

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

16th November 2023

Application No:	SMD/2023/0439	
Location	The Orchard, Springfield Drive, Leek, ST13 6ET	
Proposal	Erection of dormer bungalow	
Applicant	Mr John Hurst	
Agent	Planning & Design Practice Ltd	
Parish/ward	Leek	Date registered: 25.08.2023
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 the garden area to the south of an existing dwelling, "The Orchard" and which also includes the current access to the dwelling off Springfield Drive, a private cul-de-sac which adjoins Springfield Road (A523) to the west. The site also includes much of the driveway to the house and several large trees, some of which are protected by a Tree Preservation Order (TPO). The Meadows Secondary School lies immediately to the south of the cul-de-sac and the application site. The overall property use 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 property (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 property (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. The application is a resubmission of a proposal for a dwelling which also included extensions to the house and a new access off Deebank Heights, the new development to the east, serving both the current dwelling (known as "Plot 8") as well as the new dwelling plot, Plot 9. The application, SMD/2023/0132, was recommended for approval by the case officer but refused by Members at the 13th July 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 The proposed extensions to the dwelling have been removed from this new resubmitted application which now proposes just the new dwelling on Plot 9. A separate application for a revised scheme of extensions to the house was submitted at the same time and includes the new access proposed off Deebank Heights. The ref no for this is SMD/2023/0440.

3.4 With regard to this new current application for the Plot 9 dwelling, no changes have been made to the dwelling or the site including the tree strategy from what was proposed in the previous application. The details of the proposal are 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 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.

3.6 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.

3.6 The application was submitted with a Planning, Design and Access Statement, updated in August 2023, revised from the one submitted with the previous application. 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.

3.7 The strategy for the trees remains the same as previously. 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.”

3.8 A corrected Site Plan was received was received on 18.10.23 to show some clarification of three trees close to the south boundary (Trees T3, T4 and T5) and local residents were notified of the corrected drawing and given a further 14 days in which to comment.

As with the previous application, there would be one new tree planted within the Plot 9 site (and three further trees in Plot 8).

3.9 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=173626>

4. RELEVANT PLANNING HISTORY

SMD/2023/0440 Alterations and extensions to The Orchard and reconfiguration of site access to enable both dwellings to be accessed from Deebank Heights (amended scheme). 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 dwellings, 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 and traffic and parking problems arising. The points raised and grounds of objection raised in response to the previous application that relate to Plot 9 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
- Increase in parking on Deebank Avenue
- Disruption of wildlife including badgers, bats, hedgehogs and foxes
- Noise and disruption during construction phase will affect Springfield Drive residents and the school
- 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
- 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

6.3 One letter of support was received from a nearby resident.

Leek Town Council

6.4 Leek Town Council Planning Committee resolved unanimously to object to this application for the erection of a Dormer Bungalow.

The scale of the development is overbearing due to the plot size being small and thus causing tight proximity to the neighbouring dwellings. This will cause significant impact to the adjacent property due to the layout and density of the design and is deemed un-neighbourly.

The position of the design for the dwelling is not in keeping with the linear design of the other properties on the street.

Drainage issues have also been identified which need to be scrutinized because of the impact this could have to the other properties in the street and due to the proximity to the neighbouring dwelling being below the acceptable distance.

The additional highways access will create issues on the turning circle of the cul de sac used by all the other residents in the street and including disability access.

The application has not significantly changed since the refusal decision in July 2023 and the Leek Town Council Planning Committee ask the Staffordshire Moorlands District Planning Officers and Committee to uphold their decision.

SCC Highways Authority

6.5 Recommendation Summary: Conditional

Site Visit Conducted on: 13-Sep-2023

CONDITION

1. Before the proposed development is brought into use, the parking area shall be provided in accordance with the approved plan 2015-2095-91 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

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 of 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 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 adequate car parking spaces proposed in line with the Staffordshire Moorlands parking standards. The property also includes a garage which can accommodate cycle facilities.

Environmental Health

6.6 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

6.7 No objection subject to conditions. Comments 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. The individual Lime T1 is not situated within the application site, but is immediately adjacent to its northern boundary, close to where the proposed new drive would access the site off the existing cul-de-sac of Dee Bank Heights.

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. (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.

This proposal for a new dwelling at "Plot 9" appears to be identical to the corresponding element of the previous application SMD/2023/0132 in terms of its potential impact on and relationship with the various existing trees.

The proposed dwelling and its detached garage would be situated outside the Root Protection Areas (RPAs) of all protected trees and therefore subject to implementation of temporary tree protection measures during development the construction these buildings would have no significant adverse impact on the protected trees.

The proposed development would directly require the removal of a group of mixed conifers (denoted G1 in the application arb report) in order to accommodate the proposed dwelling, as they are situated within the dwelling footprint, but these have little or no wider public amenity (i.e. they are not substantially or prominently visible from publicly accessible locations, nor to large numbers of private property viewpoints).

In addition, the proposed access drive to Plot 9 would directly require the removal of a mature Crab Apple (denoted T6) and a mature Lime (denoted T9). T6 is a small tree of no wider significance which anyway has little remaining safe/useful life expectancy due to basal stem decay. T9 was initially included in TPO SM.288 as part of its "Group G2" (along with further Limes denoted T10 and T11 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 T9 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 T9 is now showing signs of decline, and is considered to be of insufficient 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.

Furthermore, removal of T7 (a mature Purple Plum) and T8 (a semi-mature Purple Norway Maple) is also indicated. Although this is not strictly directly required, T7 has

a limited future due to basal stem decay, and T8, at less than 3m between the stem and the corner of the proposed Plot 9 dwelling, would be significantly too close reasonably require its retention. Neither tree is of much wider significance, and their loss would not constitute defensible grounds for refusal.

The proposed vehicle access drives to Plot 9 leading from Dee Bank Heights would pass over the RPA of retained Lime tree T10 (tree T1 under TPO SM.288). The application Design and Access Statement acknowledges this 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 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. 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.

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 just one new tree. There would be substantial constraints to accommodating significant additional planting, due to the need to avoid undue proximity to the proposed dwelling/garage and surrounding existing dwellings, 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

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

SMDC Waste Collection Service

6.9 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 "substantial and demonstrable" 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.

7.6 The principle of the new dwelling therefore remains acceptable.

The impact on the character and appearance of the area

7.7 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.

7.8 There were no concerns raised by officers in respect of the previous application based on the siting, design and visual impact of the proposed dwelling. As there are no changes to the scale, siting or design, officers consider that this remains acceptable.

7.9 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.

7.10 The plot size is considerably larger than the seven plots being built on at Deebank Heights and reflects the general positioning of the dwelling approved in 2015, and therefore the new development would not appear as a cramped form of development.

Trees and Landscaping

7.11 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 protected by a Tree Preservation Order (TPO) or not.

7.12 The previous application was refused due to the loss of trees as a result of the proposal for a new dwelling, new access and extensions to the house. The Tree Strategy has not changed and remains the same. The Council's Tree Officer did not object to the tree strategy in response to the previous application and does not object to this new application. It is also 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.

7.13 There are a large number of trees on the site which contribute significantly to the character and appearance of the area. There are 29 individual trees on the overall property i.e. Plots 8 and 9 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.

7.14 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.

7.15 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.

7.16 The planting of one new tree on the application site, next to the west boundary, along with four new trees on Plot 8, is unchanged from the previous application and overall 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.

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

7.18 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.

7.19 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.

7.20 Overall, the proposal is not considered to lead to any significant harm to the character and appearance of the area and would comply with Policies NE2 and DC1 in this respect.

The impact on residential amenity

7.21 Policy DC1 'Design Considerations' of the Local Plan states that new development should, inter alia, protect the amenity of the area, including the 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.

7.22 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.

7.23 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.

7.24 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.

7.25 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.

7.26 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.

7.27 Overall the proposed new dwelling would not 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

7.28 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.

7.29 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.

7.30 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.

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 previous application for the dwelling and extensions to the existing dwelling was refused due to the impacts on character and appearance of the area and the amenity of neighbouring properties. Although this proposal for a dwelling remains the same as the previously refused scheme, officers remain of the view that it will not result in any substantial and demonstrable harm in either design or amenity terms. The previous application was also refused due to the loss of trees. However, despite no changes to the tree strategy, the Council's Tree Officer did not object to the previous application and does not raise any objections to this new application with the safeguard of conditions which include a revised new landscaping scheme which provides more robust new tree planting than what is shown on the drawings. In the absence of any objection from the Tree Officer it is not considered that a refusal on these grounds could be sustained.

8.2 The proposal would remain to 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 harm has 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 environmental harms arising from the new dwelling. 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:-

2015-2095-91D

2015-2095-90

2015-2095-92

2015-2095-94

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 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) A, B, C and E or Part 2 Class A shall be undertaken without express planning permission first being obtained from the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, the level of amenity for future residents 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 in writing 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. No 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 affect 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;**

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 exist 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. 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 Plan

