

PLANNING COMMITTEE	9.7.2009	App. No. S/00869/08/CAC
DISTRICT:	SOUTH	Edgbaston
LOCATION:	Land off Ravenhurst Road (Site A), Moor Pool, Harborne	
PROPOSAL:	Demolition of existing garages	
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
Objections from Moor Pool Allotments Association and the Moor Pool Residents Association.

OBSERVATIONS:

FURTHER OBJECTIONS

It should be noted that some objection letters do not always clearly set out which comments are directed at which application, and so judgments have been made in each case as to the objector's intentions. The principal comments for this demolition application are summarized as follows:

If demolition is approved, a condition should require that garages are replaced, or equivalent secure off-street parking provided. Any space not used for replacement garages should be returned to community use, e.g. allotments or amenity space. Noted that the Conservation Officer considers the housing proposals would have a neutral effect on character, but restoration for allotments and garages would have a positive effect. This restoration could be achieved without the application proposals - considerable Heritage Lottery Funding was achieved for restoration of historic allotments in Nottingham

OFFICER RESPONSE

Notwithstanding objectors' opinions on the merits of the proposed development and their own alternative restoration suggestions, the Council has to determine the application submitted on its own merits, irrespective of other ideas for the site's use on land the objectors do not own. The Council can only impose conditions on leaving the land in a reasonable state after garage demolition, it cannot impose a new use or development condition. It is not clear what comparisons the example of allotment restoration in Nottingham might provide but, again, the application before you needs to be determined on its own merits.

There has been no clear objection reference to bats and this demolition application, and also amphibians, but this is a concern objectors have expressed generally. A detailed bat roost survey was carried out on 18th June 2007, involving a daytime inspection to look of 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. For amphibians, a condition attached to the site's development with twelve houses, S/00872/08/FUL, requires a hand-search during site clearance, and the provision of an exit-only amphibian fence during any Spring construction (or demolition in this case) period. On this basis, there is no reason to withhold permission for demolition.

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

RECOMMENDATION

That conservation area consent be granted.

CONDITIONS

Conditions which apply to the development

All garage walls, doors and roofs shall be dismantled and removed from the site, and any remaining garage contents shall also be removed from the site.

REASON: In order to safeguard Conservation Area character.

This permission relates to the details shown on Drawing Numbers P-40 and P-02 and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to define the permission.

The work to which this approval relates must be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, (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;

PPG 9 (Biodiversity and Geological Conservation), PPG15 (Planning and the Historic Environment).

Policies 3.25 (setting of listed buildings), 3.27 (conservation areas), 3.38-3.39 (ecology).

The demolition of the garages would not have unacceptable effects on Conservation Area character or the setting of listed buildings, nor upon ecology.

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

Simon Turner
Case Officer.