

## INFORMATION ITEM

(Report of Acting Director of Environment & Planning)

### 1. Summary of Report

To receive an item of information in relation to an outcome of an appeal against a planning decision.

### 2. Recommendation

The Committee is asked to RESOLVE that

#### 1) the item of information be noted.

### 3. Financial, Legal, Policy, Risk and Sustainability Implications

There are no financial, legal, policy, risk or sustainability / environmental implications for the Council.

### 4. Background

Planning Application file.

### 5. Consultation

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

### 6. Other Implications

There are no perceived impacts on Community Safety, Human Resources, Social Exclusion or Asset Management.

### 7. Author of Report

The author of this report is Ruth Bamford (Acting Head of Planning & Building Control), who can be contacted on extension 3219 (email: ruth.bamford@redditchbc.gov.uk) for more information.

### 8. Appendices

Appendix 1 - Outcome of Appeal against a Planning Decision - 2008/149/FUL

**OUTCOME OF APPEAL AGAINST A PLANNING DECISION**

**Reference:** 2008/149/FUL

**Proposal:** Retrospective application – outdoor seating area with electronic awning  
Astwood Bank Club, 5A Dark Lane, Astwood Bank

**(Astwood Bank and Feckenham Ward)**

The application sought retrospective permission for the provision of an outdoor smoking / seating area with electronic awning. The application was considered at Planning Committee on the 15 July 2008 and was subsequently approved subject to several conditions including the following condition:-

- 2) The existing heaters erected on the wall for the decking area shall be removed within 3 months from the date of the decision notice. No other forms of heating facilities shall be used in the decking area thereafter.

The reasoning for the condition was to safeguard the prudent use of natural resources in accordance with Policy CS.1 of the Borough of Redditch Local Plan No. 3.

The appellants appealed against the imposition of this particular condition and put a case forward as to why the condition should be omitted. As part of the appeal process, neighbouring residential occupiers submitted representations.

The Inspector understood the issues of the appeal to be whether condition No. 2 was necessary, relevant to the development permitted and reasonable having regard to Policy CS.1 of Local Plan No.3.

The Inspector accepted that the appeal related to two heaters that are visible when the awning is retracted, and obscured when the awning is extended over the seating area. No details had been submitted regarding the efficiency of the heaters, however, the Inspector considered that the impact of two small heaters on natural resources and the pollution of those resources would not result in any adverse harm to the environment.

The Inspector considered all the arguments put forward and concluded that the appeal should succeed, varying the planning permission by deleting the disputed condition.