

# Planning Committee

Tue 2nd Feb  
2010  
7pm

Council Chamber  
Town Hall  
Redditch



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Your main rights are set out below:-

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- Automatic right to inspect minutes of the Council and its Committees

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- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
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- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:**

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**Minicom: 595528**

# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC** **SPEAKING**

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The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as follows:

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Councillors' questions to the Officers - to clarify detail.
- 4) Public Speaking - in the following order:-
  - a) Objectors to speak on the application;
  - b) Supporters to speak on application;
  - c) Applicant to speak on application.

Speakers will be called in the order they have notified their interest in speaking to the Planning Officers (by the 4.00 p.m. deadline on the Friday before the meeting) and invited to the table or lecturn.

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on "conference unit" to activate microphone.)
  - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 5) Members' questions to the Officers and formal debate / determination.

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**Notes:**

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.2, the County Structure Plan (comprising the Development Plan) and other material considerations which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 5.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 5.00 p.m. on the Friday before the meeting.

**Further assistance:**

If you require any further assistance prior to the meeting, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

# Welcome to today's meeting.

## Guidance for the Public

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### ***Agenda Papers***

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### ***Chair***

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### ***Running Order***

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

***Refreshments*** : tea, coffee and water are normally available at meetings - please serve yourself.

### ***Decisions***

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### ***Members of the Public***

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### ***Special Arrangements***

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### ***Further Information***

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### ***Fire/ Emergency instructions***

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

**OR**

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



# PLANNING COMMITTEE

2nd February 2010

7pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	M Chalk (Chair)	N Hicks
	K Banks (Vice-Chair)	D Hunt
	D Enderby	R King
	J Field	D Smith
	W Hartnett	

<p><b>1. Apologies</b></p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p><b>2. Declarations of Interest</b></p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p><b>3. Confirmation of Minutes</b> (Pages 1 - 4)</p>	<p>To confirm. As a correct record, the minutes of the meeting of the Planning Committee held on the 1st December 2009.  (Copy attached)</p>
<p><b>4. Applications for planning permission</b> (Pages 5 - 6)  Acting Head of Planning and Building Control</p>	<p>To consider four applications for planning permission.  (Items below refer)  (Covering report attached)  <b>(Various Wards)</b></p>
<p><b>5. Planning Application 2009/249/FUL - Land at 31 Wheatcroft Close, Brockhill</b>  (Pages 7 - 18)</p>	<p>To consider a Planning Application for the erection of 1 no. three bedroomed end terraced dwelling together with associated parking.  Applicant: Mr A Wilkins  <b>(Batchley and Brockhill Ward)</b></p>
<p><b>6. Planning Application 2009/262/FUL - 137 to 141 Evesham Road, Headless Cross</b>  (Pages 19 - 28)</p>	<p>To consider a Planning Application for the change of use of ground floor (nos.137-139 Evesham Road) from A1 (Retail) to A3/A5 (Restaurant and Hot Food Takeaway Use), new shop front, demolition of existing single storey rear extension to create new two storey rear extensions and creation of 4 no. flats over nos. 137 to 141 Evesham Road.  Applicant: Mr L N Theodorou  <b>(Headless Cross and Oakenshaw Ward)</b></p>

# PLANNING

Committee

2nd February 2010

<p><b>7. Planning Application 2009/267/FUL - 18 Chestnut Road, Astwood Bank</b>  (Pages 29 - 34)</p>	<p>To consider a Planning Application for the erection of a two-storey, four bedroomed detached dwelling.</p> <p>Applicant: Mr I Osborne</p> <p><b>(Astwood Bank and Feckenham Ward)</b></p>
<p><b>8. Planning Application 2009/272/ADV - Land at Morton Stanley Park, Windmill Drive, Webheath</b>  (Pages 35 - 40)</p>	<p>To consider a Planning Application for Advertisement Consent for a new flag and flagpole to fly the Green Flag Award.</p> <p>Applicant: Redditch Borough Council</p> <p><b>(West Ward)</b></p>
<p><b>9. Calendar of Meetings - Planning Committee</b>  (Pages 41 - 42)</p>	<p>To consider changes to a number of proposed Planning Committee dates in 2011.</p> <p>(Report attached)</p> <p><b>(No Ward Relevance)</b></p>
<p><b>10. Information Report</b>  (Pages 43 - 48)  Acting Head of Planning and Building Control</p>	<p>To receive information in respect of statistics relating to enforcement activity in the previous six months.</p> <p>(Report attached)</p> <p><b>(Various Wards)</b></p>
<p><b>11. Enforcement of Planning Control</b>  (Pages 49 - 52)  Acting Head of Planning and Building Control</p>	<p>To consider two breaches of planning consent.</p> <p>(Items below refer)</p> <p>(Covering report attached)</p>
<p><b>12. Enforcement Report 2009/149/ENF - Ipsley Street, Smallwood</b>  (Pages 53 - 56)</p>	<p>To consider a breach of Planning Control in respect of non-compliance with a Condition attached to a Planning Permission.</p> <p>(Report attached)</p> <p>(The location Site Plan to this report is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.)</p> <p><b>(Central Ward)</b></p>



# PLANNING

Committee

2nd February 2010

<p><b>13. Enforcement Report 2008/097/ENF - Prospect Hill, Town Centre</b>  (Pages 57 - 60)</p>	<p>To consider a breach of Planning Control in respect of the removal of a feature from a Grade II Listed Building.</p> <p>(Report attached)</p> <p>(The location Site Plan to this report is confidential in view of the fact that it contains confidential information relating to individuals' identities and alleged breaches of planning control which could result in prosecution by the Council and has therefore only been made available to Members and relevant Officers.)</p> <p><b>(Abbey Ward)</b></p>
<p><b>14. Exclusion of the Public</b></p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</b></p>
<p><b>15. Confidential Matters (if any)</b></p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>





## Planning Committee

1st December 2009

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), Councillor Kath Banks (Vice-Chair) and Councillors D Enderby, J Field, N Hicks, D Hunt, R King and D Smith

#### Also Present:

M Collins (Vice-Chair, Standards Committee)

#### Officers:

S Edden, C Flanagan, A Rutt and I Westmore

#### Committee Services Officer:

J Smyth

#### 78. APOLOGIES

An apology for absence was received on behalf of Councillor Hartnett.

#### 79. DECLARATIONS OF INTEREST

There were no declarations of interest declared.

(Councillor King had indicated that he was acquainted personally with Mr Rooke, a public speaker for Application 2009/219/RC3 (Proposed new floodlit BMX Track and associated works, land at Arrow Valley Park, Icknield Street Drive), but not sufficiently to warrant a declaration of interest.

Councillors Chalk and Hunt indicated that they were acquainted personally with Mr Marshall, also a public speaker for Application 2009/219/RC3 (proposed new floodlit BMX Track and associated works, land at Arrow Valley Park, Icknield Street Drive), but again not sufficiently to warrant a declaration of interest.)

.....  
Chair

**80. CONFIRMATION OF MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Committee held on the 3rd November 2009 be confirmed as a correct record and signed by the Chair.**

**81. APPLICATIONS FOR PLANNING PERMISSION**

The Committee considered and determined four Planning Applications as detailed in the subsequent minutes below.

Officers tabled an update report detailing any late responses to consultation, changed recommendations, further conditions and any additional Officer comments in relation to each application. This report was further updated orally at the meeting as appropriate to each application.

Public speaking was permitted in accordance with the Council's agreed procedures, in relation to one of the applications being considered.

**82. PLANNING APPLICATION 2009/219/RC3 –  
LAND AT ARROW VALLEY PARK,  
ICKNIELD STREET DRIVE, MATCHBOROUGH**

Proposed new floodlit BMX track, perimeter fencing to track and clubhouse facility; alterations to existing changing rooms, storage facilities, social activity / club space and minor office accommodation; and diversion of footpath 619 around BMX track enclosure

Applicant: Redditch Borough Council

The following people addressed the Committee under the Council's public speaking rules:

Ms H Wood – Objector  
Mr R Mitchell – Objector  
Mr S Rooke – Supporter  
Mr S Beaumont - Supporter  
Mr D Littke – Supporter  
Mr S Marshall - Supporter  
Mr K Cook - on behalf of the Applicant  
Mr N Mason – Agent for the Applicant

**RESOLVED that**

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the Conditions and Informative summarised in the main report with the exception of Condition 2, which was amended to read as detailed below and the addition of two further Conditions also as summarised below:

- “2. a safe pedestrian footpath to be maintained at all times during the construction period.
- 8. hours of construction limit.
- 9. tannoy system operation limits.”

**83. PLANNING APPLICATION 2009/220/FUL –  
LAND AT 360 EVESHAM ROAD, CRABBS CROSS**

Partial demolition of existing retail and storage buildings  
and erection of three dormer bungalows

Applicant: Mr A Bray

**RESOLVED that**

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED subject to the conditions and informatives as summarised in the main report.

**84. PLANNING APPLICATION 2009/223/ADV –  
LAND AT ARROW VALLEY PARK,  
ICKNIELD STREET DRIVE, MATCHBOROUGH**

New signage to identify the new floodlight  
BMX track facility position, name and funders

Applicant: Redditch Borough Council

**RESOLVED that**

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED subject to the conditions summarised in the main report.

**85. PLANNING APPLICATION 2009/226/COU –  
UNITS 5A4 AND 5A5, MILLSBOROUGH HOUSE,  
IPSLEY STREET, SMALLWOOD**

Change of use to hot food take-away (A5 Use)  
and new entrance to Ipsley Street and Lodge Road  
Applicant: Mr D Gough

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reasons:**

- 1) the proposed means of extraction, ventilation and control of odour to serve the proposed hot food take-away use would represent an incongruous feature in the street scene by virtue of its design, height and siting, harming the character and appearance of Millsborough House and the visual amenities of the area. As such, the proposal would be contrary to Policies B(BE).11 and B(BE).13 of the Borough of Redditch Local Plan No.3; and**
- 2) the proposed ramped wheelchair access, new door to Lodge Road and removal of fence and wall section to Ipsley Street to allow access to the wheelchair ramp would represent external alterations to the building that would harm the character and appearance of Millsborough House and the visual amenities of the area. As such, the proposal would be contrary to Policies B(BE).11 and B(BE).13 of the Borough of Redditch Local Plan No.3.**

The Meeting commenced at 7.00 pm  
and closed at 8.24 pm

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CHAIR

## Planning Committee

Various Wards

2nd February 2010

### APPLICATIONS FOR PLANNING PERMISSION

(Report of the Acting Head of Planning and Building Control)

#### 1. Summary of Report

To determine four applications for planning consent (covering report only).

#### 2. Recommendation

The Committee is asked to **RESOLVE** that

**having regard to the development plan and to other material considerations, the attached applications be determined.**

#### 3. Financial, Legal, Policy, Risk and Climate Change Implications

3.1 Financial : None.

3.2 Policy : As detailed in the reports.

3.3 Legal : Set out in the following Acts:-  
Town and Country Planning Act 1990  
Planning and Compensation Act 1991  
Human Rights Act 1998  
Crime and Disorder Act 1998.

3.4 Risk : As detailed in the reports.

3.5 Climate Change: As detailed within the reports.

#### 4. Report

The following items on the Agenda detail planning applications for determination at this meeting of the Committee.

#### 5. Background Papers

Planning application files (including letters of representation).  
Worcestershire County Structure Plan 1996 - 2011.  
Borough of Redditch Local Plan No. 3.

**6. Consultation**

Consultees are indicated in the reports.

**7. Other Implications**

Asset Management                      Not normally applicable.

Community Safety:                      As detailed within the reports.

Human Resources:                      None.

Social Exclusion:                      None: all applications are considered on strict planning merits, regardless of status of applicant.

Sustainability/Environmental:      As detailed within the reports

**8. Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning and Building Control), who can be contacted on extension 3219 (e-mail: [ruthbamford@redditchbc.gov.uk](mailto:ruthbamford@redditchbc.gov.uk)) for more information.



## **Planning Committee**

Batchley & Brockhill Ward

**2nd February 2010**

**2009/249/FUL ERECTION OF 1 NO. THREE BEDROOMED END TERRACED DWELLING TOGETHER WITH ASSOCIATED PARKING LAND AT 31 WHEATCROFT CLOSE, BROCKHILL**  
**APPLICANT: MR A WILKINS**  
**EXPIRY DATE: 11TH JANUARY 2010**

The author of this report is Steven Edden, Planning Officer, who can be contacted on extension 3206 (e-mail: [steve.edden@redditchbc.gov.uk](mailto:steve.edden@redditchbc.gov.uk)) for more information.

### **Site Description**

**(See additional papers for Site Plan)**

The site comprises garden land belonging to, and situated to the side of, number 31 Wheatcroft Close. Number 31 is one of a terrace of four dwellings formed of red brick construction under a concrete tiled roof. The land which would accommodate the new dwelling is flat, level ground. The Western boundary of the site comprises a sound attenuation embankment constructed by the original developer, on top of which is an existing 1800 mm high close board fence. Heights are such that the fence exceeds the height of the first floor eaves line to No.31.

Brockhill Drive lies beyond the sound attenuation bund to the West. A detached dwelling, no.15 Wheatcroft Close lies to the South of the site. To the North lie a row of properties in Wheatcroft Close whose rear gardens slope steeply and face towards Brockhill Drive to the West.

The area, which is wholly residential, is characterised by a mixture of detached, semi-detached and terraced dwellings, all of which were constructed in the years 2001/2002/2003. Parking, within this area is generally within the curtilage of each property.

### **Proposal Description**

This is a full application for the erection of a single, three bedroomed, terraced dwelling which would be attached to the side (Western facing) elevation to the existing terraced dwelling, number 31 Wheatcroft Close. Materials which would be used in the construction of the dwelling would be red brick (walls) under a concrete interlocking tiled roof, all of which would match those materials used in the construction of number 31. Also to match that of number 31 would be the proposed use of stone cills with arched brickwork above window heads. Access to the dwelling would be via the existing tarmac access. 2 no. car parking spaces, together with a turning area set in gravel would be created to serve the proposed new dwelling. In addition, a new single car parking space to serve the existing dwelling would be located immediately in front of number 31.

## **Relevant Key Policies**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS1      Delivering sustainable development  
 PPS3      Housing  
 PPG13     Transport.

## ***Regional Spatial Strategy***

CF2        Housing beyond Major Urban Areas  
 CF3        Level and Distribution of New Housing Development  
 CF5        The reuse of land and buildings for housing  
 CF6        Making efficient use of land  
 T2         Reducing the need to travel  
 T7         Car parking standards and management.

## ***Worcestershire County Structure Plan***

SD.3      Use of previously developed land  
 SD.4      Minimising the need to travel  
 T.4        Car parking.

## ***Borough of Redditch Local Plan No.3***

CS.7        The sustainable location of development  
 B(HSG).6 Development within or adjacent to the curtilage of an existing dwelling  
 B(BE).13 Qualities of good design  
 C(T).12    Parking Standards.

## ***SPDs***

Encouraging Good Design.

## **Relevant Site Planning History**

2009/124	Erection of 1 no. three bedroomed end terraced dwelling	Refused 12.8.09
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**Public Consultation Responses**

Responses in favour

1 letter received. Comments summarised as follows:

- This re-submission of planning application 2009/124 now gives greater clarity regarding the parking access / egress
- Provided the embankment area is maintained, the application can be supported.

Responses against

9 letters received in objection to the proposals. Comments summarised as follows:

- Over-development of the site.
- Proposed development is not in-keeping with its surroundings.
- The proposed removal of part of a planted area to the front of the property would be inconsistent with and out of character with the surroundings.
- The use of gravel as a surface treatment would be inconsistent with the general character of the area.
- The proposals would be contrary to Policy B(BE).13 of the Local Plan.
- Direct overlooking and loss of privacy.
- Daylight currently reaching our property will be greatly reduced.
- The retaining wall would be oppressive and unattractive in appearance.
- Too much development in a tightly constrained space.
- Inadequate parking being provided for the new dwelling taking into account likely visitors to the property.
- The turning area to be provided is of inadequate size to allow proper turning to take place.
- Bund should be adequately protected in order to ensure that wild flowers / grasses may be able to continue to grow freely.
- Owners of number 31 have parked their cars in spaces assigned for numbers 29 and 30 showing that parking in the area is already a problem. This will become worse.
- Danger of 'clipping' and general damage to cars given the parking arrangement.
- A greater number of vehicles 'spilling out' onto the public highway will mean that it will become more difficult for emergency vehicles to access this area.
- Concerns regarding increase in flooding in the area if an additional dwelling is allowed to be constructed.
- New dwelling would block the 'open view' onto the sound attenuation bund.

# Planning Committee

2nd February 2010

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- The noise during the construction period will be intrusive, greatly impacting upon amenity.
- Construction vehicles will block off the shared access to our properties.
- If this was feasible, why didn't the developers erect a house in this area originally?

The final four comments above are not considered to be material planning considerations in the determination of this application.

A petition containing 99 signatures has been received in objection to the planning application. Reasons for the objections are given as; lack of manoeuvring space within the site; the design of the development being out of keeping with the area; the proposal being a danger to pedestrians and an overdevelopment of the site.

## **Consultee Responses**

### ***County Highway Network Control***

No objection subject to conditions concerning access, turning and parking.

Continues by stating that the proposal provides sufficient off-street parking provision to serve both the existing and new dwelling in accordance with the relevant parking standards.

### ***Environmental Health***

No objection subject to conditions regarding construction times and control of contamination.

### ***Severn Trent Water***

No objection. Drainage details to be subject to agreement with Severn Trent.

## **Background**

Members may recall that a very similar proposed development was submitted in 2009 (application 2009/124 refers). This application proposed the erection of a single, three bedroomed end terraced dwelling and was refused planning permission (against the advice of your officers), following its presentation at the Planning Committee of 11th August 2009. The refusal reasons for application 2009/124 (three in total) are laid out in full below:

1. *The proposed development, by reason of its additional ridge height above the existing terrace, its footprint stepping back at the rear and*

*its closer proximity to the bund and Brockhill Drive relative to others in Wheatcroft Close is considered to be out of keeping with the character and pattern of development in the area and as such is contrary to Policies B(HSG)6 and B(BE)13 of the Borough of Redditch Local Plan No.3.*

2. *The proposed ingress and egress to parking areas is considered to be inadequate and as such would be likely to result in a danger to highway safety and conflict between vehicle users in the communal parking area to the front of the existing and proposed properties. As such the proposal is considered to be contrary to PPG13 which seeks to ensure safe and adequate manoeuvring spaces for vehicles.*
3. *The proposed development, by reason of its siting and the resultant loss of garden area to no.31 would result in an overdevelopment of the site that would be visually intrusive within the streetscene, and thus is contrary to Policy B(BE)13 of the Borough of Redditch Local Plan No.3.*

Rather than appealing to the Planning Inspectorate against the refusal of planning permission for application 2009/124, the applicant has decided to submit a new application in an attempt to address the concerns raised by Members.

### Amendments to scheme

The changes between refused application 2009/124, and the current application are listed as follows:

#### Reduction in ridge height of proposed dwelling

The overall height of the new dwelling has been lowered such that it is now 'in-line' with, and no higher than the existing ridge height to number 31 Wheatcroft Close. The proposed height to ridge is now 7.6 metres. Under application 2009/124, this was 7.8 metres.

#### Overall reduction in massing

The lowering of the proposed height of the dwelling has resulted in a marginal reduction in the overall footprint of the dwelling. The proposed two storey gable elevation (facing the bund) would now measure 7.7 metres across. Under application 2009/124, this dimension was 8.4 metres.

#### Greater vehicle manoeuvring space within the curtilage of the proposed dwelling

Two car parking spaces were identified on the site plan for application 2009/124. Tarmac surfacing was proposed. Between the car parking spaces and the front of the property, a planted / landscaped area was

also proposed. On discussing application 2009/124, Members voiced concerns that the lack of a turning space within this area would pose a danger to highway safety (refusal reason 2 above refers). PART of this proposed planted area is to be removed under the current scheme in order to provide a turning area such that vehicles would be able to enter AND exit the application site in a forward gear. The parking and turning area is proposed to be gravelled, rather than in tarmac as before.

### **Assessment of Proposal**

The key issues for consideration are as follows:-

#### Principle

The site currently forms part of the garden curtilage associated with 31 Wheatcroft Close, a residential area. The principle of residential development in such a location is considered to be acceptable given that the land would be classified as previously developed or 'brownfield' land within the urban area of Redditch.

#### Density

Developing the site for one additional dwelling would represent a density of approximately 33 dwellings per hectare (dph). Such a density is in line with Central Government Guidance contained within PPS3 which advises that a density of 30 dph should be used as a national indicative minimum, unless the characteristics of a particular area for example mean that a lower density can be justified.

#### Design and Layout

The dwelling has been designed in such a way that it follows the line of this existing terraced development which starts at the largest and widest of the dwellings forming part of this existing 4no. house row (number 28). The width, height and design of the dwelling is considered to respect the character of development in its immediate surroundings, and in particular the existing terraced row. Rear garden areas serving both number 31 and the proposed new dwelling would meet the Council's minimum rear garden spacing standards, with the new dwelling's garden in fact exceeding the size of many gardens serving existing properties in the vicinity. Your Officers are satisfied that in this respect, the proposal would not represent an over-development of the site and that the proposal would comply with Policy B(HSG).6 of the Local Plan. This policy requires that schemes involving the construction of a new dwelling or dwellings within or adjacent to the curtilage of an existing dwelling shall:

- i) Not harm the character and appearance of the area ; and

- ii) Allow sufficient and conveniently located space about the new and existing dwellings to ensure that an adequate level of residential amenity is provided for both new and existing occupiers.

The reduction in the bulk of the proposed dwelling over the previous scheme means that the property would achieve a maximum rear garden length of 11.5 metres.

#### Highways and Access

The tarmaced surfaced private drive which forms part of the application site, currently serves 5 properties (numbers 28, 29, 30, 31 and 32 Wheatcroft Close). Number 28, which protrudes forward of the main terrace, benefits from its own single garage, with a further car parking space in front of the garage. This provision more than meets maximum car parking standards as laid out in the Local Plans Appendix H. In addition, your officers believe that it would be possible to park a car in the area immediately in front of a wooden gate (which exists in a position in line with the front elevation of number 28), without 'blocking in' other users of the shared driveway. Your officers are satisfied that occupiers of this property would not be inconvenienced by the nature of the proposed new dwelling proposal since the provision of 2/3 car parking spaces for a property of this size is more than adequate considering that it is a three bedroomed dwelling.

Your Officers would refer members to Appendix H of the Local Plan which sets out in table form (based on maximum standards) the number of car parking spaces which should be provided for new residential developments. This clearly states that for 1 and 2 bedroomed dwellings a maximum of 1 car parking space should be provided. 3 bedroomed properties should provide a maximum of 2 no. car parking spaces per property. Plans submitted as part of this application show that both number 30 and 31 are two bedroomed. Although not annotated, number 29 contains the same floorspace as numbers 30 and 31, and it is therefore assumed that number 29 is also two bedroomed. To accord with maximum car parking standards as laid out in Appendix H, three car parking spaces only need to be provided. The proposed development, being a three bedroomed dwelling would need to provide 2 no. car parking spaces in order to comply with maximum car parking standards. Two spaces are proposed to serve the new development, together with one new space, serving number 31. These, added to existing provision mean that 6 spaces in total would be provided, to serve numbers 29, 30, 31 and the new dwelling, where the adopted Local Plans maximum standards only require that 5 spaces would be needed to serve these properties. Outside the application site, but within the 'courtyard' area, a further two car parking spaces exist, which serve number 32 Wheatcroft Close. This provision also accords with maximum parking standards. The proposals are therefore considered to be wholly acceptable having regard those maximum car parking standards.

The applicant's proposed choice of compacted gravel as a surfacing treatment is considered to be acceptable in principle since, being a 'porous' material, it would represent a sustainable means of draining the site. Details of the proposed gravel's colour/diameter could be agreed through a landscaping condition to be attached to any consent.

The site plan submitted with the application clearly shows that vehicles serving the proposed new dwelling would be able to turn within the application site, exiting in a forward gear.

No objections have been received from County Highways and therefore the proposals would not be considered to prejudice highway safety.

#### Impact upon residential amenity

Your Officers have assessed the proposal against spacing standards contained within the adopted SPG 'Encouraging Good Design' which states that a minimum distance of 22 metres should be achieved between proposed (rear facing) habitable room windows, and rear facing habitable room windows serving existing properties. The '45 degree' ruling which the SPG uses as a guide to assess any 'overbearing' or 'overshadowing' effect has also been examined. Your Officers are satisfied that no loss of light, privacy nor any other loss of amenity to occupiers of nearby properties would result from the proposal.

#### Sustainability

The site lies within the urban area of Redditch, and is therefore considered to be in a sustainable location. The design of the overall floor area has been kept to a minimum with very little wasted circulation space to minimise the overall building material used. Should members be minded to approve the application it is recommended that a condition be attached to any approval requiring that the dwelling be built to minimum Level 3 requirement set out under Code for Sustainable Homes.

#### Other matters

An existing sound attenuation bund exists at the Western boundary to the site. The height, and function of the bund would not be affected by the erection of the new dwelling, and it is noted that Environmental Health Officers have raised no 'in principle' objections to the proposals. An existing timber garden fence would be removed to accommodate the dwelling and a brickwork retaining wall would be erected at a position 1 metre distant from the outside gable wall to the proposed dwelling. A retaining wall, in this position, which would measure 1.4 metres above ground level is unlikely to have any detrimental impact upon the visual amenities of the area subject to the imposition of conditions which would require details of the facing brick to be used in its construction to be submitted for the prior written approval of the Local Planning Authority, before work on site commences.



Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety. As such, the application is recommended for approval.

Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:**

1. Development to commence within three years.
2. Details of materials (walls and roofs) to be submitted.
3. Landscape scheme including details of boundary treatment to be submitted.
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Limited working hours during construction period.
6. Dwelling to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
7. Access, turning and parking.
8. Land contamination (standard conditions).
9. Development to be carried out in accordance with plans submitted with application.

Informatives

1. Drainage details to be in agreement with Severn Trent Water.
2. Highway Note 4 – Private apparatus within the highway.
3. Highway Note 5 – No authorisation for applicant to carry out works within the publicly maintained highway.



## Planning Committee

Headless Cross and Oakenshaw Ward

2nd February 2010

**2009/262/FUL CHANGE OF USE OF GROUND FLOOR (NO'S 137-139 EVESHAM ROAD) FROM A1(RETAIL) TO A3/A5 (RESTAURANT AND HOT FOOD TAKE-AWAY USE); NEW SHOP FRONT; DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION TO CREATE NEW TWO STOREY REAR EXTENSIONS AND CREATION OF 4 NO. FLATS OVER NO'S 137-141 EVESHAM ROAD  
137 TO 141 EVESHAM ROAD, HEADLESS CROSS, REDDITCH  
APPLICANT: MR L N THEODOROU  
EXPIRY DATE: 4TH FEBRUARY 2010**

The author of this report is Steven Edden Planning Officer (DC), who can be contacted on extension 3206 (e-mail: [steve.edden@redditchbc.gov.uk](mailto:steve.edden@redditchbc.gov.uk)) for more information.

### Site Description

(See additional papers for Site Plan)

The site is situated to the eastern side of the main Evesham Road which runs through the centre of Headless Cross. The premises sit within a Victorian terraced row of properties having a mixture of architectural styles. 50 metres due north of the site lies the Evesham Road /Headless Cross Drive road junction. Approximately 50 metres to the south lies a mini roundabout off which branch Birchfield Road and Mason Road.

The premises are situated within the heart of the Headless Cross District Centre. The ground floor of Units 137 to 139 Evesham Road has been vacant for approximately 6 months, but was formerly occupied by 'Louis butchers'. The ground floor of Unit 141 is currently a fish and chip shop, 'Inn Plaice'.

### Proposal Description

This is a full application for Change of Use of ground floor (no's 137-139 Evesham Road) from A1 (retail) to A3/A5 (restaurant and hot food take-away use); new shop front; demolition of existing single storey rear extension to create new two storey rear extensions and creation of 4 no. flats over no's 137-141 Evesham Road.

The change of use proposal would allow the existing fish and chip shop at 141 Evesham Road (A3/A5 Use) to expand into the ground floor of Units 137-139 by creating a much larger 'sit down' restaurant (approximately 36 covers).

The demolition of a single storey extension to the rear is proposed. Two storey extensions are proposed in this location which would accommodate two of the four proposed flats. Vacant offices above the existing 137 to 139 Evesham Road would be changed to form one additional flat. Further internal reconfiguration at first floor level would result in the creation of the fourth proposed flat.

# Planning Committee

2nd February 2010

A new shop front is proposed. This principally involves the creation of three new doorways to the frontage of the building.

## **Relevant Key Policies**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS 4 Planning for Sustainable Economic Growth (published December 2009).  
PPG.24 Noise.

## ***Borough of Redditch Local Plan No.3***

E(TCR).9 District Centres  
E(TCR).12 Class A3, A4, and A5 Uses  
B(BE).13 Qualities of Good Design  
B(BE).14 Alterations and extensions to buildings  
B(HSG).6 Development within the curtilage of an existing dwelling  
S1 Designing out crime

## ***SPDs***

Designing for community safety  
Encouraging good design

## **Relevant Site Planning History**

None relevant

## **Public Consultation Responses**

### Responses in favour

1 letter of support has been received. Comments summarised as follows:

- The site is to be refurbished which will be more in keeping with the shop premises and existing restaurant. The fish and chip shop is to be extended and improved.
- The proposal is an opportunity to enhance and improve the façade and would make full use of the upper floor level which is partly vacant at present.

### Responses against

None received.

### **Consultee Responses**

#### ***County Highway Network Control***

No comments received.

#### ***Environmental Health***

Comments received summarised below:

Serious concerns raised regarding the proposal to create residential units above take-away type businesses due to the high probability of noise and odour issues arising. The high density development proposed is likely to exacerbate this issue.

#### ***Police Crime Risk Manager***

No objections in principle. Strongly recommends that communal and front doors to the flats meet secure by design standards. Asks that a CCTV system be fitted to police approved standards in the restaurant.

#### ***RBC Development Plans Section***

Comments received summarised as follows:

#### **Spatial Planning Considerations**

a) **National Planning Policy:**

Planning Policy Statement 4 (PPS4) sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas. District Centres are equivalent to the definition of Local Centres in PPS4. Policy EC13.1 states that when determining applications that affect shops in District Centres local authorities should take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use, and to refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs. Permitting applications for this type of use (A3/A5) in the retail core would have consequences for any potential prime retail (A1 uses) that may wish to locate in the retail core i.e. the unit will be taken up by a non-retail use.

b) **Regional Policy:**

With regard to the current Regional Spatial Strategy (RSS), this application appears to be in general conformity.

c) Local Plan No.3 Policy

Policy E(TCR).9 seeks to protect District Centres and states that proposals which would result in the unacceptable loss of retail floor space of a District Centre will normally be resisted. It is important for a range of reasons to protect and enhance where possible district centres particularly with regard to their retail function. In some circumstances where there is an over provision of retail units it may be suitable for alternative uses. This reflects PPS4.

Policy E(TCR).12 which focuses on use classes A3, A4 and A5 states that applications should only be permitted where a number of criteria can be met which includes whether the impact, where appropriate, on the shopping area concerned is acceptable.

d) Preferred Draft Core Strategy material considerations

To ensure the overall health of District Centres, they need to continue to maintain their primarily retail role. Whilst other uses play a valuable role, there should not be an over-concentration of non-retail uses. It is important to maintain the appropriate balance of uses in the District Centres to maintain their vitality and viability, particularly during the day so that Centres continue to serve the retail and other needs of local communities. There has been an increase in the number of hot food takeaways in many Centres in the Borough over recent years, many of which are only open during the evenings and serve the night time economy. This has led to an increase in closed and shuttered units during the day time. There has also been an increase in associated problems particularly of litter and anti social behaviour.

The draft core strategy policy that deals with A5 Uses within District Centres states that District Centres are primarily designed to fulfil a retailing role. Significant groupings of non retail uses can be detrimental to the role of a District Centre. Proposals for new or a change of use to Class A5 Use (Hot Food Takeaways) will only be permitted where it will not result in the overall proportion of A5 uses exceeding 25% of the total percentage of units within that Centre. Where this figure has been exceeded already in some District Centres, new proposals will be resisted. To ensure that retailing needs of communities are maintained, A5 uses within local centres/parades of shops will only be considered where the intensity of the A5 uses has not become too great and where there are no negative effects on the environment.

Conclusion

This application is not considered to comply with the Development Plan. PPS4 raises an important issue with regard to maintaining the primary retail function of district centres. By allowing the proposal for an A3/A5 use, this would effectively prevent an A1 use on this site and would detract from the

main function of the area. This type of application therefore would negatively impact on the vitality of the district centre.

**Procedural Matters**

This application is put before the Planning Committee due to the fact that the proposal involves the creation of a new A3/A5 use. Under the agreed scheme of delegation to Planning Officers, where such applications are received, they should be reported to Committee, irrespective of whether or not the Officer's recommendation is one of approval or refusal.

**Assessment of Proposal**

The key issues for consideration are as follows:-

**Principle of Change of Use**

The relevant Planning Policy in this case is E(TCR).9 of the Borough of Redditch Local Plan since the Unit falls within the Headless Cross District Centre.

The Town Centre is the primary focus for major shopping needs. District centres are the secondary level of shopping, meeting daily needs for basic items. Typically district centres in the Borough accommodate a newsagent, a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is naturally important to protect and where appropriate, enhance district centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the district centre will normally be refused.

Under Para.5 of the reasoned justification for Policy E(TCR).9, it comments that the Council appreciates that in some circumstances there may be an over provision of units for retail. If during the plan period there is a problem of vacant units despite appropriate marketing and rent levels, then other uses may be acceptable in district centres. Only developments that would not hinder the primary retailing function of the district centre will normally be acceptable. Change of Use in district centres should only be at a level necessary to overcome a problem of vacancy as the provision of retail and community facilities should continue to be the predominant district centre function.

In assessing this application, it is important to determine if the unit in question is currently and likely to remain surplus to retail requirements. The previous occupier of Unit 137-139 Evesham Road was a shop use (butchers) and is currently vacant. Although the applicant's agent does not state precisely how long the unit has been vacant, and whether or not the unit has been actively marketed for retail purposes, your Officers believe, through general knowledge of the area, that the unit has been vacant for approximately six months only. In the absence of any evidence put forward by the applicant's agent, nothing would suggest to your Officers that a unit

of this size, in this location would not prove attractive to traders in the future, despite the current financial climate. It is important next to examine the likely impact of the proposed change of use upon the vitality and viability of the district centre itself.

Impact upon the Vitality and Viability of the Headless Cross District Centre

Policy E(TCR).9 seeks to prevent the unacceptable loss of retail floor space in district centres which stems from the overall objective of ensuring the continuing vitality and viability of the district centres. As stated above, E(TCR).9 indicates that district centres are primarily intended to fulfil a retailing role, meeting daily shopping needs for basic items. It is therefore important to assess the existing mix between retail and non-retail uses within the district centre.

Members may recall the refusal of planning permission to allow the change of use of 145 to 147 Evesham Road (the former Michaels Cycles shop) from retail to A3/A5 use under application 2008/071. This unit lies just 15 metres due south of the application site, again within the Victorian terraced row of commercial premises to the eastern side of Evesham Road. Following this applications refusal, the applicant appealed against the Council's decision to refuse consent. The appeal was dismissed in October 2008 with the Inspector noting at that time, under Para 8, that 'a high concentration of Class A3/A5 uses already exists in the Headless Cross centre'. For member's information, permission was granted under a later consent for A2 Use (banks/building societies/estate agents etc) and that premises is currently occupied by an A2 class user. At the time of the appeal, the then applicant and Council agreed that some 42% of all units within the district centre were in A1 (retail) use. Classes A3 and A5 together formed the second largest category at around 27%, which the Inspector in consideration of application 2008/071 considered was, in their opinion 'already a substantial proportion'.

Although no specific guidance exists in any current LP policies about what constitutes an acceptable level of such uses, or at the level at which over-concentration is reached, and as such a judgement on whether the loss of retail floorspace is unacceptable must necessarily be a subjective one, your Officers would draw member's attention to the Preferred Draft Core Strategy, which intends to set a limit for hot food take-aways as one option to address concerns that increasing numbers of Class A5 uses may undermine the vitality and viability of the role and function of district centres. Whilst the document is at a relatively early stage and carries only limited weight, the likely 25% limit for A3/A5 uses which would be imposed, is already exceeded in the Headless Cross District Centre. Your Officers currently feel strongly that an over-concentration of A3/A5 uses exists in the Headless Cross District Centre, and that therefore, the proposed change of use in such a prominent location should be resisted due to its likely harm to the vitality and viability of the district centre.



Impact upon residential amenity

The proposed two storey extensions to be located at the rear, whilst being significant in size, would be invisible from Evesham Road, and would not hinder existing servicing arrangements to the rear. On balance, Officers consider that these would not cause harm to the character and appearance of the building. The extensions would accommodate (together with internal re-configuration of the internal space, including the proposed change of use of vacant offices immediately above the former butchers shop at 137-139 Evesham Road) a total of four new flats which would be occupied independently from the proposed A3/A5 uses below. Minor internal changes to the existing first floor flat above the fish and chip shop are also proposed. The residential accommodation to be created would span across the whole width of 137-141 Evesham Road and total five flats.

Your Officers consider that that the level of accommodation to be created would represent a highly intensive form of development and an overdevelopment of the site. No private amenity space would be created and therefore this substandard provision would conflict with relevant policies of the development plan which require that occupiers of new residential developments are provided with an adequate level of amenity. Your Officers share the concerns raised by the Council's Environmental Health Officer, since such a high density residential scheme is unlikely to form a successful marriage with that A3/A5 use. This would be due to the likely noise and odour issues which would arise from the A3/A5 use. As such, the proposals are considered to be contrary to relevant policies of the development plan.

Shop front alterations

These include a new doorway in a central position relative to the width of 137 to 139, next to the existing doorway to the fish and chip shop at 141 Evesham Road. This would act as the main entrance to the new first floor flats. To the other side of this door would be created a new doorway leading to what would be the seating area for the fish and chip restaurant. This would replace the existing (recessed) door which gives access to the vacant 137-139 Evesham Road. No objections are raised to this part of the proposals since the changes would not harm the character and appearance of the street-scene.

Other matters

The Police Crime Risk Manager has been consulted on the application and comments have been received. Your Officers would consider it reasonable to insist that the new ground floor communal door leading to the flats above be constructed to secure by design standards given its location off a main thoroughfare, but would consider it unreasonable to insist that all other doors be constructed to this standard through condition, although Officers always actively encourage developers to take full account of Crime Prevention and Community Safety issues and could therefore encourage

# Planning Committee

2nd February 2010

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the developer to construct the doors to this specification by attaching an informative. The CRM has asked that a CCTV system be fitted to a police approved standard in the restaurant, although no justification and clear reason for the inclusion of such a condition is given. Given that the imposition of such conditions can be challenged by an applicant, your Officers would consider it unreasonable, having regard to Circular 11/95, to insist on such an imposed condition.

## Conclusion

Your Officers consider that the proposal would provide an unsatisfactory level of amenity for future occupiers of the new flats and would therefore be contrary to relevant policies of the development plan. The proposed change of use from A1 to A3/A5 would be considered to harm the vitality and viability of the Headless Cross District Centre, where an over-concentration of A3/A5 uses is already considered to exist. For these reasons, the application is considered to be unacceptable.

## Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reasons below:**

1. The proposed A3/A5 use including the potential loss of a preferred A1 Use would materially impact upon, and undermine the retail and community function of the Headless Cross District Centre, to the detriment of its vitality and viability. As such, the proposed development would be contrary to the aims and objectives of Policy E(TCR).9 and Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.
2. The proposed residential properties would represent an over-intensive form of development, with the scheme providing an inadequate level of communal amenity space for occupiers of the proposed scheme to the detriment of residential amenity. As such, the proposals would fail to comply with Policy B(HSG).6 of the Borough of Redditch Local Plan No.3 and the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.
3. In the absence of any flue / means of odour extraction equipment details, and proposed soundproofing measures, the proposed development, having an A3/A5 use on ground floor and an unrelated intensive form of residential development above would be likely to prove incompatible, with that A3/A5 use having an adverse impact upon the amenities of the proposed flats by reason of noise and smell disturbance. As such, the proposals would be contrary to National Planning Guidance contained within PPG.24 (Noise), and Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.



## Planning Committee

Astwood Bank &amp; Feckenham Ward

2nd February 2010

**2009/267/FUL ERECTION OF A TWO-STOREY, FOUR BEDROOMED DETACHED DWELLING  
18 CHESTNUT ROAD, ASTWOOD BANK  
APPLICANT: MR I OSBORNE  
EXPIRY DATE: 17TH FEBRUARY 2010**

The author of this report is Nina Chana, Planning Assistant (DC) who can be contacted on extension 3207 (e-mail: [nina.chana@redditchbc.gov.uk](mailto:nina.chana@redditchbc.gov.uk)) for more information.

### Site Description

**(See additional papers for Site Plan)**

The site lies to the side of 18 Chestnut Road, Astwood Bank, on the corner of Chapel Road and Chestnut Road. It comprises part of the garden of 18 Chestnut Road and part highway verge. The surrounding area is predominantly residential with no uniform pattern or character.

### Proposal Description

Full planning permission is sought for a two storey, four bedroom detached dwelling partly within the curtilage of 18 Chestnut Road and partly incorporating highway verge.

The proposed dwelling would be a two storey detached dwelling facing towards Chestnut Road. It would comprise of a kitchen/dining area, lounge, study and WC on the ground floor and four bedrooms, and a bathroom upstairs.

There would be two car parking spaces provided to the rear of the property leading to a detached single garage which is proposed to be constructed in the rear garden of 18 Chestnut Road. The access to the car parking spaces and garage would cross over the highway verge on Chapel Road.

### Relevant Key Policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 (& accompanying documents) Delivering sustainable development.  
 PPS3 Housing.  
 PPG13 Transport.

### ***Regional Spatial Strategy***

CF2 Housing beyond Major Urban Areas.  
 CF3 Level and Distribution of New Housing Development.  
 CF5 The re-use of land and buildings for housing.  
 CF6 Making efficient use of land.  
 T2 Reducing the Need to Travel.  
 T7 Car Parking Standards and Management.

### ***Worcestershire County Structure Plan***

SD.3 Use of previously developed land.  
 SD.4 Minimising the Need to Travel.  
 T.4 Car Parking.

### ***Borough of Redditch Local Plan No. 3***

CS.7 The Sustainable Location of Development.  
 B(HSG).6 Development within or adjacent to the curtilage of an Existing Dwelling.  
 B(RA).8 Development at Astwood Bank.  
 B(BE).13 Qualities of Good Design.  
 C(T).12 Parking Standards.

### ***SPDs***

Borough of Redditch Supplementary Planning Guidance (SPG) on Encouraging Good Design.

### **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/109/FUL	Detached Dwelling	Refused	30th July 2009
2009/194/FUL	Detached Dwelling	Approved	3rd November 2009

### **Public Consultation Responses**

Responses in favour  
 None.

Responses against

No objections to date.

**Consultee Responses*****County Highway Network Control***

No objections to date.

***Environmental Health***

No objections to date.

***Severn Trent Water***

No objections to date.

**Assessment of Proposal**

Members may recall they approved the previous application for a dwelling in the same location on 3rd November 2009. This is a resubmission of the same application with minor changes. The size of the footprint remains the same as previously approved.

The key issues for consideration in this case are as follows:

Principle:

The principle of erecting a residential dwelling in this location is considered to be acceptable. Part of the dwelling is proposed to be built on a three metre strip of highway verge. A two metre strip of the verge would still remain after the construction of the dwelling. Whilst part of the grass verge would be built upon, a substantial part of the verge would remain as grassed amenity area.

Design and layout:

The proposal is a standard four bedroom, two storey dwelling. This proposal is considered to be acceptable in terms of the contribution to the street scene and meets the spacing standards which are contained within the Council's adopted SPG Encouraging Good Design. Your Officers are of the opinion that the proposal would not give rise to a material loss of residential amenity caused by loss of privacy as the spacing standards have been met.

Highways and access:

Two car parking spaces and a single garage have been provided to serve the dwelling. Worcestershire Highways Network Control raised no objections in relation to the parking in the previously approved application.

They raised other issues which were not considered to be material considerations in planning terms and conditions are therefore not recommended in relation to these matters.

Sustainability:

The site lies within the settlement boundary of Astwood Bank and the majority of the site area is on previously developed land. The site is considered to be located sustainably, complying with Policy CS.7 of the Borough of Redditch Local Plan. It is recommended that a condition be attached to any approval requiring that the dwelling be built to a minimum Level 3 requirement which is set out under Code for Sustainable Homes.

Conclusion

Your Officers consider that this dwelling is proposed in a sustainable location and that no harm to amenity or to highway safety would result from the granting of this permission. It appears to have met all the requirements of the policies and guidance listed previously.

Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:**

1. Development to commence within 3 years.
2. Details of materials to be submitted.
3. Landscape scheme and boundary treatments to be submitted.
4. Limited working hours condition.
5. Dwelling be built to a minimum Level 3 requirement which is set out under Code for Sustainable Homes.
6. Materials to be used of parking area to be porous.
7. Development in accordance with approved plans.
8. Contamination (Standard conditions).

Informatives

1. Details of Highways formalities to be agreed with Worcestershire Highways.

## Planning Committee

West Ward

2nd February 2010

**2009/272/ADV NEW FLAG AND FLAGPOLE TO FLY THE GREEN FLAG AWARD  
LAND AT MORTON STANLEY PARK, WINDMILL DRIVE, REDDITCH  
APPLICANT: MR K STOKES, REDDITCH BOROUGH COUNCIL  
EXPIRY DATE: 24 FEBRUARY 2010**

The author of this report is Ailith Rutt, Development Control Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

### Site description

The site is accessed from Windmill Drive. The access road leads into the site, there is a car park laid out in a circular style formation.

Other roads in the area leading off Windmill Drive lead to predominantly residential areas, with ancillary facilities such as schools in relatively close proximity. This site, to the west of Windmill Drive, lies on the edge of the settlement, and beyond the car park lies a significant area of public open space of recreational value.

### Proposal description

This is an application for advertisement consent for a flag measuring 1.8m wide and 0.9m high. It would be mounted on a flag pole 6.9m in height (base of flag at 6m above ground level). The indicative design provided for information purposes shows the green flag award logo in green on a white background.

### Relevant key policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National planning policy***

PPS1 (& accompanying documents) Delivering sustainable development.  
PPG19 Outdoor advertisement consent.

### ***Regional Spatial Strategy***

QE1 Conserving and enhancing the environment.

***Worcestershire Country Structure Plan***

SD2 Care for the environment.

***Borough of Redditch Local Plan No.3***

CS2 Care for the environment.  
BBE13 Qualities of good design.  
BBE18 Advertisements.

The site is designated as Primarily Open Space in LP3.

**Relevant Site Planning History**

None relevant.

**Public Consultation responses**

None (any received between writing this report and the committee meeting will be reported on the Update paper or verbally).

**Consultee responses**

***County Highway Network Control***

No objection.

**Procedural Matters**

Applications for advertisement consent should be determined on the basis of their impact on public amenity and highway safety, in accordance with the regulations and guidance. Members are also reminded that no control is given, through the legislation, regarding the content of the signage, unless it is considered necessary to impose restrictions on the size of text in the interests of highway safety. The regulations also require that set standard conditions be attached when approval for advertisement consent is granted, along with any other conditions considered necessary to ensure amenity and safety are protected.

**Assessment of proposal**

The key issues for consideration in this case are public amenity and highway safety.

**Public amenity**

The flag would be located on the verge at the entrance to the park, such that it would be at a significant distance from traffic, and within close proximity to other infrastructure such as lighting columns, planting and



# Planning Committee

2nd February 2010

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other necessary signage such that it would not cause any detrimental impacts on visual amenity, or the openness of the wider site.

## Highway Safety

There are no perceived highway concerns regarding the proposed flag, due to its size and location. No objections have been received in this regard.

## Conclusion

It is not considered that the proposed flag or its supporting pole would cause any harm to amenity or safety and as such is considered to be acceptable.

## Recommendation

**Subject to expiry of the consultation period on 3rd February 2010 with no new material considerations raised, it is recommended that having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Building Control to GRANT planning permission subject to conditions and informatives as summarised below:**

1. 1-5 Standard advert conditions.

## Informatives

None recommended.





# Planning Committee

2nd February 2010

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## CALENDAR OF MEETINGS – PLANNING COMMITTEE

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(Report of Chief Executive)

### 1. Summary of Report

To consider changes of proposed Planning Committee dates in 2011. This change is proposed in order to avoid delays which might affect the turnaround of Planning Decisions and, therefore, performance of the Planning Services Team.

The Committee is asked to note that, further to the current management re-organisation and growing links with Bromsgrove District Council, there may need to be further changes to the Council's overall Calendar of meetings in due course, which might impact further on these dates and pattern of meetings.)

### 2. Recommendation

The Committee is asked to **RESOLVE** that

- 1) the meeting provisionally scheduled for 8th February 2011 be moved back to 1st February;
- 2) the meeting provisionally scheduled for 8th March 2011 be moved back to 1st March; and
- 3) the meeting provisionally scheduled for 5th April 2011 be moved back to 29th March.

### 7. Author of Report

The author of this report is Janice Smyth (Member and Committee Support Services Assistant), who can be contacted on extension 3266 (email: [janice.smyth@redditchbc.gov.uk](mailto:janice.smyth@redditchbc.gov.uk)) for more information.



# Planning Committee

Various Wards

2nd February 2010

## INFORMATION ITEM

(Report of the Acting Head of Planning and Building Control)

### 1. Purpose of Report

To receive information in relation to statistics relating to enforcement activity in the previous six months.

### 2. Recommendation

**The Committee is asked to RESOLVE that**

**the information be noted**

### 3. Financial, Legal, Policy, Risk and Climate Change Implications

#### Financial

3.1 There are no direct financial implications in this report.

#### Legal

3.2 Legal implications are as detailed in the reports and as set out in the following Acts:-

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

#### Policy

3.3 Policy implications are as detailed in the individual report(s), the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

### 3.4 Background, Key Issues

In line with previous requests from Members of the Committee, the Information Report can include items of information (if any) on:

- a) reasons for the granting of planning permission
- b) decisions taken under delegated authority
- c) outcomes of appeals against planning decisions
- d) outcomes of appeals against enforcement action
- e) notification of appeals received
- f) notification of prosecutions relating to enforcement of planning control
- g) details of statistics relating to planning applications received and the enforcement of planning control

### 3.5 Risk

As detailed within each specific report as appropriate.

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

3.6 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.

3.7 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

### Climate Change

3.9 As detailed in each individual Enforcement report.

## 4. Other Implications

Any Asset Management, Community Safety, Human Resources and Sustainability / Environmental implications will be detailed in the attached separate report(s).

Social Exclusion: - Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

5. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

6. **Author of Report**

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail:-iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

Appendix 1 - 6 monthly review of enforcement authorisations

Appendix 2 - 6 monthly statistics of enforcement activity

6 Monthly Review of Enforcement Authorisations							
Date	Location	Alleged Breach	Authorised	Committee or Delegated	Action taken	Date closed/ Review date	Current status
14 July 2009	Blakemere Close, Winyates	Conversion into two dwellings	Enforcement Notice	Committee	Notice issued	03 September 2009	Closed - Notice complied with
15 July 2009	Ipsley Street, Town Centre	Non-compliance with planning condition	Breach of Condition Notice	Delegated	Notice issued	02 February 2010	Pending Committee authority to prosecute
18 August 2009	Church Road, Astwood Bank	Non-compliance with planning condition	Breach of Condition Notice	Delegated	Notice issued	20 November 2009	Closed - Notice complied with
24 September 2009	Union Street, Smallwood	Non-compliance with planning condition	Breach of Condition Notice	Delegated	Notice issued	11 January 2010	Closed - Notice complied with
27 November 2009	Atcham Close, Winyates	Condition of lannd	Section 215 Notice	Delegated	Notice issued	20 January 2010	Appeal received
3 December 2009	Evesham Road, Headless Cross	Fascia sign	Prosecution	Delegated	Warning letter sent	29 December 2009	Prosecution commenced
14 December 2009	Evesham Road, Astwood Bank	Storage of container	Enforcement Notice	Delegated	Notice issued	03 May 2010	Compliance period expires
18 December 2009	Evesham Road, Astwood Bank	Non-compliance with planning condition	Breach of Condition Notice	Delegated	Notice issued	25 January 2010	Compliance period expires



<b>Enforcement Statistics - July to December 2009</b>		
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Enforcement Complaints registered	→→	183
Closed - ceased	→→	50
Closed - Planning Permission obtained	→→	9
Closed - no evidence	→→	16
Closed - permitted development	→→	45
Closed - no planning issues		43
Closed - not expedient/other reasons	→→	16
<b>Total number of complaints closed</b>	→→	<b>179</b>
Enforcement notices issued	→→	1
Stop notices issued	→→	0
Temporary stop notices issued	→→	0
Section 215 Notices	→→	2
Breach of condition notices issued	→→	4
Planning contravention notices	→→	14
High Hedge remedial notices		0
Tree Replacement notices	→→	0
<b>Number of Notices issued</b>	→→	<b>21</b>
<b>Number of Notices complied with</b>	→→	<b>14</b>

# Planning Committee

## Appendix 2

2nd February 2010

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Prosecutions initiated	→→	1
Convictions obtained	→→	1
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Enforcement appeals received	→→	0
Enforcement appeals dismissed	→→	0
Enforcement appeals allowed	→→	0
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Iain Mackay  
Enforcement Officer

Date: 04/01/2010

## Planning Committee

Abbey and Central Wards

2nd February 2010

### ENFORCEMENT OF PLANNING CONTROL

(Report of the Acting Head of Planning and Building Control)

#### 1. Purpose of Report

To determine an appropriate course of action in respect of two planning enforcement issues.

Members are asked to consider the Enforcement matters, as detailed in the following reports.

#### 2. Recommendation

**The Committee is asked to RESOLVE**

**whether it considers it expedient to take the enforcement action specified in the following enforcement reports.**

#### 3. Financial, Legal, Policy, Risk and Climate Change Implications

##### Financial

- 3.1 There are no direct financial implications in the reports.

##### Legal

- 3.2 Legal implications are as detailed in the reports and as set out in the following Acts:-

Town and Country Planning Act 1990.

Planning and Compensation Act 1991.

Planning and Compulsory Purchase Act 2004.

Town and Country Planning (Control of Advertisements) Regulations 2007.

Anti-Social Behaviour Act 2003.

Human Rights Act 1998.

Crime and Disorder Act 1998.

##### Policy

- 3.3 Policy implications are as detailed in the individual reports, the Planning Enforcement Policy and as set out in the Borough of Redditch Local Plan No. 3.

## Risk

- 3.4 As detailed within each specific report as appropriate.
- Town and Country Planning Act 1990.  
Planning and Compensation Act 1991.  
Planning and Compulsory Purchase Act 2004.
- 3.5 In terms of the exempt element of the reports (Confidential Local Location Plans provided under separate cover), and the “public interest” test for exempt consideration, Officers consider that it is rarely likely to be in the public’s best interest to reveal information which is the subject of possible subsequent legal action (S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order, 2006) refers.
- 3.6 Under Article 8 of the European Convention on Human Rights, everyone has the right to respect for his/her private and family life, home and correspondence.
- 3.7 Interference with this right is only allowed in limited circumstances where it is in accordance with the law and is necessary in a democratic society for, among other things, the protection of the rights and freedom of others. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers.

## Climate Change

- 3.8 As detailed in each individual Enforcement report.

## **4. Other Implications**

Any Asset Management, Community Safety, Human Resources and Sustainability/Environmental implications will be detailed in the attached separate report(s).

Social Exclusion: Enforcement action is taken equally and fairly, regardless of the status of the person or organisation, or the subject of enforcement action.

## **5. Consultation**

There has been no consultation other than with relevant Borough Council Officers.

6. **Author of Report**

The author of this report is Iain Mackay (Planning Enforcement Officer) who can be contacted on extension 3205 (e-mail:-iain.mackay@redditchbc.gov.uk) for more information

7. **Attachments**

(In view of the fact that they contain confidential information relating to the affairs of individuals and their identities and information relating to alleged breaches of Planning Control which could result in prosecution by the Council, the personal information attached to this report has been made available to Members and relevant Officers only.)



## Planning Committee

2nd February 2010

### ENFORCEMENT REPORT - 1 – 2009/149/ENF

#### NON-COMPLIANCE WITH PLANNING CONDITION RELATING TO FUME EXTRACTION SYSTEM IPSLEY STREET, REDDITCH

(Central Ward)

#### 1. Background / Key Issues

- 1.1 Planning permission to convert these premises to a hot food takeaway was granted by the Planning Committee in December 2007, subject to compliance with certain conditions (2007/409/FUL).
- 1.2 A condition was attached to the permission requiring the submission of details of brickwork to be used to clad any external extraction system approved before any development commenced, and for it to be implemented prior to the use of the unit commencing.
- 1.3 On 12th July 2009 a site visit by an Enforcement Officer revealed that the premises were open and trading, and that a large flue to the side of the property had not been clad in brick, and that no details had been received to show how and in what materials it was to be clad.
- 1.4 On 15th July 2009, using delegated powers, the Enforcement Officer issued a Breach of Condition Notice and served copies on those persons with an interest in the land. The Notice allowed a period of 56 days and required the cladding of the flue in brick, using materials to match the existing building.
- 1.5 On 29th October 2009, the Enforcement Officer again visited the site and found that no works had been carried out to the flue. He formed the opinion that the Notice was being breached.
- 1.6 On 30th October 2009, a letter was sent to the operator of the premises warning of the possible consequences of not complying.
- 1.7 On 16th November 2009, a further site visit was made by the Enforcement Officer who found that no further progress had been made.
- 1.8 On 17th November 2009, a letter was sent to the owner of the hot food takeaway warning him of the Council's intention to prosecute in this matter. No response was received to the letter.

# Planning

## Committee

2nd February 2010

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### 2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control and the flue as it stands has become an incongruous feature in the street-scene by virtue of its design and materials, height, and siting, harming the character and appearance of the building and the visual amenities of the area.
- 2.2 Given the reluctance of the owner to carry out these works, and the resultant unsightly appearance of the extraction flue as now exists, Officers consider that there is no alternative to but to undertake prosecution proceedings in this matter.

### 3. Recommendation

The Committee is asked to RESOLVE that:

**in relation to a breach of planning control, namely, the failure to comply with a condition attached to a grant of planning permission, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take enforcement action by way of the institution of legal proceedings in the Magistrates Court.**



## Planning Committee

Abbey Ward

2nd February 2010

### ENFORCEMENT REPORT – 2008/097/ENF

### REMOVAL OF ROOF LANTERN AND WEATHERVANE FROM A LISTED BUILDING PROSPECT HILL, REDDITCH

(Abbey Ward)

#### 1. Background / Key Issues

- 1.1 On 30th April 2008 it was brought to the attention of the planning department that a roof lantern with attached weathervane had been removed from this Grade II listed building. The structure was described by English Heritage on 11th August 1975 in its listing description as being situated on the roof ridge and consisting of a square lantern with four turned posts, moulded cornice and ogee domical lead roof with weathervane. A site visit last April by the Enforcement Officer confirmed that this feature had been removed from the building without the benefit of listed building consent.
- 1.2 The building is currently in use as offices and light industry, and some historical investigations uncovered photographic evidence of the removed feature.
- 1.3 On 28th May 2008, having identified the company owning the building, the Enforcement Officer sent a warning letter to them seeking an explanation for the unauthorised works.
- 1.4 On 9th June 2008, a listed building consent application was submitted indicating that the structure was under renovation and requesting retrospective permission to carry out the works. The application was not validated as insufficient information had been submitted.
- 1.5 On 7th July 2008, despite the listed building consent application still being held, the Enforcement Officer, accompanied by the Council's conservation advisor, met with the agent acting on behalf of the owners. The agent stated he would submit detailed proposals for the renovated structure for review.
- 1.6 On 1st October 2008, detailed plans were received of the proposed works which were forwarded to the conservation adviser. On 14th October 2008, he advised that the drawings as submitted were suitable. A further request was made for the submission of a listed building consent application, which remained outstanding.

# Planning Committee

2nd February 2010

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- 1.7 On 16th December 2008, it was noted that no application had been received. Enquiries revealed that the agent dealing with the matter had left the firm, and it had been passed on to a senior partner in the firm. That person was contacted and it was assured that an application would be forthcoming in the New Year. Enquiries with the agents in the following months indicated that they were still awaiting firm instructions from the owners.
- 1.8 On 4th January 2010, it became apparent that the matter was unlikely to be progressed further without formal enforcement action and a warning letter was sent by the Enforcement Officer to the building owners.

## 2. Conclusion

- 2.1 Officers consider this to be a particularly serious breach of planning control which constitutes a serious loss to a Grade II listed building within the Borough. Whilst the means to put right the breach has been readily available for some considerable time, there seems a continued reluctance to progress the matter.
- 2.2 In the circumstances, given the harm to this listed building, your officers consider that the only alternative now is to institute formal enforcement action by way of issuing a Listed Building Enforcement Notice to secure the re-instatement of the lantern/weathervane feature.
- 2.3 It is a criminal offence to fail to comply with the requirements of a Listed Building Enforcement Notice. These offences carry a potential penalty on conviction of imprisonment of up to 3 months and/or a fine of up to £20,000, and if heard by a higher court, imprisonment of up to 12 months and/or an unlimited fine.

## 3. Recommendation

**The Committee is asked to RESOLVE that:**

**in relation to a breach of planning control, namely, the carrying out of work to a listed building without prior consent, authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Acting Head of Planning and Building Control, to take the following enforcement action if necessary:**

- a) **the serving of a Listed Building Enforcement Notice; and**
- b) **the institution of legal proceedings in the Magistrates Court in the event of any failure to comply with that Notice.**