



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.



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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.