb report to inform assessment of the current application and enable it to be determined.

The proposed development would not result in the loss of or detrimental impact on protected trees or other significant trees, and I have no objection to this application on these grounds.

The application site plan indicates the planting of four new trees (NB the D & A Statement refers to a fifth, “north-west of the existing pavilion”, but this is not shown. There would be some significant constraints to accommodating much additional planting, due to the need to avoid undue proximity to the existing dwelling The Orchard (as proposed extended), to neighbouring existing dwellings, and to the proposed new dwelling at Plot 9 (if approved), to avoid existing and proposed underground utilities, and the restrictive presence of established existing trees to be retained. However, I am aware that the relative scarcity of new planting proposals for this site and the adjacent site of The Orchard are of concern. I would suggest that in the event of planning permission being granted, the currently proposed planting is not approved as the landscaping scheme and that the applicant be requested to investigate further (reasonable and suitable) opportunities for additional planting.

Severn Trent Water

6.6 Having reviewed our statutory sewer records, they do not currently demonstrate any public sewers on the property. However, due to a change in Legislation that came into force October 2011, there could be unmapped assets on the property that will enjoy the same protection as all our mapped assets.

Protective strips:

100mm to 225mm diameter sewers - 3m either side of the pipe, thus providing 6m protection zone across the diameter of the pipe.

300mm to 999mm diameter sewers - 5m either side of the pipe and providing 10m protective strip, across the diameter of the pipe.

Any sewers greater than 999mm diameter, enjoy a protective strip of 7.5m either

side of the pipe (15m across the diameter).

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:

- 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 principle of extending dwellings within the built up boundaries of towns and villages in the District remains acceptable. The same policies that apply to such development, chiefly Policy DC1 and also Section 12 of the NPPF, have not changed since the decision on the previous scheme of extensions in July 2023.

The impact on the character and appearance of the area

7.5 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.

7.6 The previous scheme of extensions, which included a side garage extension with office above, a larger replacement roof with large front facing gable and single-storey side extension to the other side, with rear projection, were not considered by the case officer to be harmful to the character and appearance of the house or the surrounding area but Members at Committee considered that the extensions, by virtue of their scale/massing, design and form, did not harmonise with the scale, form and design of the existing dwelling and also by virtue of their design, scale and form, would fail to respond to, and harmonise with the character of the host dwelling. The amended proposal removes the angled side garage extension with office above in the roofspace and also the rear projecting element of the single-storey side extension to the north of the house. With regard to the new revised scheme, it is considered that when looking at the main view of the house, which is from Deebank Heights, towards the principal elevation, there would be a notable reduction in the width of the resultant dwelling, with the previous angled garage wing (with office above) removed from view.

7.7 The footprint of the house would also be considerably reduced by the removal of the rear projection of the side living room extension. Although the upper floor extensions would remain unchanged, it is considered that the reductions to the scale and massing of the extensions by virtue of the removal of one of the side extensions and significant reduction of the other side extension, would respect the dominance of the main part of the existing dwelling more than the previous scheme. It would succeed in harmonising with the scale, form and design of the host dwelling and by being far more subservient to the main dwelling than the previous proposed extensions, this would in turn, have greater respect its character. Although the height has not been reduced and the front gable remains the same, it is not unusual for two-storey period dwellinghouses to have a height of 8.5 metres and large front gables are a feature of many traditional properties. It is not considered that the height of the dwelling as a result of the extensions or the particular design including the large front gable, which is a common feature of traditional older properties, would be harmful to the design and appearance of the host dwelling and would not be out of keeping with the area, which although mainly modern bungalows and dormer bungalows of contrasting design to the existing dwelling also comprises three-storey school buildings which are prominent in the area. For the above reasons, it is considered that the new scheme of extensions would overcome the second and fourth reasons for refusing the previous application and that Policy DC1 of the Local Plan and Section 12 of the NPPF would be complied with.

Trees and Landscaping

7.8 There is 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.

7.9 With regard to the first reason for refusing the previous application, the tree strategy has not changed from the previous application. The same trees would be retained and the same ones proposed to be removed. It is also therefore not considered that the Arboricultural Report which assesses the quality of the trees as well as the impacts of the scheme, would need to be updated as the survey was undertaken in June 2022 and the report has a “lifespan” of two years and is therefore not required to be updated. It was not considered by the Council’s Tree Officer that the larger scheme of extensions resulting in a larger footprint of house would harm the trees and the officer did not raise an objection to the previous objection. Similarly no objection has been raised by the Tree Officer in response to this new application with the safeguard of conditions which require amongst other things, replacement planting and therefore it is considered that the impact on trees is acceptable.

7.10 There are 29 individual trees within the overall property including a grouping of trees, to the south of the dwelling in the adjacent garden area where the separate Plot 9 dwelling is proposed (under the separate SMD 2023 0439 application).

7.11 There are four large mature high quality trees within the overall property which are protected by a Tree Preservation Order. These comprise two lime trees and one ash tree adjacent to the south boundary on Plot 9 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.

7.12 As part of the previous application, of the 29 individual trees on the overall property, only six would be removed, with the remaining 23 retained with or without alteration/pruning. None of these were 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, with the previous application, 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 was removed from the Tree Preservation Order due to its quality. This is close to the proposed new 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 there would be a number of new trees planted.

7.13 The previous application included the planting of five new trees, four of which are in the Plot 8 where the existing dwelling is located and one proposed for the adjacent Plot 9. 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 would be in the rear garden of The Orchard. The planting of the four new trees on the application site is unchanged from the previous application and was considered an adequate scope of replacement planting by the Tree Officer despite the limitations of the site to accommodate any more due to the presence of buildings, hardstandings and infrastructure. However, the Tree Officer, in his response to this new application considers that further planting could still be achieved if considered necessary, via the imposition of a planning condition requiring a revised landscaping

scheme.

7.14 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.

7.15 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 new trees and ensure that these are replaced within five years in the event of them becoming damaged or otherwise failing to establish.

7.16 Overall, the tree strategy is considered to be acceptable and would comply with policies DC1 and NE2 in this respect.

The impact on residential amenity

7.17 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.

7.18 The case officer of the previous application did not consider the larger scheme of extensions would be harmful to the residential amenities of the neighbours. Nevertheless, Members considered the scheme to lead to an overbearing impact affecting the residential amenities of adjacent residential properties and this formed one of the reasons for the refusal of the previous application. The scheme of extensions has changed by removing the side garage wing and the rear projection of the other side extension, which encroached towards the two adjacent residential properties to the west (nos 8 and 12 Springfield Drive). Although the upper floor and roof extensions remain the same, the revised scheme would result in the footprint of extensions being further away from the boundaries than the previous scheme. This will significantly reduce any overbearing impacts on those properties particularly when viewed from the rear gardens. .

7.19 There are no primary windows in the side wall at No.12 which would be affected by overshadowing or overlooking from the windows in the rear elevation of The Orchard which is angled away from no.12 so that the rear elevation does not face directly it's rear garden. There are minor changes to fenestration which would not lead to any new overlooking or loss of privacy concerns. A significant distance would be maintained also to no.8 which would be sufficient prevent any loss of privacy or

amenity. It is therefore considered the revised proposal of extensions would not lead to any overbearing impacts on neighbours or harm the overall residential amenities of the area and would comply with Policy DC1.

8. Conclusion and Planning Balance

8.1 The amended scheme of extensions to the existing dwelling would not lead to any harm to the visual or residential amenities of the area and would overcome three of the reasons for the refusal of the previous application. The tree strategy remains the same as previous and although the removal of trees formed one of the reasons for refusal of the previous application, the Tree Officer again raises no objection to the application with the safeguard of conditions which include an appropriate scheme of replacement planting to protect the overall character and appearance of the area. The proposal would therefore comply with the Council's Local Plan and the governments planning guidance contained in the National Planning Policy Framework (NPPF) and 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:-

2015-2095-88C

2015-2095-89C

2015-2095-93A

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 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. Notwithstanding any indication on the plans hereby approved, landscaping is not approved and within two months of the commencement of the development a comprehensive landscaping scheme shall be submitted to and approved in writing by the local planning authority. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. Once approved, the submitted landscaping scheme 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 and shrubs etc 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 season.

Reason:-

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

9. 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 Plan

