

PLANNING APPLICATION NUMBER:P09/0336

Type of approval sought	Full Planning Permission
Ward	QUARRY BANK & DUDLEY WOOD
Applicant	Mr Raymond McLaughlin
Location:	CROMWELL PLASTICS LTD REAR OF 53 TO 54, NEW STREET, QUARRY BANK, BRIERLEY HILL, DY5 2AZ
Proposal	ERECTION OF STEEL SECURITY GATES WITH WOODEN CLADDING (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site accommodates a small industrial unit at the rear of terraced houses. Vehicular access is gained via the gates, which are the subject of this application, off New Street (between nos. 52 and 53). The applicants control the adjoining terraced dwelling at no. 52 New Street.
2. The character of the area is Edge of Centre (as defined in the New Housing Development Supplementary Planning Document - SPD) – New Street is a street of mixed dwelling types (but predominately terraced houses in the vicinity of the site), in close proximity to Quarry Bank Local Centre.

PROPOSAL

3. The proposal is primarily retrospective. The gates are 2.68 metres in height and 3.9 metres wide, fixed onto the side elevations of nos. 52 and 53 New Street across the access way, approximately 300 mm in from the back of pavement line. They are currently green painted, steel clad with fleur-de-lys finials on top.
4. The proposal seeks to overcome a previous refusal for these gates (P08/1791). The reasons for refusal on that application are:-
 1. *As a result of their predominantly steel finish and siting, the gates appear robustly industrial within a predominantly residential street. They therefore appear*

incongruous within the streetscene, with their prominence exacerbating this negative visual impact. They are therefore inappropriate to the character of the area, failing to make a positive contribution to the local environment, contrary to policies DD1 and DD4 of the Unitary Development Plan.

2. There is an absence of information, particularly within the submitted Design and Access Statement, on access to the site and operational detail. As a result of this, there is nothing to counter the view that, due to the siting of the gates close to the back of pavement line, there is the potential for vehicles to overhang the footway out into the highway while the gates are being opened or closed. The potential for highway safety to be unduly compromised therefore arises, contrary to policy DD6 of the Unitary Development Plan.

- 5 The current application seeks to overcome these reasons for refusal by–
 - a) proposing to clad the gates with wood (close boarded timber vertical planking - 800mm x15 mm attached with steel bolts);
 - b) in the Design and Access statement (which has been revised from the one which was originally submitted), setting out a protocol with regard to the opening and closing of the gates.
- 6 The application follows on from an enforcement complaint, which also related to part of the rear garden of no. 52 being incorporated into the drive to the industrial unit (a boundary fence has been removed and a drive dug).
- 7 The applicants have stated that the gates have replaced old clapboard timber gates and are required to address security and vandalism problems.

HISTORY

8. The relevant planning history is set out below:-

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1559	Change of use to car park (land at the rear of no. 52 New Street)	Refused	02/09/05
P08/1791	Retrospective – erection of security gates	Refused	13/01/09

P05/1559, involved land at the end of the rear garden of no. 52 and was refused on: inadequate residual amenity space for no. 52; inadequate access to the area; noise and disturbance to surrounding residents.

PUBLIC CONSULTATION

9. A total of 4 letters of objection have been received. The relevant issues raised, in summary, are –
- The height of the gates is excessive – the gates which they have replaced were no more than 6' 6" and in a reasonable condition (lacking maintenance);
 - There has been a change of use at the side of no. 52 to industrial (*this is the subject of a separate investigation*);
 - The gates are not suitable (sic) for a residential area – adding wood will not make them look any better – they need to be as they were previously (at a more suitable height and of lapped wooden construction);
 - The gates (with finials) are out of keeping with the character of the area (which is not mixed use, but predominantly residential);
 - The real reason for the gates is to widen the access to enable lorries to reverse up the drive – the street is too narrow to allow for manoeuvre;
 - Lorries are often unloaded on the highway – stopping traffic;
 - A large waste disposal vehicle has to park on the street.

OTHER CONSULTATION

10. Group Engineer (Development): – on the proposal which was originally submitted with the associated Design and Access Statement, raised concerns with regard to the potential for vehicles waiting on the highway (while the gates were being opened/closed) prejudicing highway safety. No comments have been received on the revised Design and Access Statement – an update will be provided at the meeting as necessary.
- 11 Chief Environmental Health and Trading Standards Officer: – no adverse comments.

RELEVANT PLANNING POLICY

12. The following policies are relevant:-

Unitary Development Plan UDP

DD1 (urban design)

DD4 (development in residential areas)

DD6 (access and transport infrastructure)

Supplementary Planning Document (SPD)

New Housing Development

ASSESSMENT

13 The key issues are –

a) visual amenity;

b) highway safety.

14 visual amenity

The gates are in a relatively prominent location, capable of being viewed for some distance along the street. The character of the street is edge of centre and tightly-knit residential in character.

15 Within this context, the gates, as they are currently, with a predominantly steel finish, appear robustly industrial within a predominantly residential street, thereby appearing unduly incongruous - the first reason for refusal on planning application P08/1791 reflected this conclusion.

16 It is considered that the cladding of the gates in vertical planking will successfully soften this impact, providing a finish which is more appropriate within a primarily residential setting (responding to boundary fencing etc.). Thus, with such a proposed finish, the gates would no longer appear incongruous, overcoming the reason for refusal on design attached to P08/1791.

17 Highway safety

The revised Design and Access Statement states that access has been improved as a result of these new gates spanning the whole width of the access drive, and the gates have been designed for permanent inward opening (enhancing pedestrian

safety). It also states that it is envisaged that vehicles accessing the site will be light commercial only.

18 Furthermore, the Statement also sets out the following operational protocol-

- A member of the company management team walks to the gates, each working day, at 7.45 am and opens both sides of the gates;
- the gates are then left open for the duration of the daily operation of the unit (preventing vehicles having to wait on the highway outside to gain access to the site);
- the gates are then secured at the end of the daily operation of the unit by management personnel.

19 It is considered that if the gates are operated in accordance with this stated protocol, then this would prevent vehicles having to park on the highway or overhanging the footway while the gates are being opened or closed.

20 On this basis, it is considered unlikely that highway safety will be unduly, significantly prejudiced (particular above the situation which would have arisen with the existing gates in place and no protocol controlling access to the site).

CONCLUSION

21 Subject to the gates being clad in wood and a protocol adopted controlling their operation, governing access to the site, it is considered that the proposal will not significantly impinge on visual amenity nor prejudice highway safety. There is therefore considered to be concurrence with the development plan, in particular policies DD1 and DD6 of the Unitary Development Plan (UDP).

RECOMMENDATION

22 It is recommended that the application be approved, subject to the following conditions

Reason for approval

Subject to the gates being clad in wood and a protocol adopted controlling their operation, governing access to the site, it is considered that the proposal will not significantly impinge on visual amenity nor prejudice highway safety. There is

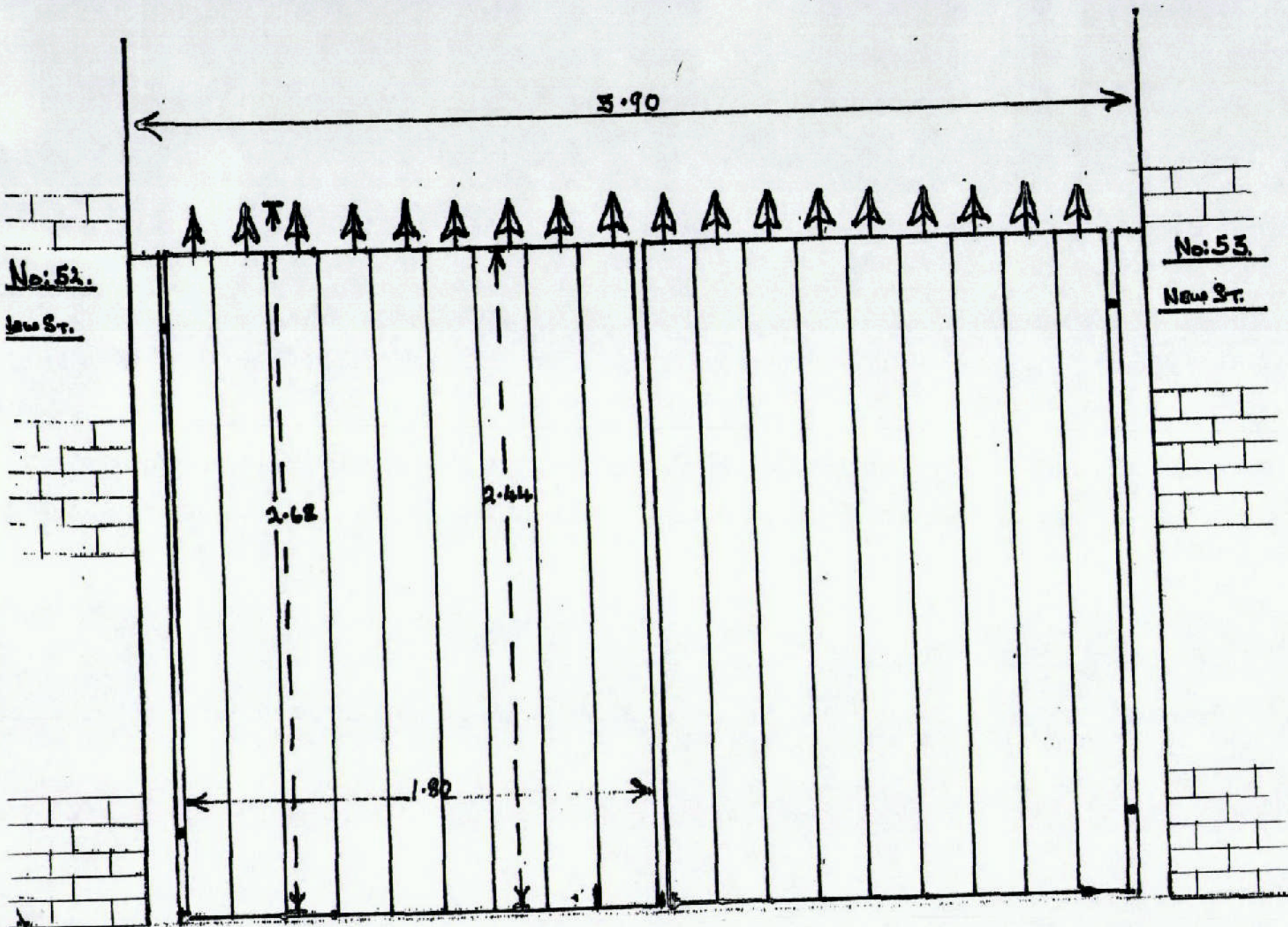
therefore considered to be concurrence with the development plan, in particular policies DD1 and DD6 of the Unitary Development Plan (UDP).

Note for applicant

You are advised that the Council view retrospective applications with concern. You are strongly advised to seek the relevant approvals in the future, prior to the commencement of development.

Conditions and/or reasons:

1. Within 3 months of the date of this permission, or to an alternative timescale to have been previously agreed in writing by the Local Planning Authority, the gates, which are the subject of this application, shall be clad in wooden planking as detailed in the submitted documentation (letter dated 24/02/09 titled `proposed modification to gates`).
2. The gates shall be operated in accordance with the protocol set out in the revised Design and Access Statement, dated 21/04/09, as follows-
 - * A member of the company management team walks to the gates, each working day, at 7.45 am and opens both sides of the gates;
 - * the gates are then left open for the duration of the daily operation of the unit (preventing vehicles having to wait on the highway outside to gain access to the site).



RECEIVED
23 MAR 2009
Municipality of Brierley Hill

Proposed replacement gates at 52/53 New Street, Quarry Bank, Brierley Hill. DY5 2AZ.