

**PLANNING  
COMMITTEE**

13<sup>th</sup> September 2016

**Planning Application 2016/133/FUL**

**Demolition of Existing Bungalow and the erection of 4no. Dwellings and  
Construction of 2no. New Vehicular Accesses to Icknield Street**

**Vauns Oaks, 13 Icknield Street, Church Hill, Redditch, Worcestershire, B98 9AD**

**Applicant: Mr Peter Yates  
Ward: ABBEY**

**(Site Plan attached)**

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: Emily.farmer@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site is situated to the west of Icknield Street within a residential area. Icknield Street which runs in a north and south direction marks the administrative boundary of Redditch Borough. Beyond Icknield Street to the east and Dagnell Street to the north lies Green Belt within the administrative boundary of Bromsgrove District. No 13 comprises a detached hipped roofed bungalow set in a large garden. The site contains a number of protected trees.

**Proposal Description**

This application seeks full planning permission for the erection of four detached dwellings as below;

|        |          |  |
|--------|----------|--|
| Plot 1 | 2 Storey | Materials to be confirmed by condition |
| Plot 2 | 2 Storey | Materials to be confirmed by condition |
| Plot 3 | 2 Storey | Materials to be confirmed by condition |
| Plot 4 | 2 Storey | Materials to be confirmed by condition |

The properties would all have a ridge height of 8.5 metres with a hipped roof and front gable feature. The materials to be used for the dwellings are to be approved following condition 2 attached to this recommendation.

The existing access serving the site will be enclosed and two new vehicular accesses will be inserted to facilitate the dwellings onsite. Each dwelling would have an integral parking space, in addition an area of hardstanding sufficient for the parking of two vehicles would be provided.

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**Relevant Policies :**

**Borough of Redditch Local Plan No.3:**

CS02 Care for the Environment  
CS07 The Sustainable Location of Development  
B(BE)13 Qualities of Good Design  
B(HSG)06 Development within or adjacent to the curtilage of an existing dwelling  
B(NE)01A Trees, Woodland and Hedgerows  
CT12 Parking Standards

**Emerging Borough of Redditch Local Plan No. 4**

Policy 4 Housing Provision  
Policy 5 Effective and Efficient Use of Land  
Policy 16 Natural Environment  
Policy 39 Built Environment  
Policy 40 High Quality Design and Safer Communities

**Others:**

SPG Encouraging Good Design  
NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

**Relevant Planning History**

|              |   |          |            |
|--------------|---|----------|------------|
| 2016/009/FUL | Erection of two detached dwellings with garages.  | Approved | 17.02.2016 |
| 1990/115/OUT | Outline Application - Residential Development   | Approved | 25.04.1990 |
| 1990/458/OUT | Outline Application - Proposed Residential Development To Include Demolition Of Existing Bungalow | Approved | 11.10.1990 |

**Constraints**

Borough of Redditch TPO No. 62 (1990)

**Consultations**

**Noise Pollution - Worcestershire Regulatory Services**

No objections from a noise / nuisance point of view.

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**Worcestershire Archive And Archaeological Service**

No objection subject to the imposition of planning conditions to safeguard any archaeological remains found onsite during the construction process.

**Worcestershire Regulatory Services - Contaminated Land**

The application site is within 250m of Clevedon Farm landfill site which could potentially produce landfill gas. It is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structures or to undertake a gas survey to ascertain if gas protection measures are required. Subject to the imposition of such planning condition, no objections are raised.

**Highway Network Control**

No objection subject to the imposition of a condition concerning vehicular access specification.

**Arboricultural Officer**

No objections to the proposed development under the following conditions:

- All trees to be retained within the site are afforded full protection in accordance BS5837:2012 throughout any ground or construction work on the site.
- An Arboricultural method statement and protection plan is provided for the Councils consideration and agreement.
- Any encroachment into the RPA of T34 Sorbus aria 'Lutescens' from the proposed driveway to plot 4 is constructed on Cell Web No Dig Construction in conjunction with a porous road surface. To allow air / moisture exchange to the root system.
- Plot 4 is reposition 450mm further South to the position of the previous application 2016/009/FUL. To lessen the impact into the BS5837:2012 Root Protection Area of T33 Prunus cerifera 'nigra'.
- Replacement mitigation planting of heavy standard 12 - 14 cm girth trees throughout the site are planted to replace the loss of a number of trees on the Western and Eastern boundary of the proposed development.
- The TPO protected trees on the Western boundary are retained and afforded full protection in accordance with BS5837:2012 throughout any ground or construction works on site.

**North Worcestershire Water Management**

The site falls entirely within flood zone 1 (low risk of fluvial flooding) and is at low risk of surface water flooding on the site in question.

I do not deem it necessary in this case to recommend that a drainage condition be attached to any consent. No objections are raised.

**Parks & Green Space Development Officer**

The applicant is required to submit a preliminary ecological survey and bat report for assessment.

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**Public Consultation Response**

Five letters of objection have been received, the contents of which are summarised as follows;

- Proposal would detract from quiet area
- Disruption caused by building works
- Out of character with the rest of the properties on Icknield Street
- Dwellings would appear cramped in the plot
- Dwellings sited close to boundary with neighbouring properties
- Trees are required to be inspected on site
- Threat to established trees on site
- Concern over the intensity of development
- Safety of introducing new vehicular access
- Potential damage to property foundations
- Loss of Wildlife

**Background**

Members will note the Planning history set out earlier in this report. An extant consent 2016/009/FUL was approved in February this year granting consent for two detached dwellings on site (one to the north and one to the south of the existing bungalow; Vauns Oaks which would be retained). It should be noted that if permission were to be granted to the current proposal, application 2016/009/FUL could not be implemented.

**Assessment of Proposal**

**Principle**

The site is located in a sustainable urban location and in the context of the National Planning Policy Framework, the presumption in favour of sustainable development applies.

Paragraph 47 of the National Planning Policy Framework emphasises that local authorities should significantly increase the supply of housing and identify and update a 5-year supply of housing, with an additional buffer of either 5% or 20% depending on local circumstances. The Local Planning Authority currently has a housing land supply of 5.38 years (including a 5% buffer). However, it is important that windfall residential schemes, such as that hereby proposed; continue to come forward as this will help ensure the maintenance of a 5-year housing land supply in the future. Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of presumption in favour of sustainable development.

In addition an existing consent for two new dwellings could be implemented at any time until 17<sup>th</sup> February 2019.

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Layout of development

Policy B(HSG).6 of the adopted Local Plan is supportive of new residential development within the curtilage of a dwelling house so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development. This is also a requirement of policy B(BE).13 of the Local Plan.

The area is generally mixed with two storey dwellings and bungalows. As per application 2016/009/FUL the proposed dwellings would face towards Icknield Street. It is not considered that this form or layout of development proposed would be out of character with the street scene. There is also no objection to the application in relation to any highway matter.

Residential Amenity

There is sufficient separation distance to the boundary with the neighbouring dwellings to avoid a loss of privacy. Separation distances between the proposed development and existing dwellings are acceptable since they meet the minimum requirements as set out in the Councils SPG 'Encouraging Good Design. Gardens to serve the new dwellings also meet the minimum requirements as set out in the SPG.

Trees

There are a number of protected trees onsite under Borough of Redditch TPO No. 62 (1990). The comments of the Tree Officer are noted above following the consideration of an Arboricultural Survey to be provided by the applicant. The development is feasible but will require specific construction techniques to be employed such cell web no dig construction driveway to plot 4 in conjunction with a porous road surface. There are appropriate conditions attached.

Ecology

Given the proposal involves the demolition of the existing bungalow and is located within a semi-rural location, surrounded by a large number of trees and open countryside it has been considered appropriate to consider the impact of the proposal on European Protected Species (EPS). A number of surveys have been undertaken on the site and the bungalow is found to host to a day roost for a Brown Long-Eared Bat. When EPS have been identified Regulation 9(5) of the 2010 Habitat Regulations requires that in exercising any of its functions a "competent authority" – in this case the Council – "must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". The Habitat directive requires Local Planning Authorities to have regard to the three licensing tests. The tests therefore, all of which must be satisfied to allow the activity to be licensed are: is there any imperative reasons of overriding public interest. The second test is: is there no satisfactory alternative? The third test is whether the favourable conservation status of the species in their natural range is maintained (under the scheme proposed pursuant to the licence).

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It should be noted that Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned. In this instance the property is host to one Brown Long-Eared Bat and therefore can be considered by Natural England under a Low Impact License.

In the absence of advice from Natural England, the LPA are not required to undertake a detailed assessment of the three licensing tests but should however be satisfied with the likelihood that the relevant licensing body would grant a licence. In this instance, the site is located within the residential area in a sustainable location where the principle of housing has been accepted and the applicant has put forward that the particular works required to repair the dwelling would result in some impact to the habitat regardless. If no works were carried out on site, the property would likely fall into disrepair resulting in an unsuitable long term bat roost. The applicant has submitted a mitigation survey by Middlemarch Environmental who outlines the relevant mitigation measures deemed acceptable onsite which consist of removing suitable roosting features by hand, overseen by a licenced bat worker, and the installation of a bat box.

Given the above, the Council are of the opinion that it is likely that Natural England would grant a license on this basis.

**Conclusion**

Subject to the conditions as recommended below, the development would be acceptable and in accordance with the development plan and National Planning Policy Framework.

**RECOMMENDATION:**

**That, having regard to the Development Plan and to all other material considerations, Planning permission be GRANTED, subject to the conditions and Informatives below.**

**Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of 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) Unless otherwise agreed in writing by the Local Planning Authority pursuant to the discharge of details in relation to the above planning conditions, the development hereby approved shall conform to the following approved plans;

1034\_001 Site Base Layout

1034\_01D Site Layout

1034\_02F Site Sections  
1034\_03B Plot 1 Plans and Elevations  
1034\_04B Plot 2 Plans and Elevations  
1034\_05B Plot 3 Plans and Elevations  
1034\_06B Plot 4 Plans and Elevations  
Drg No. 1 Assessment of Existing Trees  
1:1250 Location Plan  
Bat Survey and Mitigation Strategy by Middlemarch Environmental September 2016

Reason:-To accurately define this planning permission, for the avoidance of doubt and in accordance with Policy BBE13; of the Borough of Redditch Local Plan No.3.

- 3) Prior to the commencement of the dwellings details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 4) Prior to the first occupation of any dwelling hereby approved, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 5) The development hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 6) Gas protection measures should be incorporated within the foundations of the proposed structures, approved in prior to commencement of the development by the Local Planning Authority, or a risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from these areas, provided to and approved by the Local Planning Authority, prior to commencement of the development.

Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.

Reason: To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed.

- 7) Prior to construction full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, replacement mitigation of heavy standard trees to replace the loss of a number of trees on site, together with measures to be taken for their protection while building works are in progress.

Reason:- In the interests of the visual amenity of the area and in accordance with Policy CS.8 of the Borough of Redditch Local Plan No.3

- 8) No demolition or site clearance shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS5837:2012 and such protection measures shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 9) No site clearance, demolition or excavation shall take place until an arboricultural method statement and tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented throughout the course of development.

Reason:- To prevent damage to, and preserve the tree(s) in the interests of visual amenity and in accordance with Policy B(NE).1a of the Borough of Redditch Local Plan No.3

- 10) Any encroachment into the Root Protection Area of T34 Sorbus aria 'Lutescens' from the proposed driveway to plot 4 will need to be constructed using a suitable grade of cellular ground support material. To allow air/ moisture exchange to the root system.

Reason : To ensure no detrimental impact is caused by the development to the health and stability of valuable tree stock either within the site or in adjoining land.



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- 11) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interest of archaeological investigation and in accordance with the requirements of paragraph 141 of the National Planning policy Framework.

- 12) The works shall be carried out in strict accordance with the recommendations set out in the Protected Species Survey carried out by Worcestershire Wildlife Consultancy dated 22nd February 2016 and submitted with this application.
- 13) The works hereby approved which could result in harm to European Protected Species, shall not, in any circumstances commence unless the local planning authority has been provided with either:
- a) a European Protected Species licence issued by the relevant licensing body pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

No activities that could result in disturbance to roosting bats (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out unless the operations are overseen by an appropriately competent person, such as an ecological clerk of works or on-site ecologist. All proposed works shall be carried out, in accordance with the approved details of the

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mitigation strategy as set out in the Bar Survey by Middlemarch Environmental dated September 2016.

Reason: In order to comply with the requirements of the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006 and Biodiversity: Code of Practice for Planning and Development BS 42020:2013.

**Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) The applicant is advised to contact North Worcestershire Water Management via 01562 732191 or enquiries@nwwm.org.uk to discuss the need for a Land Drainage Consent. A Land Drainage Consent is required for all works that have the potential to alter the flow in an ordinary watercourse, as set out in Land Drainage Act 1991 section 23 (as amended).
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway.

Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 4) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email: worcestershirevehicle.crossing@ringway.co.uk

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.