

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**UPDATE REPORT**

**DATE 8 APRIL 2009**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**09/0599/LBC**

**Billingham Forum, Moreland Avenue, Billingham**

**Listed building consent for alterations to external cladding and brick work, new roofing and internal refurbishment to include erection of new atrium and entrance area.**

**Expiry Date 11 May 2009**

### **SUMMARY**

Under the Conservation (Natural Habitats & c.) Regulations 1994 it is an offence to intentional kill or injure bats, or to damage, destroy or obstruct access to their roots. Consideration is now given to this legislation as part of the determination of the application.

The recommendation for the determination of the application remains as set out in the previous report. Additional drawings which should have been in the original appendix have also been attached to this update report.

### **MATERIAL PLANNING CONSIDERATIONS**

1. The Conservation (Natural Habitats & c.) Regulations 1994 it is an offence to intentional kill or injure bats, or to damage, destroy or obstruct access to their roosts. In order to derogate from the protection afforded a licence is required, in order to obtain such a licence the three tests set out below need to be satisfied.

*There is no satisfactory alternative*

*That the derogation is "not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".*

*That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".*

2. The Local Planning Authority must therefore consider points 1 and 3 in determining the application.
3. In assessing whether there is no satisfactory alternative, it is important to recognise that the building is already existing and there works are sought to improve the external appearance of the Forum and to enhance the leisure and recreation offer, as well as safeguard the listed building. A Bat Report and mitigation strategy (including temporary roost boxes) has

been submitted and formal comments are awaited from Natural England. It is therefore considered that there is no satisfactory alternative but to carry out the works and appropriate mitigation measures will be put in place to ensure that the Bats are not unduly harmed.

4. With regards to point 3, the works proposed as required to ensure that element of asbestos are removed from the building or securely contained. Equally the scheme as a whole is also considered to have overriding public interest in the leisure and recreational offer to the public will be greatly enhanced and provide facilities for the 21<sup>st</sup> century.
5. On this basis the proposed development is considered to satisfy point 1 and 3 of the Conservation (Natural Habitats & c.) Regulations 1994/

## **CONCLUSION**

24. The application is considered acceptable and the recommendation remains as outlined in the main report.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

## **WARD AND WARD COUNCILLORS**

**Ward Billingham Central  
Ward Councillor Councillor B Woodhouse**

**Ward Billingham Central  
Ward Councillor Councillor Ann McCoy**