

# Pooh and the Planners

In which Winnie-the-Pooh attends a remote outer London borough planning sub-committee and observes our magnificent planning system in action: transcribed from his verbatim notes.

**Chair:** The next application is from an architect apparently called Winnie-the-Pooh, on behalf of his client Owl, whose tree house was destroyed by the recent high winds. They have moved into our borough from Hundred Acre Wood in the Green Belt and are seeking permission to build a new house for Owl in an area of Metropolitan Open Land close to the river. I believe the planning officer has put the drawings up onto the screen for consideration.

**Officer:** Yes thank you Chair. I'm afraid the site plan is a little confused as there seem to be over 400 trees in that particular area. This cross, here, marks the site – an oak, as nearly as we can judge (but I'm not the **Arboricultural Officer** and they all look alike to me). I should report that we have received letters of objection from 43 sparrows, 10 crows, 3 nightjars and 16 voles on the grounds that the owl's presence would destroy the peaceful enjoyment of their natural habitats and harm their amenity. Also one from a donkey named Eeyore, who complains that nobody tells him anything, he didn't receive a Notification letter, and he can't see why owls shouldn't live on the ground like everyone else.

Please note the comments from the **Highways Officer**, who is worried about sightlines. There are three large fir trees obscuring the access and, with the amount of traffic from smaller birds and the occasional buzzard, accidents are inevitable. He recommends refusal: but then, he usually does. The **Conservation Officer** is extremely worried, in spite of the architect's comprehensive Heritage Assessment and clearly-worded Design and Access Statement, that the site is only six miles away from a listed building, on which the proposal would have a deleterious effect. He recommends classical columns (preferably ionic) around the structure, with a Palladian portico framing the entrance door. Listed building consent should have been applied for as it may be necessary to reduce the height of the chimney stacks of the listed house – any itinerant bird or passing helicopter would spot the discord straight away.

The **local Interference Society** has no objection, providing it does not set a precedent. The surrounding area is already over-populated with owls, but there should be sufficient trees to go round. If this proposal is permitted, the local planning authority would find it difficult to resist similar proposals in the vicinity. A condition is therefore necessary to prevent Owl from sub-letting the house or bringing in too many of his relatives. They are concerned about the potential damage to the tree and ask that a condition also be imposed that only rope should be used in the construction, and that no nails or screws should be affixed to the tree itself.

No mention is made of the other residents of the Metropolitan Open Land. If donkeys, tigers, kangaroos, bears, rabbits and young piglet, to say nothing of Christopher Robin himself, are also to be accommodated on or near the site this would result in severe overcrowding adjacent to an Area of Outstanding Natural Beauty. If permission is granted for Owl's house, it should be made clear that no further development will be allowed. I do understand, however, that a group of creatures led by A A Milne is considering the preparation of an application to become a Neighbourhood Forum.

Thank you, Chair.



**Chair:** Thank you. Now I have a number of members who wish to speak on this application. First, Councillor Gerrard.

**Cllr Gerrard:** Thank you, Chair. Yes, this is a difficult case to argue. While approval is recommended by the Case Officer, she does admit that it is a balanced one. I just hope that it is better balanced than Owl's previous house, which overturned so disastrously in the gale. My concern is about wildlife habitats. It is well-known that owls are voracious hunters of mice, voles, roosting birds and insects. The presence of one more owl could totally destroy the balance of nature in that part of the MOL, to say nothing of the colony of short-nosed weevils and the larvae of green-oak roller moths in the tree itself. There is also no bat survey and I think, on that score alone, this application should be rejected.

**Chair:** Thank you. I am sure the officer will note your comments – which, as ever, bring a welcome touch of reality to the debate. Now, Councillor Lampard.

**Cllr Lampard:** My concern is with the flagrant disregard of adopted policy. The site is in an area where there is a presumption against development (sustainable or not) unless it can be shown to be for affordable housing. There is no suggestion in this application that Christopher Robin could be accepted as a Registered Social Landlord. Furthermore, it says quite clearly in Local Development Plan Policy CM2/6 that 'proposals for this type of unit should avoid prominent or exposed sites, where there is inadequate road access'. I would regard 80 feet up in an oak tree as both prominent and exposed. It has not been shown that the proposal is sustainable – the architect has failed to provide an adequate Sustainable Construction Checklist, to show that there will be a minimum of 20% carbon emissions reduction, or to indicate >>>

>>> what level of the Code for Sustainable Housing is to be achieved. If the application is approved all these factors will have to be included in the conditions, so as to comply with some key policy or other – ah, here it is: Policy S3 of the Core Strategy. Neither is there proper access to the site, nor is it accessible to public transport or to the disabled. The application therefore conflicts with LDF policies M2, M7 and GEN4. I realize that the NPPF means these policies are all now to be tested for soundness and rewritten, but meanwhile we have 12 months in which they are still relevant and we should make decisions accordingly.

Chair: Thank you, Councillor, for reminding us of the considerable policy implications of what, I must admit, I had previously thought was a fairly straightforward application. I see now that I may have been mistaken. Councillor Welbeck I believe you wish to speak.

**Cllr Welbeck:** Thank you, Chair. This is quite clearly another example of the failure of the Coalition Government. Not content with forcing innocent mothers and children out of their homes with heavy-handed cutbacks, they have now started dispossessing our feathered friends. The storm that destroyed Owl's original house was so catastrophic because the combination of a failure to provide proper grants for repairs and the delayed intervention of the Health and Safety Executive made the house completely unsafe. This was compounded by the Secretary of State's vicious refusal to uphold Owl's appeal against the decision that the house could not be reconstructed because it would be a disproportionate new dwelling in the Green Belt. Of course, we must offer our hospitality to this poor homeless refugee. I move as recommended.

Chair: Councillor Walcott, your turn now. But please keep to the point.

**Cllr Walcott:** Thank you. I am very happy for consent in principle, but must object to the design of this proposed monstrosity. It is not designed by an architect, as claimed by the Case Officer. Winnie-the-Pooh does not appear in the lists of those qualified held by the Architects' Registration Board, nor is he a member of the RIBA. The plans were clearly drawn up by a transvestite bear, by his own admission of very little brain, apparently under the influence of fermented honey. I actually question the need to build at all. Many owls take over the nest of other birds or content themselves with a hole in a tree. In this case, I believe, there is an existing nest and this proposal would therefore involve the demolition of an existing building of sound construction, in conflict with policy ENV21 of the Local Plan. I know this owl is famous, but we cannot bend the rules. As usual I also thoroughly disagree with the Conservation Officer. The columns, clearly, should be Doric and not ionic. I wonder where he learnt his history of architecture – or indeed whether he learnt any at all. But we are not allowed to refuse on aesthetic grounds and as this is the sort of anodyne and mediocre design so beloved by planners and committees, I suppose we shall have to let it through.

Chair: Thank you, Councillor. And now finally, Councillor Hart.

**Cllr Hart:** The key problem here is, quite clearly, car parking. The statutory number of cars per owl is one, plus an allowance of 0.3 for each owlet. If we assume that Owl will one day seek a partner, this could result in, say, six owlets. That makes total

of 3.8 cars to be accommodated. There is demonstrably no room for that number of cars (nor is there space for the sight-seers who will flock to the site in the hope of catching a glimpse of Owl, Pooh, Piglet and Rabbit). Any approval will therefore have to include a section 106 agreement limiting the number of parking permits that can be issued and requiring a contribution to cost of providing double yellow lines. In addition, as I have complained before, the borough has so far failed to make a valid submission under the Community Infrastructure Levy regulations, so we may find it difficult to impose the necessary payments to support local school places, recreational facilities and playgrounds that this development would generate. Payment should also be sought under a section 106 agreement in accordance with adopted policy DTAX/4.

Chair: Thank you. Does the Case Officer wish to add anything before we take a vote?

**Officer:** Members have made many excellent points, which we shall take note of. I should say, though, that if it goes to appeal we shall lose and it will cost the Council in the region of £15,000. However, I would not expect that to influence your decision in any way. Let me deal with some of the points made.

Councillor Gerrard was concerned about wildlife. At great expense, and subject to the deliberations of the Policy and Resources Committee, we are proposing to appoint a special Wildlife Conservation Officer to patrol the area, day and night, to make sure that smaller creatures are not interfered with. So far as policy is concerned, the application includes bicycle and refuse storage, with appropriate facilities for recycling, and the applicant has agreed to conditions that will ensure a bat survey is carried out, the Code for Sustainable Homes Level 3 is achieved as a minimum, and that all the materials to be used in construction will be from renewable sources or recycled.

The design is in my view non-controversial. We have noted the comments of Councillor Walcott and the Conservation Officer: as usual we do not agree with either. So far as a humble planner is concerned (if there is such a thing), the design is perfectly adequate and fit for purpose. A comprehensive Lifetime Homes undertaking has been included with the Design and Access Statement. The car parking and access problems are simply overcome by cutting down 40 trees (which the Arboricultural Officer says are all in poor condition anyway), with a 10-metre swathe through the wooded area to the road, together with a section 106 agreement on the lines proposed by Councillor Hart.

Chair: Thank you. Now, we have spent a considerable time discussing members' objections to permission being granted. In view of what has been said, sometimes at tedious length, I assume many of you will wish to reverse the officer's recommendation for approval. Does anyone wish to move refusal? No?? Well, in that case I wonder why we have wasted so much time on such a trivial matter. Do you all agree with the recommendation for approval? Agreed.

**Mr Hodgson,** please issue the decision with the usual 16 conditions and commence negotiations in respect of the section 106 agreements as necessary. ■

*With apologies to A A Milne and to Leslie Fairweather, who wrote the original version of this report in the ACA Newsletter for December 1993.*