

## Officer Reports for Planning Committee 15th February 2006

### EXTERNAL CONSULTATIONS

None

### INTERNAL COMMENTS

The Environmental Health Officer has no objections subject to conditions but has commented that the extraction arrangements may prove difficult to achieve.

### RESPONSE TO PUBLICITY

Near neighbours notified and a site notice posted. The proposal has generated 5 individual letters of objection and 3 separate petitions containing 13 names; 26 names and 38 names. The grounds of objection are as follows:

1. There is already an over-provision of hot food establishments in Chadsmoor and a further establishment is not necessary;
2. Increased noise, litter and smell etc, and
3. Inadequate car parking to serve the proposed use;

### PLANNING HISTORY

None.

### OBSERVATIONS

- 1.1 This application seeks planning permission for the change of use from a general store (A1) to a hot food takeaway (A5) at 3 Ashworth House, Cannock Road, Chadsmoor, Cannock.
- 1.2 The premises are on the ground floor of a three storey flat roofed building block containing predominantly retail uses on the ground floor, together with one hot food takeaway use. The first and second floors are in residential use.
- 1.3 There is a public car park directly to the rear with a limited parking area to the front which also serves the remainder of the uses in this block. The uses in this part of the centre of Chadsmoor comprise predominantly residential use.
- 1.4 Development Control Policy 3 of the Local Plan confirms that the suitability of locations of hot food takeaways in smaller shopping centres (such as Chadsmoor) or other areas will be considered, taking into account the balance of commercial and residential uses, including the existence of other evening time uses nearby; the nature of the highway, traffic flows thereon and the availability of conveniently sited off-street parking spaces and the overall effect on residential amenity. Hot food takeaways will not be permitted in areas that are predominantly residential in character.
- 1.5 Whilst the property is located within the central area of Chadsmoor where a variety of different uses exist, the predominant use in close proximity to the application site is residential.

1.6 The Ashworth House block already comprises one hot food takeaway at No. 1 and it is considered that the introduction of another A5 use into this location would have an adverse impact on the amenities of the residential properties in close proximity to the site and on the character and appearance of the area.

1.7 Finally whilst the applicant has confirmed in writing that any extraction arrangements will be the same as the current arrangements used by No. 1 Ashworth House in the same block i.e. an extraction fan on the side of the building, the Environmental Health Officer has confirmed that given the location of this unit towards the middle of the block, then adequate extraction arrangements could be difficult to achieve, especially given that there are residential units on the two floors above.

#### 1.8 HUMAN RIGHTS ACT

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Adopted Local Plan and the applicant has the right of appeal against this decision.

#### 1.9 CONCLUSIONS

Whilst there are a number of hot food establishments in Chadsmoor, Local Plan policy guidance requires that each application is treated on its own particular merits having due regard to the effect on residential amenities and character of the area etc. In this particular instance, it is considered that a hot food establishment on this site would have an adverse effect and as a consequence, would be contrary to Development Control Policy 3 of the Local Plan and refusal is therefore recommended.

## EXTERNAL CONSULTATIONS

Rugeley Town Council - Members object because the neighbour would not be able to maintain the side of their property. They also have concerns that despite the extension being set back, the street scene would have a terraced effect.

## RESPONSE TO PUBLICITY

Near neighbours notified with no letters received.

## PLANNING HISTORY

CH/05/0370 Two storey side extension Approved at Committee on 24/08/2005

## OBSERVATIONS

- 1.1 The applicant seeks consent to erect a single storey side extension at 62 Green Lane, Rugeley. This is a resubmission of planning application CH/05/0370 which was for a two storey side extension with the same footprint which was approved last year. The applicant intends to construct a single storey extension rather than the two storey extension approved.
- 1.2 The extension will be 2.4m wide, 8.25m in length, set 0.65m back from the front, but projecting 2m to the rear. The side extension will be 5.5m high and will comprise of a kitchen and utility room.
- 1.3 The applicant has amended the plans further to officer advice so that the width was reduced from 2.6m wide, therefore keeping a retaining wall along the boundary which allows the roof to be built with eaves, without affecting the neighbouring property.
- 1.4 The extension has been designed to meet council design guidance with the extension set back over the 0.5m requirement and the neighbouring property of 1 & 2 Stepping Stones is set slightly further back but sited on higher land with a retaining wall to side. Daylight standards are met to the nearest principal window on the neighbouring property.
- 1.5 The proposal meets council design guidance on space about dwellings and daylight standards, which were adopted to prevent a terraced effect occurring in the street scene. Also it is considered that the single storey side extension set back from the front of the existing dwelling and sited lower than the neighbouring property will not create a terraced effect and that the impact on neighbouring properties amenity will not be significant. The issues regarding to maintenance of the neighbouring wall is covered under Building Regulations and is therefore not a planning consideration.
- 1.6 A condition has been added preventing additional windows being placed in the side elevation, to prevent any loss of privacy to the neighbouring property. No objections from neighbouring properties have been received with the extension being in keeping with the scale and character of the property so approval is recommended.

## 1.7 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

## 1.8 Conclusion

In conclusion, it is considered that the extension proposed would not have a detrimental impact on the amenity of neighbouring properties or the character of the property and will conform to the relevant Council policies and as such, is acceptable.

## EXTERNAL CONSULTATIONS

Norton Canes Parish Council has recommended refusal on the grounds of over intensive use of the site and inadequate access.

The Environment Agency has no objections to the proposals.

Severn Trent Water has no objections to the proposals subject to Conditions.

Staffordshire County Highway Engineer has no objections to the proposals.

Staffordshire County Council Education does not require any developer contributions towards Education purposes.

The Police Architectural Liaison Officer has no objections to the proposals.

## INTERNAL COMMENTS

The Environmental Health Officer has no objections to the proposals.

The Strategic Housing Manager has no objections subject to conditions about the location of the bin store to serve the apartment block.

## RESPONSE TO PUBLICITY

Near neighbours notified and a site notice posted. The proposals have generated a total of 5no. letters of objection from local residents. The grounds of objection are as follows:

1. Reduction in the loss of privacy and amenity;
2. Loss of wildlife;
3. Overdevelopment of the site;
4. Traffic safety on busy road;
5. Lack of water pressure, and
6. Inappropriate three storey development in area.

## PLANNING HISTORY

CH/05/0373 – Demolition of existing detached bungalow and construction of 3 storey block consisting of 15 flats, conversion of existing semi-detached dwelling into 2 flats incorporating dormers with associated car parking and landscaping. Refused 4.8.05 (Delegated).

CH/05/0707 - Demolition of existing detached bungalow and construction of three storey apartment block comprising 7 units, conversion of existing semi-detached house into 2 flats and construction of 3 bungalows. (Re-submission of planning application CH/05/0373). Refused 25.1.06 (Committee).

## OBSERVATIONS

- 1.1 This detailed application seeks permission for the erection of 7no. 2 bed detached brick and tile bungalows on land to the rear of 284 Hednesford Road, Norton Canes. The application site currently forms an area of open

land to the south of Hill Street, which comprises a development of existing semi-detached and detached bungalows, with close boarded fencing on the boundaries. It is proposed to erect 7no. bungalows with 14no car parking spaces together with a turning area for refuse and emergency vehicles. Access to this part of the development would be off Hednesford Road.

- 1.2 Members will recall that the planning application for residential development on the site frontage adjoining Hednesford Road was refused at the last Committee on the grounds of overdevelopment and on the effect on the character and appearance of the area. This current application still requires to use the proposed access arrangements that would have been provided to serve the refused development and the applicant has amended the submitted site plan to incorporate this information.
- 1.3 The proposed scheme has been revised to ensure that all tree and hedge vegetation of significance on and bordering the site will be retained and integrated into the development and a final landscaping scheme is currently being prepared. Members will be updated on this matter at the meeting.
- 1.4 The development complies with the requisite space about dwellings standards and will not have any adverse impact on the amenities and privacy of the occupants of those dwellings in Hill Street or Hednesford Road.

#### 1.5 HUMAN RIGHTS ACT

The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her own property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan policy and are proportionate.

#### 1.6 CONCLUSIONS

The proposed development is in compliance with the relevant Local Plan policy context and as a consequence, will not adversely affect the character and appearance of the area of the amenities of the adjoining residential properties.

### EXTERNAL CONSULTATIONS:-

SCC Police	-	Query the access off Wimblebury Road.
Parish Council	-	Object due to inadequate parking facilities, increase in traffic and the possibility of takeaway sales.

### INTERNAL ADVICE:-

Env. Health	-	The premises are adjacent to residential properties, and the use could not be carried on without a loss of amenity to those properties.
Economic Dev.	-	No objections.

### RESPONSES TO PUBLICITY:-

Site notice/neighbour consults – 64 standard letters were received and 7 individual responses. The letters objected on the following grounds:-

Noise and disturbance late at night  
Increase in traffic  
Smells from waste and cooking  
Vermin  
Devaluation of property  
It would be the only business in a residential area  
Anti social behaviour  
Loss of privacy  
Problems with drains and sewers  
There are already enough takeaways

### PLANNING HISTORY:-

CH/05/0005 Residential development – R 20/05/05 Cttee  
CH/04/0794 Residential development – R 14/12/04 Cttee  
CH/95/0157 Change of use of 1<sup>st</sup> floor flat to office A 15/05/95 Cttee

### OBSERVATIONS:-

- 1.1 The application site comprises 0.12 h.a. of land generally rectangular in shape sited approximately 100m from Five Ways Island and on the northern side of Hednesford Road. The area within which it is sited is predominantly residential with some commercial properties immediately to the west. The garage site opposite has recently obtained planning consent for residential development. The present use of the two storey building on the site is the sales/service of photocopying machines. There are buildings to the rear which are to be demolished. There are two accesses to the site, the principle one off Hednesford Road, and a secondary one between nos. 15 and 23 Wimblebury Road.
- 1.2 The proposal is to change the use of the premises to that of a restaurant on the ground floor only, the existing two flats on the first floor to be retained. There is no proposal to use the premises as a takeaway.
- 1.3 Based on the seating arrangements within the premises and the number of staff proposed a total of 16 car parking spaces would be required and a

further 3 retained for the occupiers of the two flats, a total of 19 spaces. Immediately before the last Committee meeting a revised plan was submitted showing a parking scheme which includes an additional 4 spaces sited on the eastern elevation of the premises, the full length of the access of Hednesford Road. It is not possible to utilise these spaces without reversing out onto Hednesford Road, therefore the proposed arrangements are considered unsatisfactory, and the proposal in respect of carparking unacceptable. There are no public car parks in the immediate vicinity.

- 1.4 There is a rear access to the site. The use of this access for the proposed use would result in vehicles passing the rear gardens of properties in Wimblebury Road at a level that may well exceed that which exists. The use of this access could be controlled by condition were consent recommended.
- 1.5 With regard to the objections raised, it is considered that the possibility for noise and disturbance up to midnight on any evening is unacceptable in a primarily residential area. Vehicles would be parking and manoeuvring in close proximity to the private rear gardens adjoining the site which would be seriously detrimental to the amenity of the occupiers of those properties, as would the associated, and inevitable, noise of customers visiting and leaving the premises.
- 1.6 The increase in traffic to the premises would cause loss of amenity, however, it is not considered that the additional traffic would in itself be detrimental to highway safety.
- 1.7 Cooking odours would be satisfactorily controlled by extraction facilities. The disposal of waste is covered by other legislation, and its proper disposal would minimise the risk of it attracting vermin. It is unlikely that one single premises would on its own be responsible for all vermin in the area.
- 1.8 Devaluation of properties is not a planning consideration.
- 1.9 The proposed use would be a singular late night use in a residential area. A restaurant would not necessarily lead to anti social behaviour, however, the associated noise and disturbance from general coming and goings during the evening would cause a loss of amenity. The noise would also impinge on peoples' privacy in that a reasonable degree of quiet may be expected during the evening. This would still be the case with an earlier closing time of say 11 p.m. which the applicant has indicated he would consider.
- 1.10 With regard to waste and grease entering drains and sewers, its proper disposal is controlled by other legislation.
- 1.11 The proposal is for a restaurant not a takeaway, the use of which could be controlled by condition in any event.
- 1.12 For the reasons stated above, the proposal is considered unacceptable and refusal recommended.

#### Human Rights Implications

- 1.13 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the

policies of the Adopted Local Plan and the applicant has the right of appeal against the decision.

### RESPONSE TO PUBLICITY

Near neighbours notified and one letter of objection received from a local resident. The grounds of objection relate to the canopy being constructed of sub-standard materials and will result in problems of loss of privacy and amenity.

### PLANNING HISTORY

CH/98/0269 – Railings on top of flat roof extension to rear of dwelling. Approved 24.6.98 (Delegated).

### OBSERVATIONS

- 1.1 This detailed application seeks retrospective planning permission for the retention of a first floor canopy over an existing flat roofed extension to the rear of a detached house at 10 Juniper Drive, Hazelslade.
- 1.2 The pitched roof canopy measures 3.2m high x 4.27m long x 2.33m wide and is constructed of timber with a shingle type tar slated roof. The applicant had previously installed replacement windows and a door in the first floor rear elevation of the property to gain access from the bedroom to the flat roof and has subsequently partially enclosed this flat roofed area with the canopy. The enclosed area contains a table and chairs and flower/plant baskets etc. Black painted railings are located around the perimeter of the flat roof.
- 1.3 The detached property is located in a cul-de-sac, set in line with No. 12, but back from No. 8. There are tall mature conifers and a 2m high close boarded fence on the site boundary with No. 8 and a 2m high close boarded fence with semi-mature conifers on the applicants' side of the boundary. A perspex 'screen' has been erected on the side elevation of the canopy structure where it faces the boundary of No. 12.
- 1.4 The rear of this property faces onto an area of open land between the Close and Westgate Terrace. The application site and the open land are located within the Area of Outstanding Natural Beauty.
- 1.5 The applicant has been using the flat roof as an area for sitting out since at least 1998, when planning permission was granted for the erection of some decorative railings around the perimeter to prevent the pot plants being blown away. Whilst the Council cannot stop the flat roofed area being used as an area for recreation purposes, it was previously an open area and as a consequence could not be used all year. The erection of a canopy effectively encloses this area and makes it possible to be used in all weathers, thus increasing the likelihood of having an adverse affect on the privacy and amenity of the adjoining occupiers at No. 12. This is also exacerbated by the design of the perspex 'screen' on the side elevation which effectively allows the applicant to be able to see directly into the garden area of No. 12 from the flat roof. The application property is set some 4.5m in front of the rear elevation of No. 8 and with the existence of the mature conifers on the boundary it is considered that it will not have an adverse effect on the amenities and privacy of those occupants.

- 1.6 This first floor structure can be viewed from outside the site across the open area of land referred to in paragraph 1.4 above and from No.s 8 and 12 Juniper Close. It is considered that the appearance of the canopy and the materials used are unsuitable for what is a prominent structure at first floor level.
- 1.7 Given that the proposal is a retrospective application, then if members resolve to refuse the application in accordance with the recommendation contained in this report, then enforcement proceedings can commence to secure the removal of the structure.

1.8 HUMAN RIGHTS ACT

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Adopted Local Plan and the applicant has the right of appeal against this decision.

1.9 CONCLUSIONS

The proposal is unacceptable in appearance terms and its location will result in an unsatisfactory affect on the amenities and privacy of the adjoining property. Accordingly, the proposal is contrary to the requirements of policy B8 of the Adopted Local Plan.

## EXTERNAL CONSULTATIONS:-

Hednesford Town Council - No objections

## RESPONSE TO PUBLICITY:-

Adjacent occupiers notified. 2 letters of objection received on the following grounds:-

- Site of proposed extension is used for parking so result will be increased parking problems and congestion on cul de sac.
- Loss of privacy.
- Car port will affect access onto neighbours drive, poles will encroach on her property and prevent passengers getting in and out of her vehicle on this shared drive.

## HISTORY:-

645/78 – Residential development – approved 2/2/79

728/78 – Residential development – approved 15/2/79

CH/05/0558 – Car port to front of existing garage and 2 storey extension to side – refused 6/10/05

## OBSERVATIONS:-

- 1.1 The application is a resubmission following a previous refusal. The current scheme proposes a single storey extension to side and a car port to the front of the existing garage.
- 1.2 The site comprises a modern house on the corner of a cul de sac within a residential estate. There is an existing garage and a parking space in front beyond the rear garden wall. In the front garden is a tree planted as part of the original landscaping scheme which is protected by Tree Preservation Order.
- 1.3 The previous refusal related to a 2 storey extension which conflicted with the Council's separation distances, would have been visually detrimental to the street scene and would have had a poor relationship with the protected tree. The amended scheme relates to a single storey extension on a smaller footprint. This complies with required spatial separation from adjacent properties, would minimise the effect on the street scene and avoid harm to the protected tree. The car port proposal remains as shown previously, with a flat roof supported on poles over the existing drive. The site is within the ownership of the applicant, who confirms that the driveway is not shared. Any obstruction resulting from the pole positions would be little different from the situation if the applicant's car were parked on the drive. The site of the proposed extension is currently lawn and is not a formal parking area. The applicant has, though, shown an additional parking space in the front garden, making a total of three and therefore exceeding the Council's requirements for a dwelling of this size.

### 1.4 Human Rights Act Implications

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an

individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

## EXTERNAL CONSULTATIONS

Travel Management & Safety - No objection subject to conditions  
S.C.C

## INTERNAL COMMENTS

Environmental Health - No adverse comments are offered. Recommend that working hours be restricted to those hours as proposed

Economic Development - No objections

## RESPONSE TO PUBLICITY

Near neighbours notified and site notice posted, with 7 letters of objection received and one letter received from the neighbour of 13 Ullswater Place stating that they have no major objections to the proposal. This latter letter from the neighbour of 13 Ullswater Place states that the applicants have offered landscaping to be planted between the parking area and the neighbour to screen the parking area. If this is adhered to and the surgery hours are of an acceptable period, then at this point in time no problems are foreseen.

The letters of objection received, object on the following grounds:

1. Ullswater Place is a residential area and should not be changed by any property to commercial. The proposal will result in a loss of a bungalow to the housing market.
2. The pleasant outlook from the neighbour opposite will be compromised by the provision of a car park only metres from the house. Green lawns and bushes are to be replaced with tarmac and cars. The car park is considered large and out of proportion with the existing property and not in keeping with the street scene. Deeds to properties on the estate stipulate open garden fronts.
3. The amount of traffic in the street will escalate and could cause problems manoeuvring in amid the narrowness of the road. Ullswater Place already has a traffic problem, where it meets Coniston Way. There is a constant flow of traffic attending the doctors' surgery and the dental practice in Coniston Way. Motorists turn around in Ullswater Place from Coniston Way and even park in Ullswater Place. Coniston Way and Ullswater Place are also used as over spill parking from McDonalds/shopping outlet opposite the main road.
4. Ullswater Place is at the present time a quiet residential area and very pleasant to live in and this would be definitely endangered with the extra volume of traffic creating more congestion and parking problems. There will be further problems of both access and egress to adjacent properties. Pollution levels will increase due to rise in vehicular movement as well.
5. The creating of a car park will no doubt be an attraction for illegal parking of cars at the weekends and evenings. This could result in noise at all times of the night and early mornings, which will cause inconvenience to the present residents in what has been a lovely residential area. The car park would soon become a playground for skateboards and cycles.
6. There will be a reduction in property values.

7. Vandalism also has to be considered. An empty property every night and weekend will only encourage damage and nuisance to this area.
8. The application would set a precedent to allow others to do the same.
9. If the osteopath practice is approved and is unsuccessful, the residents will have no control on new purchaser. The proposal would be better suited in the Town Centre.

## OBSERVATIONS

- 1.9 The applicant seeks consent for a change of use from a residential property to an Osteopath Surgery at 14 Ullswater Place, Cannock. The character of the area is primarily residential but the site is in close proximity to a Doctors Surgery and a Dental Practice located in Coniston Way, and within walking distance of the Town Centre.
- 1.10 14 Ullswater Place is a bungalow which is vacant at present, sited at the corner of Ullswater Place and Coniston Way. This proposal is to relocate an existing business from 35 Lower Road, Hednesford which will then return back to a residential property. The business will have a floor space of 40 square metres, comprising of two treatment rooms and one waiting room. The new business to be located in Ullswater Place will be staffed by two part time employees, and there is to be eight parking spaces to the front, two for staff and six for visitors.
- 1.11 No alterations to the building have been proposed, keeping the appearance of the residential bungalow. Only one sign to mark the business above the hedge line is proposed to indicate the business. The hours of opening would be 9am to 6pm Monday to Friday, 9am to 1pm on Saturday and no time on Sunday.
- 1.12 Comments received from the county highway department recommend approval as the parking provision is in accordance with the adopted supplementary planning document on parking standards. Therefore in regard to the comments received relating to the increase in traffic congestion, visitors will be able to park on site and the access to the new car park is to be located in the same position of the existing access, which is to be widened to 5m. Therefore no parking will need to take place in the Road.
- 1.13 Issues have been raised by surrounding properties with the creation of a car park, replacing the existing garden to the property. The applicant has shown on the plans that the hedge to the side adjacent Coniston Way is to be retained as is the grassed areas around the property. The area currently open to the side along Ullswater Place is to be enclosed by post and chain fencing. A condition has been recommended to retain the area of hedge along Coniston Way.
- 1.14 In regard to comments relating to disturbance to surrounding residential properties in the area, a condition has been recommended to restrict the operating hours as stated. The existing business is located within a residential area and it is considered that this business can be carried out in this area without having a detrimental on surrounding residential properties. Also devaluation is not a planning consideration.

1.15 There is ample parking places proposed on site and it is considered that the proposal will not adversely affect the amenity to neighbouring properties to a significant degree with the area still be primarily residential, so approval is recommended.

1.16 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.17 Conclusion

The development proposed is not considered inappropriate development, not having a significant detrimental effect on the amenity of the area and having ample parking to prevent an increase in the likelihood of highway danger.

## EXTERNAL CONSULTATIONS

STAFFS. COUNTY HIGHWAYS: No objections.

## RESPONSE TO PUBLICITY

Site notice posted and adjacent occupiers notified. One letter of objection received on the following grounds:-

- As residents facing the site the outlook has been marred by the arrival of McDonalds.
- Existing problems of litter, noise and nuisance from the drive-through and customers generally.
- Existing traffic problems on the dual carriageway escalated by McDonalds.
- Existing doorway to McDonalds in dangerous position by the drive-through.
- The sign will become bigger and bolder affecting outlook from objector's property.
- Objector's property was blighted by these developments and lost value with re-banding of Council Tax as a result. This will worsen situation.

## HISTORY

CH/95/0322	-	Food/non food retail outlets, A1, A3 and parking	-	Approved 1/2/96
CH/96/0064	-	McDonalds restaurant and drive-thru	-	Approved 3/4/96
CH/96/0074	-	Restaurant and drive-thru	-	Approved 3/4/96
CH/96/0272	-	6 m pole sign	-	Approved 5/12/96
CH/96/0271	-	Signs	-	Approved 17/7/96
CH/96/0273	-	Signs	-	Approved 17/7/96
CH/00/0120	-	Alterations to car park to extend drive-thru lane	-	Withdrawn 18/7/01

## OBSERVATIONS

- 1.1 The application seeks approval for single storey extensions to front and side, projecting approximately 1 m further out in each dimension and creation of a new entrance adjacent to the car park. The restaurant would be refurbished with a rendered frontage with timber louvers and a new 'blade' entrance feature with canopy. New signage would be subject to a further application.

1.2 The site comprises a modern single storey McDonalds premises on a small retail development on the edge of Cannock town centre. It incorporates a 'drive-thru' facility and the entrance is adjacent to this traffic lane at present.

1.3 The proposal would extend over existing paved pedestrian areas and allow formation of a new entrance on a wider paved area adjacent to the car park. The majority of the objections relate to the existing use of the site and it is not considered that the proposal would cause any significant change to the situation. The design of the proposal is considered appropriate in this location. No objections are raised by the Highways Officer.

#### 1.4 Human Rights Act Implications

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

#### 1.5 Conclusion

Approval is recommended.

## EXTERNAL CONSULTATIONS

Travel Management & Safety - S.C.C	No objections on highway grounds
Norton Canes Parish Council -	No objection
Environment Agency -	No response
Inland Waterways Association -	The current temporary use is acceptable and therefore no objections. However, the pallets are stacked rather high at present and you might wish to consider some height limitation to protect public safety and visual amenity.
English Nature -	The proposal itself is unlikely to result in damage to the interest features for which the site is of special interest. Should any proposal include the storage of fuels or other chemicals, the storage facilities are appropriately sited and bunded. This is particularly the case if the process includes, for example, the use of any timber preservatives or other chemicals.

## INTERNAL COMMENTS

Environmental Health -	No adverse comments are offered. Recommend that conditions 2, 3 and 5 on the existing consent are re-applied
Economic Development -	No comments at time of writing

## RESPONSE TO PUBLICITY

Site Notice Posted and near neighbours notified with 1 letter of objection received, objecting on the following grounds:

1. The access from Lime Lane is on a very bad bend and this year alone there has been in excess of 90 accidents on this bend. Traffic using this access creates a further hazard.
2. The site has been a smokeless zone for a few years yet the pallet unit has thick smoke belching from their chimney on a daily basis.
3. The private access road from Lime Lane is now in a very poor condition and all traffic using it are obviously having a detrimental effect on an already poor surface.

## PLANNING HISTORY

CH/02/0364	Change of use for the repair and storage of pallets	Approved 04/09/2002
CH/90/0352	Renewal of Planning Permission	Approved 04/07/1990
	CH/89/0739 for the repair and storage of pallets	
CH/89/0739	Change of use for the Repair and Storage of Pallets	Approved 01/11/1989

## OBSERVATIONS

- 1.18 The applicant seeks consent for renewal of planning permission CH/02/0364 for a change of use for the repair and storage of pallets at Grove Colliery, Lime Lane, Pelsall. The application site is an area of land including a workshop building, approximately 1300m<sup>2</sup>, just inside the entrance to the colliery, used for the repair and storage of pallets. The site is screened from the Canal by high trees and hedge screen and from adjoining residential properties by existing derelict buildings. There is a perimeter fence around the site.
- 1.2 Whilst the site is within the Green Belt where commercial uses are not normally acceptable, the repair and storage of pallets have been undertaken at this site dating back from 1989 and this application is to renew this change of use. Temporary permission has been granted for a number of business uses on the former colliery site pending consideration of a long term use for the whole site which can only be determined following the completion of landfill operations.
- 1.3 In regard to the objections received, the applicant has a right of access over the unadopted road and County Council highway officers have no objections to the use of this access. The speed limit outside this access adjacent the Pelsall Bridge has been reduced to 15 miles per hour to reduce accidents.
- 1.4 A condition restricting hours of use is recommended to prevent traffic coming in and out at all times of the day and night. Traffic flows are estimated to be 10, over 3 tons unladen weight, commercial vehicles movement per day which is considered to be acceptable to use the existing access close to the bridge. As part of the last planning application renewing this consent, conditions were added for additional road markings and a warning sign which were done. A condition is being recommended to prevent fires lit by the pallet works. Smoke emissions from the chimney would need to comply with any Environmental Health Regulations.
- 1.5 It is considered that the proposal will not adversely affect the amenity to neighbouring properties and is acceptable on a temporary basis so approval is recommended.
- 1.6 Human Rights Act
- The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.
- 1.7 Conclusion
- The proposal is considered to be acceptable on a temporary consent until the end of the landfill site and approval is recommended.

## EXTERNAL CONSULTATIONS

Travel Management & Safety - S.C.C	No objections on highway grounds
Norton Canes Parish Council -	No objection
Environment Agency -	No response
Inland Waterways Association -	The current temporary use is acceptable and therefore no objections.
English Nature -	The proposal itself is unlikely to result in damage to the interest features for which the site is of special interest. Should any proposal include the storage of fuels, paints etc, the storage facilities are appropriately sited and bunded. This is particularly the case if the site is used for maintaining, repairing or painting the equipment over the winter period.

## INTERNAL COMMENTS

Environmental Health -	No adverse comments are offered. Recommend that the standard "no open burning" restrictive condition, H9 be applied and any maintenance works be restricted to 8.00 to 18.00 Mondays to Saturdays only.
Economic Development -	No comments at time of writing

## RESPONSE TO PUBLICITY

Site Notice Posted and near neighbours notified with 1 letter of objection received, objecting on the following grounds:

1. The access from Lime Lane is on a very bad bend and this year alone there has been in excess of 90 accidents on this bend. Heavy and long vehicles from the fairground arrive and leave at all times of the day and night and the neighbour is amazed that no accidents involving these vehicles have yet occurred.
2. The private access road from Lime Lane is now in a very poor condition and all traffic using it (especially heavy vehicles) are obviously having a detrimental effect on an already poor surface.

## PLANNING HISTORY

CH/02/0363	Use of and for winter occupation for fairground equipment continuation of planning permission ch/95/0394	Approved 04/09/2002
CH/95/0394	Winter quarters for fairground equipment	Approved 18/10/1995
CH/92/0573	Use of land for winter occupation for fairground equipment. Amended plans.	Approved 02/12/1992

## Revised site boundaries

CH/91/0712 Use of land for Winter Occupation for  
fairground equipment.

Approved 18/12/1991

### OBSERVATIONS

- 1.1 The applicant seeks consent for renewal of planning permission CH/02/0363 for the use of land for winter occupation for fairground equipment at Grove Colliery, Lime Lane, Pelsall. The application site is a small area of the former Grove Colliery site used for winter quarters relating to fairground operators. The site is well screened from Lime Lane and the Wyrley and Essington Canal and is 70m from the nearest residential property 137 Lime Lane which is vacant. The nearest habited dwelling is over 100m away from the site. The site lies within the Green Belt.
- 1.2 A number of temporary consents have also been granted for the storage of pallets adjacent the application site. It is considered that the use will be acceptable on a temporary basis whilst the reclamation and tipping operations are taking place. The temporary use of this site for winter quarters will not prejudice the use of the site in the future by uses appropriate to the Green Belt. It also brings the benefit of providing on site security.
- 1.3 The site is some distance away from the nearest residential properties, however, it is recommended for a condition to control the hours of any maintenance/repair works should the application be approved. A condition has also been recommended to prevent fires being lit on site.
- 1.4 In regard to the objections received, the applicant has a right of access over the unadopted road and County Council highway officers have no objections to the use of this access. The speed limit outside this access adjacent the Pelsall Bridge has been reduced to 15 miles per hour to reduce accidents.
- 1.5 The temporary development proposed is not considered inappropriate development, not having a detrimental effect on the amenity of the area and will not adversely affect the amenity to neighbouring properties so approval is recommended.
- 1.6 Human Rights Act  
  
The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.
- 1.7 Conclusion

The proposal is considered to be acceptable on a temporary consent until the end of the landfill site and approval is recommended.

## EXTERNAL CONSULTATIONS:-

Hednesford Town Council - No objections

## RESPONSES TO PUBLICITY:-

Near neighbours were notified resulting in two responses. Both letters state that the boundary fence is now stopping visitors cars parking on the land. In addition, one letter further states that the land is not in the applicants ownership and the fence is out of place as the Croft was supposed to be open plan.

## OBSERVATIONS:-

- 1.1 The applicant seeks consent to retain a 2.2 metre high boundary fence, a bay window and canopy to the front and a single storey extension at the rear at 6 Hewston Croft, Hednesford.
- 1.2 The bay and canopy at the front of the property is constructed from matching materials as is the single storey extension with mono pitch roof at the rear. This measures approximately 4.2 metres in width, 2 metres in depth and 3.5 metres at the highest part of the roof. The boundary fence is constructed from close boarded timber panels and concrete post, and it encloses an area of land to the front and side of the property.
- 1.3 With response to the concerns from the objectors, the previous owners of the application site submitted a claim to the Land Registry in 1998. The land will become in the ownership of the applicant in 4 years time and the applicant has been advised that a fence was required to stop vehicles parking on the land. There are no planning conditions relating to any property within the Croft regarding an open plan aspect. In addition, every property within the Croft contains a minimum of 3 parking spaces and therefore sufficient visitor parking is available.
- 1.4 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies of the Local Plan which aims to secure the proper planning of the area in the public interest.

## CONCLUSION:-

The concerns of the objectors are based on civil matters. It is not considered that the proposal has any detrimental effect on neighbouring properties or the street scene and therefore approval is recommended.

## EXTERNAL CONSULTATIONS

Brindley Heath Parish Council -

Object on the following grounds:

1. The extension will mass the existing single storey club to such an extent as to dominate its surroundings.
2. The club/pub is already a cause of noise nuisance and the creator of parking problems. Any such development which could give rise to greater numbers of visitors or enhance its permanence is not acceptable.
3. Creating an even bigger music venue in this location is totally out of keeping with the area.

Cannock & District Access Group - No response at the time of writing this report

## INTERNAL COMMENTS

Environmental Health - No objections

## RESPONSE TO PUBLICITY

Site Notice posted and near neighbours notified with no letters of objection received.

## OBSERVATIONS

- 1.19 The applicant seeks consent to erect a two storey extension to the front at The Tackeroo, Bracken Close, Hednesford. The extension will be 8.65m wide by 2.65m in length and will be 5.9m high. The extension will comprise toilet facilities including a disabled w.c on the ground floor and a changing room with toilet facilities on the first floor.
- 1.20 The applicant has stated that the extension is required as the existing toilet facilities are inadequate overall, being too small and out of date. Also at present there is no facility for disabled people.
- 1.21 The extension has been designed to be in keeping with the existing property and meets council design guidance not breaking daylight standards to neighbouring properties. The Tackeroo Club is located opposite a car park with the nearest neighbouring properties in Bracken Close being sited on higher land and not directly facing the proposed extension. The extension will also be located over 4m back from the footpath, so it is considered that the extension will not have a detrimental impact on the street scene or on the Area of Outstanding Natural Beauty where the premises are located.
- 1.22 Two additional parking spaces are proposed to the front with the entrance altered to become more disabled person friendly. It is not considered that the extension will have a significant detrimental impact on neighbouring properties amenity, being in keeping with the scale and character of the premises. Parking standards can be achieved so approval is recommended.

### 1.23 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

### 1.24 Conclusion

In conclusion, it is considered that the extension proposed would not have a significant detrimental impact on the amenity of neighbouring properties or the character of the property and as such, is acceptable.