

Agenda Item:	5.1
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Site:	187 Rolleston Road, Burton upon Trent, DE13 0LD
Proposal:	Demolition of existing detached dwelling and erection of a replacement detached dwelling, a detached hydrotherapy pool building and alterations to existing vehicular access

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2020/01080	
Planning Officer:	Kerry Challoner	
Type of Application:	Detailed Planning Application	
Applicant:	Mr Hussain	
Ward:	Tutbury and Outwoods	
Ward Member (s):	Councillor Mr SP Gaskin Councillor Mr G Raybould	
Date Registered:	14 October 2020	
Date Expires:	07 December 2020. An extension of time has been agreed with the agent for the submission of revised plans, additional information, associated re consultation process and the reporting of the application to Planning Committee.	
Reason for being on Agenda	The application was called to be heard at Planning Committee by Cllr Simon Gaskin (Ward Councillor).	
Officer Recommendation	Approval subject to conditions.	

1. Executive Summary

- 1.1 This application relates to a two storey detached dwelling house with architecturally ornate elevations located on the Western side of Rolleston Road within the Parish of Outwoods. The frontage of the property includes bay windows and a striking two storey stone column feature. The property dates from the 1920's and sits within a pleasant street scene of semi detached and detached dwelling houses.

- 1.2 Consent is sought for the demolition of the existing dwelling house and the erection of a replacement dwelling, a detached hydrotherapy pool building to the rear and alterations to the existing vehicular access. The scheme has been revised during the course of the application to reduce the scale and bulk of the proposal and improve its design.
- 1.3 Objections to the original scheme were received from 70 addresses in the Burton area, including 23 from addresses in Rolleston Road. Of the responses 69 raised objections to the scheme on the grounds of the principle of the loss of the existing dwelling house, the design of the proposed replacement, amenity impacts, highway impacts, biodiversity and impacts on trees within the site.
- 1.4 Objections were also raised by the Ward Councillor who has called the application in to be heard at Planning Committee. No response was received from the Parish Council. Following the submission of revised plans, a re-consultation exercise generated a responses from 22 addresses (10 in Rolleston Road), 21 of which reiterated previous objections. 1 response in support was received.
- 1.5 No objections have been raised by internal or external consultees on technical grounds.
- 1.6 The loss of the existing dwelling has been given full consideration and advice has been provided regarding the level of protection it can be afforded by the Conservation Officer. The reasoning why the property is not considered as a designated or non-designated heritage asset is set out in full in the report.
- 1.7 It is considered that the development is of sufficiently high quality design within its context to comply with the provisions of relevant development plan policies and the National Planning Policy Framework. The proposal will also not adversely affect the amenities of occupiers of existing nearby dwellings, and will provide an acceptable level of amenity for occupiers of the new dwelling.
- 1.8 The proposal will not have an unacceptably adverse impact on the existing highway network and suitable mitigation for ecology and landscaping can be secured by appropriately worded conditions.
- 1.9 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to necessary conditions.
- 1.10 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 The application site sits on the Western side of Rolleston Road, Burton upon Trent within the Parish of Outwoods. The area surrounding the application site is residential in character, with surrounding dwelling houses being of varying ages, character and appearance. Collectively, surrounding detached and semi detached properties vary in scale and provide a pleasant street scene.
- 2.2 No.187 Rolleston Road ('The Oaks') currently occupies the application site. This property is a two storey dwelling house which has been previously extended with a two storey side extension. The property has architecturally ornate elevations, with a striking two storey stone column feature containing a balcony and bay windows to the front elevation. To the rear the property has a two storey projecting gable with external balcony area. The property dates from the 1920's and benefits from a large rear garden which contains mature landscaping and trees. To the frontage, there is an existing driveway with a low stone wall.
- 2.3 The application property sits within a spacious site, with the Dove Campus for the De Ferrers Academy located to the rear. To the North of the application site is No.189 Rolleston Road, a semi detached dwelling house with a ground floor window and two first floor windows facing the application property. There is a detached garage which sits alongside the rear boundary of the application site. No.185 Rolleston Road is situated immediately to the South of the application site and is an equally unique two storey property within Rolleston Road, with stone features and ornate entrance porch to the front elevation.
- 2.4 The site is located within the settlement boundary for Burton upon Trent as identified in the Local Plan.

3. Planning history

- 3.1 20 August 1984- **PA/14660/001**- Day Nursery- .Approved subject to conditions.

4. The proposal

- 4.1 The application proposes the demolition of the existing dwelling and the erection of a replacement dwelling, along with a detached building in the rear garden to house a hydrotherapy pool and alterations to the existing vehicular access.
- 4.2 The design of the proposed replacement dwelling has been revised during the course of the application. The proposed two storey dwelling would have a footprint of 13.5m in width and 11.2m in depth. To the rear, there would be a 4.4m deep single storey projection which would run the full width of the dwelling and to the frontage there would be a 4.5m wide, 2m deep single storey forward projection along with a flat roof canopy feature. The property would have an overall ridge height of 8.2m. The proposed roof has been revised to incorporate a hipped design with a chimney feature. The elevations have also been updated to achieve a more modern appearance with the use of cladding, brickwork and render to break up the appearance of the property.
- 4.3 The dwelling would retain the existing strong building line to the frontage in Rolleston Road, with the two storey element being set back slightly from No.185 and forward of No.189 by 0.5m. The dwelling would be set 0.7m off the side boundary with No.189 and 4m off the boundary with No.185 Rolleston Road. The proposals include the creation of an in/out driveway to the front which would be 5.8m in depth. Raised planting beds would sit along the side boundaries and behind a low wall to the frontage.
- 4.4 Internally, at ground floor family accommodation in the form of a kitchen, living and dining area, a formal lounge would be provided. In addition adapted living accommodation including an accessible bedroom, bathroom, therapy room and carers live in facilities would also be provided. At first floor, six bedrooms (two with en suite facilities) and a family bathroom are proposed.
- 4.5 The scheme also provides for a detached building in the rear garden which would house a hydrotherapy pool. The building would be located 7m from the rear of the property and would have a footprint of 10m in width by 9.6m in depth. The roof design of the building has been revised to incorporate a hipped design to match the main property and to reduce the scale and bulk of its appearance. The building would be rendered and would have an overall height of 4.3m.
- 4.6 An Arboricultural Report and Tree Survey has been submitted in support of the application which proposes the removal of 9 trees and an area of hedging within the site.
- 4.7 A Bat Survey has also been submitted. The survey concludes that the existing building shows a very low likelihood of supporting roosting bats and no evidence of the presence of bats was found.

List of supporting documentation

4.8 The following documents have been provided as part of the application:

- Application Form
- Location Plan
- Existing Site Plan, Elevation and Layout Plans
- Proposed Site Layout
- Proposed Elevation and Layout Plans
- Proposed Street Scene
- Design and Access Statement
- Arboricultural Report
- Preliminary Bat Roost Assessment

4.9 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Outwoods Parish Council	No response was received.
5.3	SCC Highways	No objections were raised. As a dwelling replacement there will be no net change in the traffic generated from the site and as the proposal includes sufficient car parking spaces there are no objections on highways grounds. The proposed access is designed in such a way so as to allow vehicles to enter and leave the site in a forward gear if they are managed sensibly. It is therefore recommended that the application be approved subject to a condition to ensure that the access, parking and turning areas shown on the submitted plans shall be provided prior to the first occupation of the dwelling.
5.4	Severn Trent Water	No objections were raised, a drainage condition should be applied.

Internal Consultees		Response
5.5	Environmental Health	No objections were raised.
5.6	Conservation Officer	No objections were raised.
5.7	Tree Officer	The proposed trees to be removed are not worthy of a Tree Preservation Order. The large Oak Tree located along the rear boundary should be placed under a Tree Preservation Order to prevent risk of removal in the future. A Tree Protection Plan and Method Statement to show how the retained trees will be protected is required.

6. Neighbour responses

6.1 Site and Press notices were posted and neighbouring occupiers were notified by letter. Responses were received from 70 addresses, including 23 addresses within Rolleston Road. 1 response in support of the proposal was also received.

6.2 Following receipt of revised plans, a further consultation with neighbouring occupiers and previous respondents was carried out. Responses from 22 addresses, including 10 in Rolleston Road, were received. 21 responses reiterated objections made previously and summarised below, 1 response was received in support of the proposal.

6.3 Objections to the proposal are summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> • The development would lead to the loss of an architecturally and locally significant iconic property • The existing property is historic and includes materials from the demolished Rolleston Hall • There are lots of more appropriate alternative sites within the area for replacement dwellings • The proposal would lead to the loss of a heritage asset • Potential creation of a House in Multiple Occupation or care facility • Insufficient medical justification has been provided to support the proposal. • Carbon footprint of the proposed demolition works should be given consideration.
Design	<ul style="list-style-type: none"> • The scale, mass and design of the proposed replacement is unacceptable • The proposal would have a detrimental impact on the surrounding street scene • Visual impact would be out of character with the area • A precedent for further development like this proposal would be set. • No drainage plans have been provided.
Impacts on Amenity	<ul style="list-style-type: none"> • Loss of light and outlook • Overlooking impacts • Overbearing impact • The fence in the rear garden should be increased to 1.8m • Potential for the proposed hydrotherapy building to be converted into a separate dwelling/ further accommodation.
Highways Impacts	<ul style="list-style-type: none"> • The proposal would lead to disruption during building works • Parking is insufficient to serve a house of this scale

	<ul style="list-style-type: none"> The proposal would impact on highway safety, particularly around school drop off/ pick up times
Trees/ Ecology	<ul style="list-style-type: none"> The Ecology report is dated 2019 and should be updated. The proposal would impact bats in the locality The Oak Tree in the rear garden should be subject to as Tree Preservation Order The proposal would lead to the loss of trees to the detriment of visual amenity and ecology in the area
Other Objections which are not material planning considerations	<ul style="list-style-type: none"> Implications for the Party Wall Act Loss of property value Structural Impacts on adjacent dwellings
Ward Member Councillor Simon Gaskin	<p>The Building in Question 187 Rolleston Road has an architectural significance in the area being very distinct with its stone pillars and superstructure. These I have been informed were salvaged from Rolleston hall at the time of its construction. It is iconic in the area and has had a tremendous adverse reaction on social media that it may be demolished. There is an Oak Tree in the garden area that I would like to see a Tree Preservation order placed on. It would infringe on the light of the neighbouring house causing an impact on their quality of life. Their house is also built without footing so should have an impact assessment survey before any work is permitted to commence. I would be in favour of an extension to the property to accommodate the needs of the owners, and I am not against the hydrotherapy pool building in principal. An extension to the existing building would be a much better way to progress.</p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP3: Provision of Homes and Jobs 2012-2031
- SP4: Distribution of Housing Growth
- SP24: High Quality Design
- SP25: Historic Environment
- SP27: Climate Change, Water Body Management and Flooding

- SP29: Biodiversity and Geodiversity
- SP35: Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP2: Designing in Sustainable Construction
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings
- DP5: Protecting the Historic Environment
- DP6: Protecting the Historic Environment
- DP8: Tree Protection

Supplementary Planning Documents

- Car Parking Standards SPD
- Separation Distances and Amenity SPD
- East Staffordshire Design Guide SPD

Outwoods Neighbourhood Plan

- TA1 Public Realm
- TA3 Parking
- RD1 Design
- RD2 Public and Private Space
- RD4 Working from Home

8. Principle of Development

Relevant Policies

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

Local Plan and 5 Year land Supply

- 8.3 The most recent calculation uses figures as at 31st March 2020 and concludes there is 6.04 years of supply. Therefore the policies in the plan can be considered up to date.
- 8.4 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear frame to guide sustainable growth and the management of change, thereby following the governments presumption in favour of sustainable development.
- 8.5 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 8.6 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant.
- 8.7 The Local Plan sets out in Strategic Policies 2, 3 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:
- Focus the majority of development at Burton upon Trent
 - Allocate a significant level of development at Uttoxeter
 - Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
 - Control new development in all other villages and hamlets.

Assessment

- 8.8 The site is located within the settlement boundary for Burton upon Trent as identified in the Local Plan and the site is currently in residential use. As such, the redevelopment of the site for residential purposes would comply with the sustainability criteria and the spatial strategy as set out in Local Plan Policies SP1, SP2, SP3 and SP4. The material impacts, including the significance of the existing dwelling house are discussed below.

9. Significance of the existing dwelling

- 9.1 Significant objections have been raised through the public consultation carried out and by the Ward Councillor regarding the loss of the existing dwelling.
- 9.2 Whilst the existing dwelling is considered to be of some architectural merit it is not listed as a designated heritage asset nor is it located within a

Conservation Area. The property has a strong arts and crafts style with some exceptional level of architectural ornament, and along with No.185 Rolleston Road and surrounding properties on this section of the Western side of Rolleston Road displays architectural group value. Representations from local residents have stated that the building includes stonework from Rolleston Hall which was demolished in the 1920's.

- 9.3 In terms of listed status, Historic England produce a variety of 'selection guides' which inform the way in which they go about identifying buildings worthy of listing. These are produced in a variety of topic areas split up based on the use of a building. Domestic buildings such as the application property are covered by several guides. Based on the age of the existing dwelling the most appropriate guide to take into consideration would be "Domestic 4: Modern Houses and Housing", but based on the individual style of the dwelling it is acknowledged that the details contained within the guide "Domestic 3: Suburban and Country Houses" would also be relevant.
- 9.4 The existing dwelling is relatively late as an example of a suburban house and not a particularly high quality example of 'the type' (in that it doesn't conform to the expected architectural styles for this type of house), but as a modern house it is in no way ground-breaking or innovative whether in terms of style or technology. In general, to be considered as a listed building, buildings after 1880 must be exceptional examples of their type, and post 1919 buildings must be by a known architect and a good example of their work. None of these apply in this case.
- 9.5 The building does not appear on the 1920's Ordinance Survey mapping and is shown as an unshaded block on the 1937/8 map revision which suggests that it may have been under construction at that time. As such the building falls very much in the remit of 'modern' and as such is arguably a pastiche rather than a building which reflects the architecture, technology and social factors of its time. For this reason it is unlikely that it would be considered appropriate for formal listing as a designated heritage asset by Historic England. It is noted that anybody can put a building forward for listing to Historic England however as there seems little realistic prospect of such a nomination leading to formal listing the Conservation Officer has confirmed that it would not be a reasonable use of limited resource for the council to make such a nomination.
- 9.6 Turning to Non Designated Heritage Assets. Paragraph 197 of the National Planning Policy Framework states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 9.7 The term 'non designated heritage asset' is not defined in the glossary of the NPPF. The NPPF glossary does however provide a list of what types of asset are classed as 'designated' and local lists are not included. East Staffordshire Borough Council does not have a local list of heritage assets, however even if there was, this would not make the building a 'designated heritage asset' which is afforded significant protection in national and local planning policy. The NPPF allows authorities to identify non-designated heritage assets through the planning process, so it is entirely legitimate to receive an

application, consider the subject property and conclude that it should be treated as a non-designated heritage asset.

- 9.8 Local Plan Policy SP25 sets out that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated assets which contribute to the Borough's historic environment and local distinctiveness. Detailed Policy 5 confirms that the significance of the Borough's historic environment and heritage assets (designated and undesignated) will be protected and enhanced where new development proposals will be expected to make a positive contribution to the fabric and integrity of existing buildings, conservation areas or other non-designated areas where there is distinctive character, strategic views or a sense of place. Detailed Policy 6 states that should planning permission be granted which includes the loss of an undesignated heritage asset an appropriate level of recording should take place prior to, and/or during, the commencement of works.
- 9.9 As the demolition of the building would be permitted development even local listing would not prevent demolition, or allow for demolition to be blocked if proposed by way of a prior approval application for demolition.

Assessment

- 9.10 A 'balanced judgement' relative to the significance of the asset affected and the scale of the impacts of the proposal is therefore required. In this case, Officers consider that the existing building, whilst being of some architectural value is not considered to be sufficiently exceptional in order to be considered as a 'designated heritage asset'. Whilst the building could be considered as a 'non designated heritage asset' and its demolition would represent a high level of harm, appropriate weight has to be given to the relative architectural merits of the proposed replacement dwelling. In this case, it is considered that the proposed replacement dwelling, in its revised form would sit well within its context and the surrounding street scene. It is not considered that the proposed scheme would cause sufficient detriment to visual amenity in the locality in order to sustain a refusal of the application and it is noted that Rolleston Road itself contains varying styles and designs of dwelling houses. The re use of the existing building has been explored in detail, however due to the specific needs of the applicant it is not considered viable to retain the existing building. The agent has confirmed that the stonework and distinctive materials will be salvaged where possible.
- 9.11 In conclusion, it is considered in this case that that the scale of harm evidenced through the loss of the existing property is suitably mitigated by the proposed replacement dwelling.

10. Design, Impact on the character and appearance of the area and landscape

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development

of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 10.3 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.
- 10.4 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.5 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 10.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 10.7 Policy TA1 'Public Realm' of the Outwoods Neighbourhood Plan requires all new development to deliver the highest quality design. Policy RD1 'Design' sets out that applications for full planning permission should demonstrate high quality residential design and should take account of scale, mass, form, density, character, landscape setting and materials in accordance any appropriate and relevant design guidance in force at that time.

Assessment

- 10.8 The design of the proposed dwelling has been revised during the application process to ensure that the scheme fits in well with its surroundings. Street scenes have been provided to demonstrate that the overall scale of the proposed replacement dwelling is acceptable and in keeping with surrounding properties. A condition is attached requiring the ground levels of the development to be provided to ensure to ensure visual integration within the surrounding street scene.
- 10.9 It is considered that the materials and finishes used within the construction of the scheme will be paramount to the success of its delivery. The palette of materials for the scheme has been outlined and is considered to be acceptable, a condition is recommended requiring samples to be provided to ensure that the quality of proposed materials are appropriate to their context.

- 10.10 Whilst it is acknowledged that the proposed detached building within the rear garden is large, sufficient amenity space would be retained and there are examples of large detached buildings to the rear of neighbouring properties within the locality. The roof design of the building has been revised to reduce its overall scale and improve its appearance. Permitted development rights should be removed in order to prevent additional detached buildings being constructed within the curtilage of the property (condition attached). Whilst concerns have been raised regarding the future use of this building, planning permission would be required to create a separate residential unit. Such an application is unlikely to be supported given the location of the detached building and its relationship with surrounding residences, including the application property.
- 10.11 Whilst the scheme does not propose to incorporate any renewable energy sources or specific green construction techniques, the replacement dwelling and detached garden building would be constructed using modern and efficient methods resulting in a building that is well insulated and energy efficient.
- 10.12 Based on the above assessment, it is considered that the design and appearance of the proposal is acceptable and suitably reflects the surroundings of the site. The development will result in a high quality development which complies with the relevant local plan policies, East Staffordshire Design Guide, the Outwoods Neighbourhood Plan Policies and the National Planning Policy Framework.

11. Residential Amenity

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 The Councils recently adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.
- 11.3 Policy RD2 of the Outwoods Neighbourhood Plan requires sufficient garden space to be provided within the curtilage of new dwellings to meet the functional domestic needs of the occupants. Whenever possible and compatible with the principles of good design, dwellings suitable for family occupation should have access to private garden space of at least 70 sq.m and those with 3 or more bedrooms should have in excess of 100 sq.m of private garden space. Policy RD4 'Working from Home' sets out the rooms of dwellings should be designed to be flexible and readily convertible for use as a workspace.

Assessment

- 11.4 With regard to the relationship with neighbouring dwellings no issues of overlooking arise given the proposed side facing windows in the proposed dwelling would be obscurely glazed and there are no external balconies proposed.

- 11.5 There are two ground floor and one first floor window in the side elevation of neighbouring dwelling No.189 Rolleston Road, which currently face the side elevation of the existing dwelling house in the application site. Whilst the separation distances would be reduced by 3m by the proposed replacement dwelling, given the existing situation it is not considered that a refusal of the proposal could be sustained on the grounds of loss of light or overbearing impact. By reason of its scale, design and siting the proposed development would not have any significant overbearing or overshadowing impacts on the neighbouring dwelling No.185 Rolleston Road to the South of the application site. The requirements set out in the Separation Distances and Amenity SPD, including the 45 Degree Check are met by this proposal.
- 11.6 The proposed layout of the replacement dwelling provides sufficient opportunity for working from home in accordance with policy RD4 of the Outwoods Neighbourhood Plan.
- 11.7 The proposed dwelling would benefit from a large rear garden which complies with the requirements of the Separation Distances and Amenity SPD and policy RD2 of the Outwoods Neighbourhood Plan. A condition is attached requiring full details of the proposed boundary treatments to be provided, approved and installed prior to the first occupation of the dwelling in order to ensure that the existing privacy of the neighbouring occupiers is maintained.
- 11.8 With regard to noise and disturbance during the construction phases of the development, it is recommended that construction hours should be limited given the location of the property within an established residential area, within this it is considered appropriate to limit works to include no working at weekends or on bank holidays and hours of working to be kept to sociable times in the interests of residential amenity.
- 11.9 The scheme therefore meets with the objectives of Local Plan Policies SP1, SP24, DP1 and DP3, the Outwoods Neighbourhood Plan, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD and the NPPF.

12. Highway Matters

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport

assessment clearly setting out how the likely impacts of the development will be addressed.

- 12.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. A dwelling containing 4 or more bedrooms would require a minimum of 3 parking spaces.
- 12.4 Policy TA3 'Parking' of the Outwoods Neighbourhood Plan requires adequate and suitable off-street parking should be provided on all new developments in order to minimise obstruction of the highway in the interests of the safety of all road users, including cyclists and pedestrians. Parking areas should be designed to minimise the visual impact of the private car park on the street scene and on the amenity of residents.

Assessment

- 12.5 The proposed scheme includes alterations to the existing frontage which will include provisions for an additional access point so that vehicles can enter and leave the site in a forward gear. There is sufficient room within the frontage of the site to meet with the requirements of the Councils Car Parking SPD to provide a minimum of three off road car parking spaces and the County Highway Officer has raised no objections to the proposal on the grounds of Highway Safety. A condition is recommended to ensure that the access, parking and turning are provided with appropriate drainage prior to the first occupation of the new dwelling.
- 12.6 A Construction Management Plan will be secured by means of condition, to ensure that deliveries to and from the site are carried out at appropriate times of day. Concerns have been raised through the public consultation regarding congestion during school pick up/ drop off times, it is therefore considered that the provision of a construction management plan would mitigate against this.
- 12.7 In conclusion, the highway and access arrangements proposed are considered to be suitable and there will be no significant or unacceptable impact on the approved layout of the development or the wider road network. The objectives of Local Plan Policies SP1 and SP35, the Councils Car Parking SPD, Outwoods Neighbourhood Plan Policy TA3 and the NPPF would be met by this proposal.

13. Flood Risk and Drainage

- 13.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground

via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

Assessment

- 13.3 The site lies within flood zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and requested a standard drainage condition requiring details of foul and surface water disposal is applied.
- 13.4 It is therefore considered that subject to a condition requiring technical details of the foul and surface water drainage that the requirements of Local Plan Policy 27 and the objectives of the National Planning Policy Framework are met through this proposal.

14. Biodiversity and Trees

- 14.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 14.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 14.4 Local Plan Policy DP8 sets out that where there are trees of value within a development site, new developments should be designed to retain as many trees and other natural features as possible, minimise harm to existing trees in the short and long term and minimise conflict between trees and buildings in future. Where tree removals are agreed a greater number of replacements will be expected at an appropriate level of maturity.

Assessment

- 14.5 The application is supported by an Ecological Assessment which sets out that no evidence of bats or roosting birds were found within the buildings on the site. A number of nests were observed within the boundary trees and hedges.
- 14.6 The assessment recommends that reasonable avoidance measures should be made a condition of any planning approval granted. Such measures would need to specify reasonable avoidance and mitigation measures during demolition, construction and the level of site supervision required from a suitably qualified/ licensed ecologist. It is noted that the future development of the site also provides an opportunity to enhance the existing situation through measures such as bird and bat boxes. A suitably worded condition is therefore recommended to ensure that the necessary mitigation measures are

followed during the redevelopment of the site and appropriate ecological enhancement measures are provided.

14.7 The Arboricultural Report submitted in support of the proposals includes a full survey of trees within the application site. The report acknowledges that the Oak Tree located near to the rear boundary of the site is the most significant tree within the site. Works are proposed to the tree to remove damaged limbs and deadwood. Given the significant amenity that this provides to the locality and to protect it from future development within the rear garden a Tree Preservation Order has been placed on this tree (TPO 419). The Councils Tree Officer has agreed that the proposed works to the Oak tree are acceptable in terms of on going maintenance. The Tree Officer has assessed the remaining trees within the site and concurs that none are worthy of a formal Tree Preservation Order. A condition requiring a tree protection plan for existing trees to be retained and a method statement is recommended.

14.8 The proposals would include the loss of 9 trees and an area of hedging. The supporting tree survey clarifies the following in respect of these trees:

Tree I.D	Species	Retention Category
T1 (Frontage of Site)	Larch	C
T3 (Side of Existing Property)	Holly	C
T4 (Rear)	Cherry	C
T5 (Rear)	Magnolia	C
T7 (Rear)	Birch	C
T15 (Rear)	Cherry	C
T16 (Rear)	Norway Maple	C
T17 (Rear)	Cherry	C
G2 (Front Side Boundary)	Privet/ Holly/ Yew Hedge	C
G6 (Rear)	Multiple stemmed Cypress	C

14.9 The tree survey clarifies that class C trees are of low or average quality and are in adequate condition. Whilst the scheme would result in the loss of some trees, compensatory planting will be secured by a soft landscaping condition as suitable new tree planting will mitigate the necessary tree removals and in the longer term has the potential to improve tree cover within the site.

14.10 In light of the above, it is considered that the impact upon protected species and retained trees within the site can be controlled and suitably mitigated against by way of the inclusion of appropriate mitigation measures. A landscaping scheme, secured by condition will ensure that soft landscaping will mitigate the loss of trees in accordance with the aforementioned Local Plan Policies.

15. Conclusions

15.1 Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the following conditions.

16. RECOMMENDATION

16.1 Approve, subject to the following conditions:

1. Time Limit (Standard)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Plan Numbers (Standard)

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No.s:

T1036-PL01 Rev A Existing Location Plan and Site Plan dated as received 12 October 2020

T1036-PL02 Rev A Existing Plans dated as received 12 October 2020

T1036-PL04 Rev B Location Plan and Site Plan dated as received 21 January 2021

T1036-PL05 Rev B Proposed House Plans dated as received 21 January 2021

T1036-PL06 Rev B Proposed House Plans dated as received 17 February 2021

T1036-PL07 Rev B Proposed Hydrotherapy Pool dated as received 21 January 2021

Arboricultural Report and Impact Survey Ref AWA3408 dated as received 05 October 2020

Bat Survey - Preliminary Roost Assessment dated 20th September 2019 dated as received 05 October 2020.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP3, SP4, SP24, SP25, SP27, SP29, SP35, DP1, DP2, DP3, DP5, DP6 and DP8, Outwoods Neighbourhood Plan Policies TA1, TA3, RD1, RD2 and RD4, the Car Parking Standards SPD, the Separation Distances and Amenity SPD, the East Staffordshire Design Guide SPD and the National Planning Policy Framework.

3. Materials (Bespoke)

No development above damp proof course shall take place until samples and details of all materials to be used externally (including details of coursing of brickwork, rendering, cladding and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the buildings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policies TA1 and RD1, the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Levels (Bespoke)

Before the development hereby permitted is first commenced, details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Outwoods Neighbourhood Plan Policy RD1, the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

5. Foul and Surface Water Drainage (Standard)

No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

6. Landscaping, Tree Protection Plan and Method Statement (Bespoke)

No development shall take place until a scheme of landscaping, fencing and walling, and measures set out in a tree protection plan and method statement for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site and to ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1, DP3 and DP8, Outwoods Neighbourhood Plan Policy RD2, the East Staffordshire Design Guide and the National Planning Policy Framework.

7. CMP (Bespoke)

No development shall take place until a Construction Management Plan, which shall specify the time windows of deliveries to the site for the loading and unloading of plant and materials, the parking of vehicles of site personnel,

operatives and visitors and the storage area of plant and materials used during the construction of the development, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

8. Landscaping Plan Implementation (Bespoke)

All planting, seeding or turfing comprised in the approved details of landscaping as required under condition 6 above shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the approved landscaping scheme is implemented in an efficient and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP8, Outwoods Neighbourhood Plan Policy RD2, the East Staffordshire Design Guide and the National Planning Policy Framework.

9. Boundary Treatment Implementation (Bespoke)

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 6 above shall be completed prior to the first occupation of the dwelling hereby approved.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policy RD2 and the National Planning Policy Framework.

10. Obscure Glazing

The ground and first floor windows in the side elevations facing No's 185 and 189 Rolleston Road as indicated on the plans approved under condition 2 shall be permanently glazed in a minimum of level 4 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

Reason: To safeguard the privacy of occupiers of the adjacent properties in accordance with East Staffordshire Local Plan Policy DP3 and the National Planning Policy Framework.

11. Parking and Turning Areas to be provided (Bespoke)

Prior to the first occupation of the dwelling hereby approved, the access, parking spaces and turning areas shall be provided in a bound material in accordance with the approved plans listed under condition 2. The parking and

turning areas shall thereafter be made available at all times for their designated purposes.

Reason: In the interests of highway safety and in accordance with the aims of East Staffordshire Local Plan Policies SP1 and SP35, Outwoods Neighbourhood Plan Policy TA3, the Car Parking Standards SPD and the National Planning Policy Framework.

12. Ecology- bird and bat boxes

No development shall take place until details of ecological enhancement measures (including bird nesting and bat roosting facilities) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation/use of any of part of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

13. Ecology- Recommendations of the Bat Survey

Prior to the demolition of any of the existing buildings on site, full details of reasonable avoidance measures in relation to bats shall be provided and approved in writing by the Local Planning Authority. These will need to specify reasonable avoidance and mitigation measures during construction, and the level of site supervision required from a suitably qualified/licensed Ecologist. Should bats be found on site during the course of demolition or construction the approved mitigation measures and contingency plans shall be implemented. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

14. Construction hours

Demolition and Construction works shall not be carried out outside the following hours unless otherwise agreed in writing with the Local Planning Authority:

Mon-Fri: 07:30 - 18:00

Sat: 08:00 - 14:00

Sun/Bank Hol: No Working

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

15. PD Rights- extensions and garden buildings

Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the

dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and their surroundings and the amenities of occupiers of the adjoining dwelling(s) in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Outwoods Neighbourhood Plan Policies RD1 and RD2, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD and the National Planning Policy Framework.

Informatives

1. Standard Engagement- Proactive

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. Pre Commencement

The conditions identified below require details to be approved before commencement of the development.
Condition No's 4, 5, 6, 7, 12 and 13

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

The conditions identified below require details to be approved during the commencement of the development.
Condition No.3

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. Highways Informative

Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. Please email nmu@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

www.staffordshire.gov.uk/Highways/licences/Overview.aspx

4. Wildlife

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

5. Boundary Treatments

The applicant is advised the boundary treatments to be identified to discharge condition 6 should include the provision of suitable 1.8m high fencing to enclose the rear garden.

6. Trees

The applicant is advised that the landscaping plan required under condition 6 should provide for suitable mitigation planting for the trees which are to be removed from the site. Advice may be sought from the Councils Tree Officer regarding appropriate species and sizes of mitigation tree planting by contacting dcsupport@eaststaffsbc.gov.uk.

17. Background papers

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Tree Preservation Order 419

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Kerry Challoner
Telephone Number: 01283 508615
Email: dcsupport@eaststaffsbc.gov.uk