

# PLANNING APPLICATION NUMBER:P08/1610

Type of approval sought	Full Planning Permission
Ward	ST JAMESS
Applicant	Chantelle Johns, Soul Food Takeaway
Location:	<b>10, WELLINGTON ROAD, DUDLEY, DY1 1RB</b>
Proposal	<b>CHANGE OF USE OF LAND FOR THE SITING OF A MOBILE CATERING TRAILER (RETROSPECTIVE)</b>
Recommendation Summary:	<b>REFUSE</b>

## SITE AND SURROUNDINGS

1. The site occupies a prominent position on the corner of Waterloo Street and the heavily trafficked Wellington Road (B4177). It is a mixed use area. The site itself occupies the forecourt of an industrial unit. There is housing directly to the north, retail and a café to the south, retail to the north-east and a public house to the south-east.
2. The site is situated within an area of Linear Open Space (Policy S02) designated within the adopted Dudley Unitary Development Plan.

## PROPOSAL

3. This is a retrospective planning application. The mobile catering unit is located on the existing forecourt of a factory unit (10 Wellington Road). It has been placed close to the road and there is a sign in front of it on the pavement which reads:

*'You don't have to leave your car this winter, pull up and we'll bring your order to you'*

4. The mobile unit measures 3.0m wide and is 1.8m deep. It has a white background and has been hand painted with colourful lettering and illustrations to advertise the nature of the business.

## HISTORY

### 5. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/52/83	Extension to existing works	Approved	13/03/52
DY/57/393	Extension to factory	Approved	15/07/57
DY/63/341	Outline extension to factory	Approved	14/08/63
DY/64/16	Extension to existing works	Approved	22/01/64
DB/66/241	Outline erection of store, loading bay and garage and provision of car parking	Refused	31/10/66
DB/72/10836	Erection of 2 storey factory	Approved	15/01/73

## PUBLIC CONSULTATION

6. A petition in support of the application containing 303 signatures from customers of the mobile unit has been submitted by the applicant.
7. Councillor Malcolm Davis has indicated by email that he supports this application and has indicated that he would like to speak when the application is considered by the Development Control Committee.

## OTHER CONSULTATION

8. Group Engineer - Development – refusal recommended. It is located on a car park to an existing building this would lead to the loss of parking for the unit. There may also be short term indiscriminate parking on the highway by customers of the mobile catering trailer as the car park is considered to be unattractive for customers with its appearance as a factory parking/loading area.
9. Head of Environmental Health and Trading Standards – no objection subject to a condition restricting the hours of opening.
10. British Waterways - no objection subject to conditions.

## RELEVANT PLANNING POLICY

### 11. Adopted Dudley Unitary Development Plan

Policy DD1 – Urban Design  
Policy DD2 – Mixed Use  
Policy SO2 – Linear Open Space  
Policy AM14 – Parking

## 12. Supplementary Planning Documents

### Parking Standards and Travel Plans

## ASSESSMENT

### Key Issues

- Appearance
- Impact upon the existing car park and highway safety

### Appearance

13. The mobile catering trailer is parked in a prominent location which is readily visible from Wellington Road. The site frontage has no landscaping and the existing boundary treatment comprises unsightly concrete bollards. By nature the trailer is a temporary structure. It has been hand painted in highly colourful lettering and illustrations which draw the eye to it. Despite the site being situated within a mixed use area it is considered that this visually prominent temporary structure is an incongruent alien feature in the street scene which visually detracts from the character and appearance of the area contrary to Policy DD1 of the adopted Dudley Unitary Development Plan.

### Impact upon the existing car park and highway safety

14. The mobile unit is parked on the frontage of a large industrial unit which would appear to be vacant at the moment. Customer parking for the mobile trailer is also indicated on this forecourt area. The Design and Access Statement states that the operation would occupy three quarters of the factory forecourt by day and the entire forecourt after 4.00pm. If planning permission were to be granted for this application therefore it would have a profound impact upon the amount of car parking available for the existing factory unit. This would potentially lead to increased on-street parking in the vicinity of the site to the detriment of highway safety.
15. The Group Engineer, Development is of the opinion that the area indicated for customer parking would be unattractive for customers given that it has the appearance of a factory parking/loading area. He believes therefore that customers will park on-street where there are parking restrictions in the form of double yellow lines. This concern is reinforced by the advertising sign on the footpath which encourages customers not to leave their car, stating '*.....pull up and we'll bring your order to you*'. On-street, short-term indiscriminate parking outside the site, which is near to the junction with Waterloo Street would increase the potential for accidents and would therefore be contrary to Policy DD6 of the adopted Dudley Unitary Development Plan. Enforcement action is therefore recommended to secure the removal of the mobile catering trailer.

## CONCLUSION

16. The mobile trailer is sited on the forecourt of an existing factory unit. Boundary treatment is poor and the trailer is visually prominent. This is exacerbated by the colourful lettering and illustrations hand painted on three sides of this temporary structure. The use of the site will deprive the existing factory unit of off-street parking spaces and the take-away nature of the business, located in close proximity to the highway would encourage short-term indiscriminate on-street parking to the detriment of highway safety. As such the application is contrary to Policies DD1 and DD6 of the adopted Dudley Unitary Development Plan.

## RECOMMENDATION

17. It is recommended that the application is refused for the following reasons:

Conditions and/or reasons:

1. The mobile trailer, by reason of its siting and appearance creates a prominent, visually incongruous feature in the street scene which detracts from the character of the area. As such it is contrary to Policy DD1 of the adopted Dudley Unitary Development Plan.
2. The use of the existing factory forecourt to accommodate the mobile trailer and associated customer parking would considerably reduce available off-street parking for the existing factory unit. This would lead to on-street parking which would be to the detriment of highway safety and contrary to Policy DD6 of the adopted Dudley Unitary Development Plan.
3. The nature of the hot food business and its close proximity to the highway would encourage indiscriminate short-term on-street parking close to the junction with Waterloo Street to the detriment of highway safety contrary to Policy DD6 of the adopted Dudley Unitary Development Plan.



**Location Plan:-** AREA 2 HA  
SCALE 1:1250

CENTRE COORDINATES: 393612, 289914

Reference no.7



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FRONT ELEVATION



SIDE ELEVATION

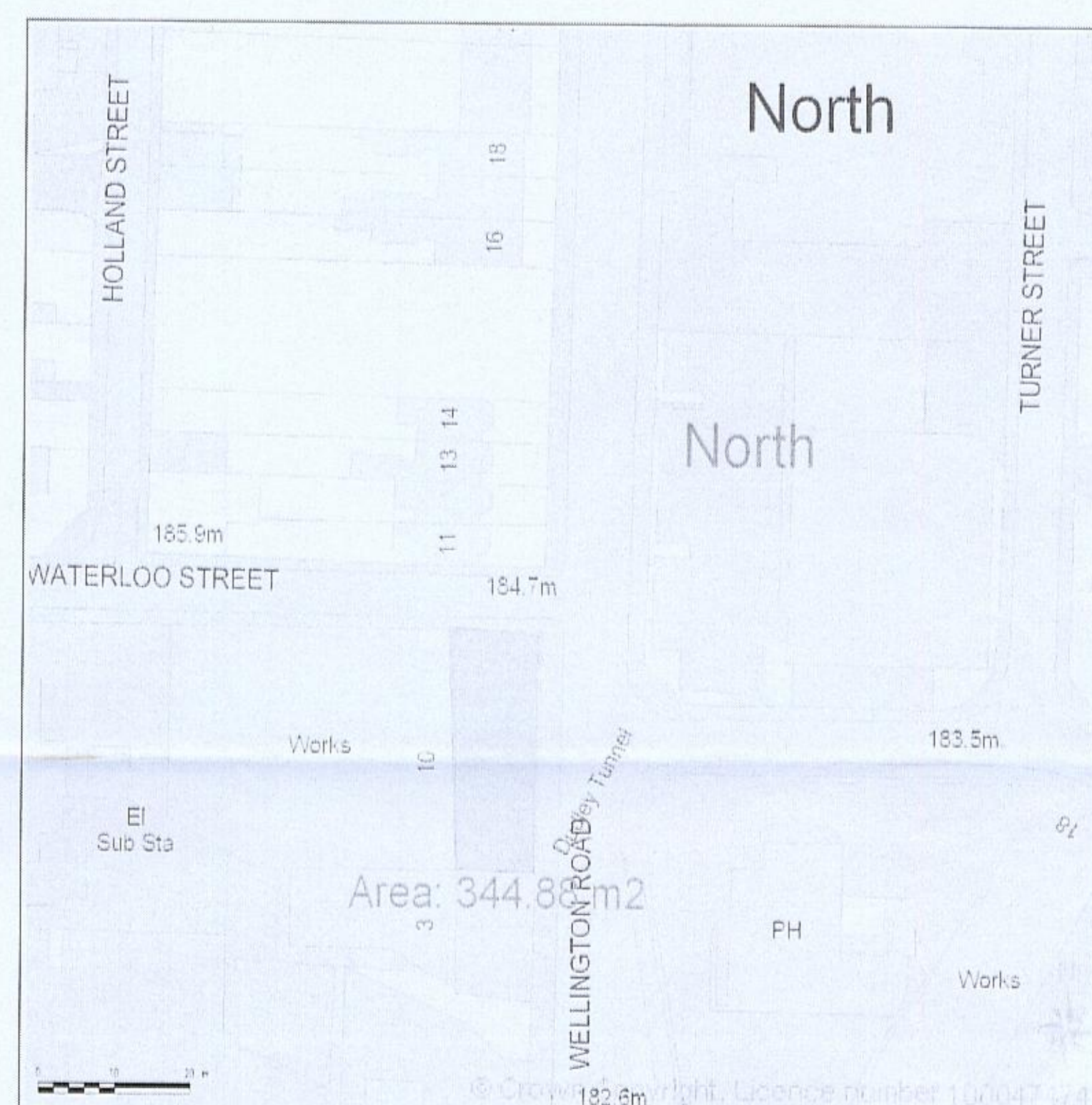
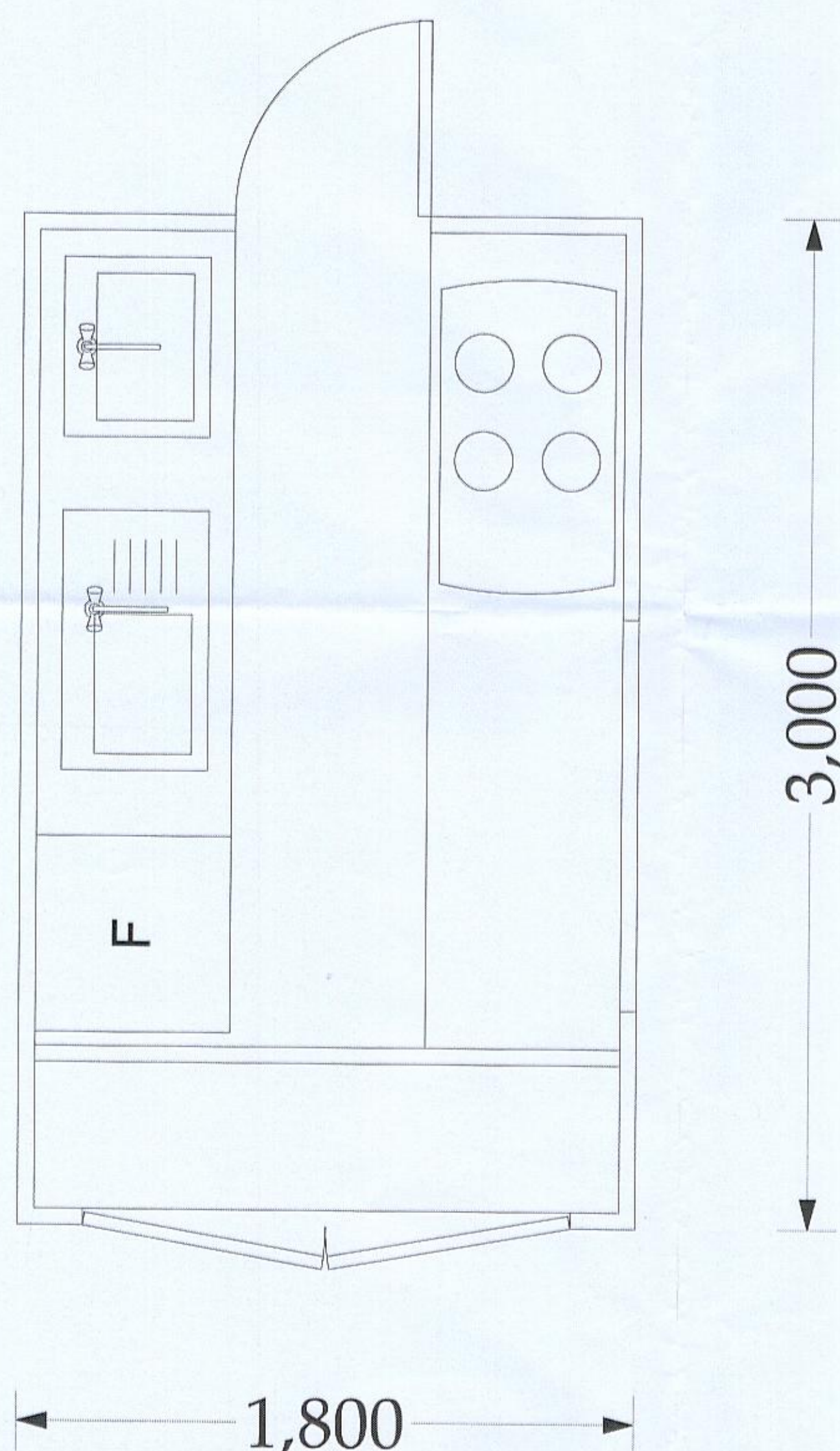


REAR ELEVATION



SIDE ELEVATION

FOOD TRAILER DETAIL  
3,000mm LONG x 1,800mm DEEP  
2,400mm HIGH O/ALL - 1,900mm INSIDE FLOOR to CEILING

[illegible]