

<b>PLANNING COMMITTEE</b>	9.7.2009	App. No. S/00874/08/FUL
<b>DISTRICT:</b>	SOUTH	Edgbaston
<b>LOCATION:</b>	Land off Ravenhurst Road (Site C), Moor Pool, Harborne	
<b>PROPOSAL:</b>	Erection of three, two-storey houses and provision of replacement garaging and surface parking	
<b>APPLICANT:</b>	Grainger	
<b>AGENT:</b>	Savills (L & P) Ltd, 23 Furzton Lake, Shirwell Crescent, Milton Keynes, MK4 1GA	

Recommendation:

1 DEFER. 2 ENDORSE. 3 AUTHORISE. 4 ENDORSE.

#### **BACKGROUND PAPERS:**

Two letters of objection from individuals  
 Letter of objection from Hampstead Garden Suburb Trust  
 Several objections in the form of letters, e'mails, photos and other documents from the Moor Pool Regeneration Group and the Moor Pool Residents Association  
 Objection points raised at the public site meeting of 21st May, as summarised verbally at your Committee meeting of 4th June.  
 Consultation reply from West Midlands Fire Service  
 Letter from applicant.

#### **OBSERVATIONS:**

##### **FURTHER OBJECTIONS**

Hampstead Garden Suburb Trust – should modify design significantly. Design arbitrary and bland – fenestration, chimneys, garages doors, roof pitches, solar panels – neither an authentic modern solution nor well-designed traditional architecture. Developments successfully resisted at Hampstead, and upheld at appeal, with same issues as at Moor Pool.

Fire Service – access not suitable (for fire appliance), each new dwelling would require residential sprinklers to British Standard.

The letters of objection from individuals and the various submissions from the Moor Pool Regeneration Group and the Moor Pool Residents Association are summarised below. Many points have been made previously, reported to your Committee, and addressed in the report of 23<sup>rd</sup> April. It should be noted that some objection letters do not always clearly set out which comments are directed at which application, and so judgements have been made in each case as to the objector's intentions.

- Application should not be determined in the absence of the Council's Conservation Area Character Appraisal (and Management Plan) – the Appraisal is a statutory requirement (several extracts provided from relevant legislation and policy guidance). Note objection of Victorian Society.

- Design and layout. Does not echo that of the existing estate - massing, blocking, footprint, open space and garden sizes are different, there are no integral garages on the estate, and design is bland and makes nonsense of the Article 4, which is intended to retain original features. Further, the position of the proposed houses (with relationship of backs and fronts) conflicts with UDP policy, which should have been advertised. The example of East Pathway to support Site C layout is erroneous.
- Residential amenity. Although the houses' orientation was previously adjusted, they would still dominate and overlook Margaret Grove properties, especially as those properties are on lower ground. There would not be adequate tree screening, especially as they are deciduous. A photo montage supplied illustrates. Lighting from the development would affect adjoining residents. Evergreen trees should be planted to mitigate. There would also be noise pollution from cars idling and turning. Permitted development rights should be removed to prevent attic use further degrading privacy.
- Security. A community policeman visited a house backing on to Site C and stated cars should be parked in garages on a backland site, not on surface bays - he did not consider the three proposed houses would offer sufficient passive security.
- Ecology – inadequate survey work, especially for bats, badgers, amphibians and birds, should not determine the application without full information and unless in accordance with legislation. Disparity between residents' ecological survey and the applicant's. Various reports of badger sightings, and diggings and holes, in vicinity of site. Loss of trees. Biodiversity issues not addressed but is a requirement.
- Narrow and congested roads with parking difficulties. Obstruction for emergency vehicles, danger to pedestrians. No indication as to how the usage of the garages has been evidenced, and applicant's survey was carried out during working day when regular garage users would be at work. Residents' parking survey showed large number of people who would like a garage. Poor condition and lack of repairs has dissuaded many people from having a garage, and applicants have obstructed potential new rentals. How would 'estate parking' spaces on the site be allocated? Those people who rent garages but live off the estate still have to park somewhere. The proposed compensatory parking elsewhere is more than 500m away so is not sensible. Fire Service access restricted by narrow width of access road, and low bough of oak tree, and could a fire appliance turn on the site?
- Moor Pool Residents Association states it has evidenced flooding which not shown in applicant's modelling, so Flood Risk Assessment is flawed. Not convinced that frequency and size of extreme weather flooding has been sufficiently addressed. No clear plan on how will be addressed, no indication that drain at bottom of Site C connects to a sewer. Possibility that more water will flow into site when access splay is incorporated.

Members' also requested further work, or reporting back, on a number of issues, mostly within the objection points of residents set out above. One specific area remains to be noted, namely: whether any further garage deterioration has occurred in recent weeks.

## OFFICER RESPONSES TO OBJECTIONS AND POINTS RAISED BY MEMBERS

### Character Appraisal

Objectors have raised strong concerns that a Character Appraisal must be in place before applications can be determined, but none is in place at Moor Pool. My Planning Solicitor has considered the matter.

The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 71, states that 'It shall be the duty of a local planning authority from time to time to formulate and publish

proposals for the preservation and enhancement of any parts of their area which are conservation areas'. I note the words 'from time to time', indicating that an appraisal may not always be in place. Indeed, English Heritage's own guidance states 'Ideally, an appraisal should be prepared prior to designation; but, for many existing conservation areas, this will not have been done' (Section 1.1, Guidance on conservation area appraisals, February 2006). My Planning Solicitor does not consider there is an absolute duty to carry out an appraisal before such conservation area designation takes place. The Solicitor notes that PPG15 requires Local Planning Authorities to set out their policies for conservation areas in their development plans. The UDP refers to Character Appraisals in Policy 3.27 for Conservation Areas. It states that Appraisals (and Management Plans) will be prepared for all the City's Conservation Areas – this is clearly an on-going process, as at Moor Pool where work on the Appraisal and Management Plan is progressing.

The policy goes on to state: 'Where a detailed Conservation Area Character Appraisal and Management Plan has been prepared for a particular conservation area, this will be a material consideration in determining applications for development within that Conservation Area'. Without an Appraisal and Plan yet adopted for Moor Pool, this is not a material consideration. Nevertheless, the historical and character context of the estate is well-known and is taken into account the consideration of the application.

My Planning Solicitor has examined the matter and his analysis is included in the comments above. The Solicitor has concluded that the Council would not be in breach of planning law to determine the application in the absence of a Character Appraisal and Management Plan.

The lack of absolute requirement for a Character Appraisal and Management Plan is reflected in that fact that other Local Planning Authorities in the West Midlands have, compared to Birmingham (8/28), similar or lower proportions of appraisals in place relative to the number of conservation areas: Coventry, 0/15; Solihull, 2/20; Wolverhampton, 6/36; Bromsgrove, 2/10; and Walsall, 10/18.

#### Layout and design

There is no officer objection in principle to the redevelopment of the site. Development density is low, at 15.5 dwellings per hectare. Your Committee's minimum separation distances to adjoining houses are met, as are garden sizes. Residents' outlook from adjoining houses would be altered, but not to a degree that is unacceptable nor that warrants refusing the application. Contrary to the objection comments on layout, massing and design, the form and design of a terrace with gardens to the front and rear is not so different from other development on the estate, and differences can much more easily be assimilated at this site discrete backland site mostly out of view from the public realm. The development at East Pathway does have some similarities to the proposed development, but in any event the proposed layout of Site C is acceptable on its own merits, and its form and design would have no discernable effect on Conservation Area character and the public realm of Ravenhurst Road.

The objector considers the development form would, especially the relationship of backs and fronts, conflict with UDP policy. The pertinent part of Policy 3.14D states:

*'To ensure that places feel safe, pleasant and legible, the fronts and backs of buildings should be clearly defined. Windows and more active rooms should face the public realm and main entrances should open onto the public realm, whereas the backs of buildings should be private and face other backs'.*

The fronts and backs of the proposed houses are clearly defined, kitchen and bedroom windows and front doors face the public realm, and the backs of buildings are private and face other backs (Pereira Road gardens). Therefore, there is no question that the proposal complies with policy.

There have been further residents' comments about elevational design, and the Hampstead Garden Suburb Trust have objected. I note that the report of 23rd April sets out that proposed houses generally follow existing broad design in terms of scale, principal architectural arrangements, and materials. There is variation across the estate already in elevational composition, and the new houses would fit in with that pattern. Members should

note that PPG15 makes it clear that new development in Conservation Areas does not have to copy in detail existing design, as long as the fundamental architectural principles of scale, height, massing, alignment and materials are followed. I consider the proposals accord with the policy guidance, as does your Conservation Officer. Although integral garages are not seen elsewhere on the estate, I do not consider their provision in the development is unacceptable nor would cause any harm to conservation area character. Lastly, conditions will secure an amended fenestration composition to the front elevation, and will secure the appropriate quality of materials, window, door, eaves and solar panel details.

Some objectors still consider there to be a conflict between the proposed elevational design and the Article 4. This point was made previously and was addressed in the report of 23rd April - the Article 4 controls alterations to *existing* properties and has no relevance to the assessment of new housing development. The proposed houses will be judged on their own merits and with respect to Conservation Area character, and will also be subject to the Article 4 if they are constructed.

My Planning Officer, Conservation Officer and the applicant have given appropriately detailed consideration to the site's physical context in order to arrive at a form of development which, in my opinion, is acceptable in principle and in detail.

Further objection comments have also been made about effects on residential amenity. Contrary to the objection comments on tree screening, some screening would be retained to the adjoining properties in Margaret Grove, and new tree planting would be provided at various points on the site to the benefit of surrounding houses. The objectors are concerned about lighting - there would be likely to be bollard lighting or similar provided by the developer that ought to provide sufficient illumination for the parking areas and the road, and for private drives. That matter is controlled by condition. Private security lights can be intrusive, but would be likely to shine at angle to the objector's property on Margaret Grove and they are usually movement-activated so are off most of the time. Noise nuisance from three houses and replacement parking and garaging would not be significant, especially considering the site has a long-term garaging use.

One objector has requested that permitted development rights should be removed to prevent use of the attic affecting neighbours' privacy. The Article 4, to be amended to account for new dwellings, ought to require alterations to the front roofs to need planning permission. The gardens to the rear on Pereira Road are long. I am not persuaded that any rooflights or dormer windows would much further affect privacy than the first-floor windows already proposed.

There is an objection point about site security. The Police did not reply to the formal consultation on the application. The three houses would provide natural surveillance over the site and so would provide a reasonable deterrence to crime, in my opinion. I note that the site currently has no immediate natural surveillance for the existing garages. This is not a point that could be sustained as a reason for refusal.

### Ecology

Objectors believe the applicant's ecological survey may have been inadequate, especially with respect to bats, badgers and amphibians.

From the outset, I can confirm that the applicant's ecological work was deemed satisfactory by the Council's Planning Ecologist prior to these applications first coming before your Committee in April. The continued objections have not changed the fact that ecological matters have been properly addressed and policy guidance and legislation followed.

However, and in order to give your Committee greater detail on the work carried out, I can summarise the ecological studies as follows:

- Walkover/extended Phase 1 habitat surveys, November 2006 and May 2007. Included assessment for presence of protected species, and assessment of any habitats or features potentially suitable for use by protected species. The results of the Phase 1 survey determines what, if any, further specific species survey work

may be required, see the following;

- Detailed detailed bat roost survey, and wider bat activity survey, June 2007;
- Badgers surveys, December 2006, May and October 2007;
- Two bird activity surveys, May 2007;
- Reptile survey, April 2007;
- Original Ecological Appraisal augmented at request of the Council's Planning Ecologist, April 2008 (some extra analysis provided for bats, badgers, and amphibians).

I can add that the Council's Planning Ecologist was consulted by the Case Officer and the applicant throughout the pre-application and application process, with advice offered from more than a year before application submission. The applicant has responded positively to all advice and requests of the Planning Ecologist.

#### Bats

A detailed bat roost survey was carried out on 18<sup>th</sup> June 2007, involving a daytime inspection to look for evidence of bat occupancy and a dusk emergence survey, in line with English Nature's Bat Mitigation Guidelines. The consultant considered none of the buildings at Sites A, C or E(i) had medium-high bat roost potential (and his detailed workings have been provided), and the Council's Planning Ecologist also concluded from her site visits that the garages across all three sites would only have limited (ie low) potential for roosting bats, because of their structural characteristics. On this basis, detailed inspections/surveys of these structures was not necessary. Very little foraging/commuting activity was recorded in the wider bat activity survey carried out, also 18<sup>th</sup> June 2007. Retained trees, neighbouring gardens and other open space areas will continue to provide foraging habitat and commuting routes.

#### Badgers

Residents confirm that badgers are active on the estate, and this is already known to the Council and is not disputed. However, the Planning Ecologist considers the impact of the proposed development (all three sites) on badgers "would be minimal and is certainly not a reason for refusal". In more detail:

The two badgers surveys found an active sett and other signs of activity, but none of these on Site C. The applicant's Ecological Appraisal acknowledges that badgers will make use of a large area as their territory, taking in many gardens and areas of open space up to 500 to 1000m away, including at Site C. The survey work included an assessment of the badgers' use of the wider area, focusing on foraging habitat and paths identified. The Council's Planning Ecologist notes the good supply locally of foraging habitat, in allotments on and off the estate, numerous private gardens, Harborne Walkway, and other areas of open space. She notes that "even with the re-development of Sites A, C and E(i), badgers will continue to be active across the estate, and in the long term, the new gardens may provide additional opportunities for foraging. In the short term, badgers may have to find an alternative route around the construction site, but there should not be a conflict between nocturnal badger activity and construction activity during the day. During construction, mitigation measures can be implemented to reduce risks to badgers - eg deep excavations covered over at night, or ramped to provide an escape route should badgers fall in, fencing of machinery/compounds to prevent access by badgers at night. These measures can be secured as part of the Ecological Mitigation and Enhancement strategy required by condition".

#### Reptiles

Only very small areas of the site had potential as a suitable habitat, as most areas are too heavily shaded, and there were too many nutrients for reptiles. None were found in the survey.

#### Amphibians

The Council's Planning Ecologist noted that the great crested newt is unsuited to the local habitat and is highly unlikely to be present and so a request for a survey could not be

justified.

The site contains habitat features suitable for 'Common' amphibians, eg the common toad, common frog and smooth newt, but out of breeding season only. The applicant's Consultant Ecologist noted that common amphibians are recorded in the Moor Pool itself and in nearby gardens (garden ponds), and they could use the Site C habitat, however, they are more likely to use gardens adjacent to the Pool rather than cross Ravenhurst Road to reach Site C. As such, he did not consider it necessary to conduct a common amphibian survey, and the Council's Planning Ecologist did not dispute that conclusion. Additionally, though, the Planning Ecologist notes that the mitigation strategies identified also address the matter - mitigation/enhancement is secured by various conditions at both Site A and C, for amphibian-friendly traps in the drainage system, a hand search prior to site clearance, an exit-only fence during construction, the provision of habitat-friendly features and native planting, and the general Ecological Mitigation and Enhancement Strategy.

#### Invertebrates

The applicant noted the best habitats for supporting numbers and range of insects are the boundary hedges and trees (especially oak). Many trees would be retained, and the loss of the sycamores would be compensated for by proposed new tree planting.

#### Birds

The most important aspect agreed between the applicant and the Planning Ecologist is the avoidance of disturbance to nesting birds. This is illegal anyway, but is also addressed by Condition 19. Residents have also referred to the Countryside and Rights of Way Act 2000. Apart from the Planning Ecologist's comments above on bats, badgers and amphibians, some birds species are also applicable. The Ecologist notes that development, particularly at Site A, will result in loss/disturbance of habitat for applicable species, but the effects cannot be considered significant and should not affect the long term viability of local species populations – she notes there is ample alternative habitat immediately adjacent, because the areas lost would not make up the entire territory for any individuals of a particular species, and because mitigation and enhancement measures will be required by planning conditions.

Objectors continue to refer to a disparity between their own ecological survey and the applicant's. The Council's Planning Ecologist notes a disparity is inevitable because of the differences in methodology between the two studies - the applicant's study was focused on the proposed development sites, visited at specific times of the year in order to achieve optimal survey seasons, whereas the residents' study covered fifteen gardens in the vicinity of the three development sites, with records made over the autumn of 2007. Only two of the surveyed gardens are actually very close to Site C. I note the differences in locations, dates and specific site characteristics of the two different surveys, and the fact that the professional consultant ecologist's work has been deemed satisfactory by the Council's Planning Ecologist. As such, the objectors' survey and their conclusions do not bring the applicant's ecological work into question.

Although this was dealt with in the original report of 23<sup>rd</sup> April, objectors again refer to loss of trees. With the exception of the group of sycamores, most of the site's larger trees would be retained. The Tree Officer has accepted the loss of the sycamores, due to the mitigatory presence of the nearby oak, and I note opportunities for new tree planting shown across the site. Neither my Tree Officer, Planning Ecologist nor Conservation Officer object to the proposed tree loss and replacement proposals.

Finally, objectors state required biodiversity issues have not been addressed. The Planning Ecologist replies that all relevant Acts and Guidance have been followed. This includes Councils demonstrating compliance with the biodiversity duties through effective planning policies for biodiversity in the Local Development Framework/Unitary Development Plan, pre-application screening advice, validation checklists, and use of planning conditions and obligations to secure mitigation and enhancement. All these requirements have been adhered to at Moor Pool, especially with the Ecological Appraisal carried out and proposed conditions.

### Garages and parking

Most objection points on garages, parking and traffic have already been addressed in the report of 23<sup>rd</sup> April, where it was also reported that Transportation Development have no objection. One Member asked about the adequacy of the access (position on Ravenhurst Road, and its width). I note that Transportation Development do not object, and that the site has a historical use for 40 garages with all the associated comings and goings. Objectors have referred again to their survey of residents' actual use and opinions on garage use (for all three sites). Notwithstanding the residents' findings and opinions, the applicant's survey was examined carefully by my officers, including questioning of its methodology. Garages empty on the day of inspection were assumed to be in use, so the applicant erred on the side of caution. In addition to the 9 garages reported on 23<sup>rd</sup> April to be in everyday use, 8 were also found to be empty, ie a maximum potential for 17 displacement vehicles. Given the 8 on-site compensatory parking bays, Transportation Development raised no objection. And in spite of not being required to by Transportation Development, the applicant proposes some further off-site parking elsewhere on the estate, in the form of refurbishing other estate garages currently out of use due to disrepair. While they are not very close to Site C, the fact that they are not a requirement would make it unreasonable for the Council to insist upon them being closer. They are between 440m and 540m walking distance from the site.

### Fire Service access

The Fire Service have been consulted again and have stated the access is not suitable but that new dwellings should be provided with sprinklers. This will be required by condition.

### Garage deterioration

One Member asked the officer for a check on whether garage deterioration would continue in the weeks between the original committee reports and final determination. My case officer has not noted any deterioration, and the age of the garages (up to fifty years old) should be noted as an important factor in their poor state.

### Flooding

Residents have repeated their claim that the applicant's analysis is flawed or inadequate. The Moor Pool Residents Association believes there is a possibility that more water would flow into site when the access splay is incorporated - I consider the amount of water would be limited indeed. Most significantly, I note the Environment Agency accepted the applicant's technical analysis and does not object to the application. The Agency has also confirmed that recent announcements on climate change research and predictions have not altered the policy for assessing flood risk.

The applicant has submitted a letter, copied to Members, raising issues with the time taken to reach determination of the applications and at the opportunities for representations on the day of the site visits.

## SUMMARY

Very extensive and well-articulated objections have been made against the proposals over a long period of time. However, the applicant has worked very closely with my officers, responding to all their requests for amendments and further information, in order to produce proposals that pay due respect to local character, and address all other important matters such as parking, ecology and flooding. No design amendments or further technical or survey work have been necessary since the application was first presented to you in April, reflecting the amount of work carried out by the application and officers to achieve entirely appropriate proposals before first presenting them to your Committee.

No further points have been raised which lead me to conclude that the original recommendation to approve the application should be altered.

A number of amendments to, or extra, conditions compared to the originals of 23<sup>rd</sup> April are included below, to address the Addendum Report of 23<sup>rd</sup> April, the verbal updates of 23<sup>rd</sup> April, and the altered allotment provisions referred to in today's report.

## RECOMMENDATION

1. That determination of App. No. S/00874/08/FUL be deferred pending the completion of a Section 106 Planning Obligation to secure the following:
  - (i) the repair of eleven off-site garages and provision of associated lighting, for the use of Moor Pool residents only, excluding the residents of the development hereby permitted at Site C;
  - (ii) three on-site garages and five surface parking bays for the use of Moor Pool residents only, excluding the residents of the development hereby permitted at Site C.
2. In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority within a period of three months of the date of this resolution, planning permission be REFUSED for the following reasons:
  - a. In the absence of any suitable Planning Obligation to secure the repair of eleven off-site garages and provision of associated lighting, for the use of Moor Pool residents only, excluding the residents of the development hereby permitted at Site C, the proposed development conflicts with Policy 6.51A of the Adopted UDP 2005.
  - b. In the absence of any suitable Planning Obligation to secure three on-site garages and five surface parking bays for the use of Moor Pool residents only, excluding the residents of the development hereby permitted at Site C, the proposed development conflicts with Policy 6.51A of the Adopted UDP 2005.
3. That the Corportate Director of Governance be authorised to prepare, seal and complete the Planning Obligation.
4. That in the event of the Planning Obligation being completed to the satisfaction of the Local Planning Authority within three months of the date of this resolution, favourable consideration would be given to this application, subject to the conditions listed below.

## CONDITIONS

Conditions to be met before the development is carried out

The development hereby permitted shall not take place until full details of the matters listed below have been submitted to and approved by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details:

1. Existing and approved finished site and floor levels, levels of adjoining land and buildings and any proposed retaining structure.  
REASON: In order to secure the satisfactory development of the application site.
2. Details of the specification and position (shown on a site drawing) of fencing and/or any other measures to be taken for the protection of retained tree/s on the site and adjacent land from damage before or during the course of the works including demolition.  
REASON: In order to protect the trees to be retained on the site and adjacent land.
3. Details of any proposed alterations in existing ground levels, and the position of any proposed excavation within the root protection area of any retained tree, or any tree on land adjacent to the site within a distance equal to half the height of that tree. Particular attention shall be paid to oak tree no. 1, including construction and service details. Full foundation

details shall be provided for the garage block alongside the garden and goat willow tree of 150 Ravenhurst Road.

REASON: In order to protect the trees retained on the site and adjacent land.

4. Details of any proposed tree surgery of any retained tree, or of any tree on land adjacent to the site in accordance with BS3998 (1989) Treeworks (and any subsequent revisions).

REASON: In order to protect the trees to be retained on the site.

5. No trees within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority; any trees removed without such consent, or which die or become severely damaged or seriously diseased within (five) years from the completion of the development hereby permitted shall be replaced with tree(s) similar in size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In order to safeguard the visual amenity of the area.

6. A lighting scheme incorporating the type and position of lighting equipment to be installed, and the level of illumination.

REASON: In order to secure the satisfactory development of the application site.

7. Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The Scheme shall incorporate amphibian-friendly gully traps.

REASON: In order to prevent the increased risk of flooding, to improve and protect water quality, to ensure future maintenance of the surface water drainage system, and in the interests of wildlife conservation.

8. Prior to the construction of the houses hereby granted planning consent, sample panels of brickwork shall be constructed on site, illustrating brick, brick bond, pointing mix and pointing technique.

REASON: In order to safeguard the character and appearance of the Conservation Area.

9. Samples of the principal external materials for the houses hereby permitted, for the written approval of the Local Planning Authority. The development must be built in accordance with the approved materials.

REASON: In order to safeguard the character and appearance of the Conservation Area.

10. Details of external joinery, at a scale of no less than 1:10, including plan, section and elevation, and glazing bar arrangement, for the written approval of the Local Planning Authority. The development must be built in accordance with the approved details.

REASON: In order to safeguard the character and appearance of the Conservation Area.

11. A full section of the proposed solar panels, for the written approval of the Local Planning Authority. The panels shall be installed as approved.

REASON: In order to safeguard the character and appearance of the Conservation Area.

12. Amended plans to show alternative fenestration for the front, gable elevations of the houses hereby approved shall be submitted for the written approval of the Local Planning Authority. REASON: In order to safeguard the character and appearance of the Conservation Area.

13. A full section of the proposed eaves, for the written approval of the Local Planning Authority.

REASON: In order to safeguard the character and appearance of the Conservation Area.

14. Amended plans for the garage doors for the houses hereby approved shall be submitted for the written approval of the Local Planning Authority. No consent is granted for the metal grille shown for the garage doors.

REASON: In order to safeguard the character and appearance of the Conservation Area.

15. The position, design, materials and type of existing and proposed boundary treatment.

REASON: In order to secure the satisfactory development of the application site.

16. Pedestrian visibility splays provided at the junction between the means of access and the highway: 2.2m by 2.2m by 600mm.

REASON: In order to ensure the safe movement of vehicular traffic on to the public highway.

17. A landscaping scheme for hard and soft landscape and new hedging areas, agreed with the Local Planning Authority, is to be completed within a period of 1 year from the date the development commences on site or the approval of the landscaping scheme, whichever is the later, or within a period agreed in writing with the Local Planning Authority. Any trees which are planted and die within two years of planting shall be replaced to the satisfaction of the Local Planning Authority. The Scheme shall include details of habitat-friendly features and native planting.

REASON: In order to safeguard the visual amenity of the area.

Other conditions which apply to the development

18. Details of Residential Sprinklers to BS 9251 for each of the dwellings hereby approved, for the written approval of the Local Planning Authority. The sprinklers shall be installed as approved prior to first occupation of the dwellings, and maintained in working order as approved during the lifetime of the development.

REASON: In order to provide a safe residential environment.

19. No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. The protection shall be maintained until the construction work is complete and all plant, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or existing structure be removed, without the written consent of the Local Planning Authority's Tree Officer.

REASON: In order to protect the trees to be retained on the site and adjacent land.

20. This permission relates to the details shown on Drawing Numbers P-01, P-11, P-04 Rev. A, P-20 Rev. A, P-25 Rev. A, P-27 and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to define the permission.

21. Details of bird boxes and bat boxes to be provided on retained trees, for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted.

REASON: In the interests of wildlife conservation.

22. Site clearance ('clearance' includes removal of any vegetation) shall not be carried out during February to September inclusive, unless otherwise first investigated by the Applicant's consultant Ecologist and agreed by the Local Planning Authority. The applicant shall carry out a hand search of the site during site clearance for the presence of amphibians. Any amphibians found shall be transported by a qualified ecologist to suitable habitat off-site, the location of which shall be agreed by the Local Planning Authority. The applicant shall provide an exit-only site fence for amphibians if site clearance and construction occurs during February to September inclusive.

REASON: In the interests of wildlife conservation.

23. Details of an Ecological Mitigation and Enhancement Strategy, for the written approval of the Local Planning Authority. The approved scheme shall be implemented as approved prior to first occupation of the development hereby permitted.

REASON: In the interests of habitat and wildlife.

24. The site access shall be built to the City's specification and at the applicant's expense.

REASON: In the interests of highway safety.

25. A refuse storage area shall be provided within 25m of Ravenhurst Road. Details of the store's siting, built form and materials shall be approved by the Local Planning Authority, and the approved scheme shall be provided before first occupation of the houses hereby permitted.

REASON: In order to provide satisfactory refuse collection facility.

26. The two, first-floor side windows on Plot A (facing 150 Ravenhurst Road) and the first-floor side window on Plot C (facing Margaret Grove properties) shall be fitted with obscure glazing, to a specification to be agreed in writing with the Local Planning Authority. The approved glazing shall be retained thereafter.

REASON: In order to safeguard adjoining residential amenity

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

REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004, (this section limits the duration of the planning approval).

#### Reasons for Approval

Birmingham City Council grants Planning Permission subject to the condition(s) listed below. The reasons for granting permission are as stated in the considerations and conclusions of the attached report and specifically that the proposal complies with the following key areas of national and local planning policy;

Policies CC1 (Climate change (ecology & drainage)), PA1 (environmental and cultural assets), QE5 (historic environment), and QE9 (drainage) of the Regional Spatial Strategy;

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPS25 (Development and Flood Risk).

Policies 3.8 and 3.10 (quality of built environment), 3.14 (design), 3.16A (trees), 3.27 (conservation areas), 3.38-3.39 (ecology), 3.72 (drainage), 6.51A (parking) of the Unitary Development Plan

Places for Living , Mature Suburbs, which have been adopted as Supplementary Planning Guidance.

The layout, scale and design of the new houses would not have unacceptable effects on Conservation Area character and residents' amenities. Matters of trees and landscaping, parking, ecology, and drainage have been addressed satisfactorily, subject to conditions and legal agreement.

Account has been taken of the representations against the proposal, but these do not outweigh the aforementioned conclusions

Simon Turner  
Case Officer.