

AGENDA ITEM NO.

WARDS AFFECTED:
Upper Gornal & Woodsetton

DEVELOPMENT CONTROL COMMITTEE 16TH JANUARY 2006

**JOINT REPORT OF THE DIRECTOR OF LAW AND PROPERTY AND THE
DIRECTOR OF THE URBAN ENVIRONMENT**

ENFORCEMENT

LOCATION McDONALDS, KENT STREET, UPPER GORNAL,
DUDLEY, DY3 1UX

REF K/023/03/03

BACKGROUND

- 1 Initially a complaint was received regarding the erection of an Automated Teller Machine (ATM) on the car park of McDonalds, Kent Street, Upper Gornal, in September 2005. Following a site visit by officers it was noted that the ATM was in place and that no planning permission had been given for it.
2. The company was contacted and subsequently submitted a retrospective planning application for the retention of the ATM. This was refused under delegated powers on 12th December 2005.
3. A letter was sent to McDonalds and the agent who submitted the application requiring removal of the ATM. As of 15th December 2005 the ATM remains in situ without consent.

BREACH OF PLANNING CONTROL

- 4 The unauthorised erection of an Automated Teller Machine (ATM) on the site known as McDonalds, Kent Street, Upper Gornal, Dudley, West Midlands, DY3 1UX. (see attached plan)

WHAT IS REQUIRED TO BE DONE

- 5 The removal of the ATM from the land in it's entirety.

TIME FOR COMPLIANCE

- 6 1 month

REASONS FOR ENFORCEMENT

- 7 The development, by reason of its location close to Pale Street and near to the entrance to the restaurant, would lead to on-street parking in Pale Street which would obstruct visibility, turning and the through movement of traffic from the site and may also lead to parking on the footpath thereby obstructing pedestrian movement. Furthermore, parking close to the development within the curtilage of the site will obstruct access into and out of parking bays opposite and obstruct the through movement of vehicles exiting the site. As such the application is contrary to Policy DD6 of the Adopted Dudley Borough Unitary Development Plan as it would be detrimental to the safe and efficient operation of the public highway and the application site.
- 8 The removal of landscaping and the prominent location and appearance of the ATM machine creates an incongruous form of development out of keeping with the locality contrary to Policy DD1 of the Adopted Dudley Borough Unitary Development Plan.
- 9 The development, is located within close proximity to housing and is available for use 24 hours a day, seven days a week, will create unacceptable levels of noise and disturbance contrary to the amenity of local residents and is therefore contrary to Policies DD4 and EP7 of the Adopted Dudley Borough Unitary Development Plan.