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| PLANNING COMMITTEE | 9.7.2009 | App. No. S/00873/08/FUL |
| DISTRICT: | SOUTH | Edgbaston |
| LOCATION: | Wentworth Gate, Land adjacent no. 7, Moor Pool (Site E(i)), Harborne | |
| PROPOSAL: | Erection of a two-storey house | |
| APPLICANT: | Grainger | |
| AGENT: | Savills (L & P) Ltd, 23 Furzton Lake, Shirwell Crescent, Milton Keynes, MK4 1GA | |

Recommendation:
Approve - conditions

BACKGROUND PAPERS:

One letter of objection from an individual
Letter of objection from Hampstead Garden Suburb Trust
Objections 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.
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.

The letter of objection from an individual and the various submissions from the Moor Pool Regeneration Group, the Moor Pool Residents Association, and the Moor Pool Allotments Association are summarised below. Many points have been made previously, reported to your Committee, and addressed in the report of 23rd 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 bland and inappropriate. Makes nonsense of the Article 4, which is intended to retain original features.
- Ecology – inadequate survey work, especially for bats.
- 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. Committee Site Visit was during daytime, but on-street parking at it greatest on Wentworth Gate in the evenings, so that could not have been appreciated on the visit.

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: achieving a more sympathetic design.

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.

Design

The proposed dwelling is somewhat different in form to the neighbouring property (no. 7), but this would not be particularly noticeable in the streetscene, there are variations in form across the estate, and the difference is neither harmful to character nor unacceptable. The forward gable window is different to no. 7 and I agree that an amendment is necessary, this will be secured by condition. Otherwise, basic design elements closely follow no. 7, namely the brick to ground floor, roughcast to first floor, and a forward gable. 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. With good quality materials and appropriate landscaping to the front garden, your Conservation Officer and I consider the new building would make an acceptable addition to the streetscene.

Ecology

Objectors believe the applicant's ecological survey may have been inadequate, especially with respect to bats at Site E(i).

A detailed bat roost survey was carried out on 18th 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 18th June 2007.

Garages and parking

Only three garages are proposed for demolition, resulting in a maximum of three displaced cars. Due to the presence of just one property fronting the southern half of Wentworth Gate, there is limited pressure for street parking on this part of the road. I have visited the site on numerous occasions, day and evening, and have always seen on-street parking capacity. As such, there can be no reason to withhold permission on the grounds of parking.

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

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 23rd April are included below, to address the Addendum Report of 23rd April, the verbal updates of 23rd April, and the altered allotment provisions referred to in today's report.

RECOMMENDATION

That planning permission be granted.

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

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

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Amended plan to show alternative fenestration for the front, gable elevation of the house 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.

10. 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.

11. 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.

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

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

13. Pedestrian visibility splay of 2.2m by 2.2m by 600mm to be incorporated into the driveway.

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

Other conditions which apply to the development

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

REASON: In the interests of highway safety.

15. Details of the driveway hardstanding, in particular the visual and/or physical demarcation of its edge to the driveway of 7 Wentworth Gate. The approved details shall be installed prior to first occupation.

REASON: In the interests of highway safety.

16. 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.

17. This permission relates to the details shown on Drawing Numbers P-01, P-11, P-005, P-30 Rev. A, P-33 Rev. B, and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to define the permission.

18. 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 (ecology), PA1 (environmental and cultural assets), QE5 (historic environment) of the Regional Spatial Strategy;

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

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), 6.51A (parking) of the Unitary Development Plan

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

The position, scale and design of the new houses would not have unacceptable effects on Conservation Area character and residents' amenities. Matters of parking and ecology have been addressed satisfactorily.

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

Simon Turner
Case Officer.