

PLANNING APPLICATION NUMBER:P11/0120

Type of approval sought	Full Planning Permission
Ward	PEDMORE & STOURBRIDGE EAST
Applicant	Mrs Julie Hale, Julie Takeaway
Location:	CROSS INN, GLASSHOUSE HILL, STOURBRIDGE, DY8 1NJ
Proposal	REMOVAL OF CONDITION 1 OF PLANNING APPLICATION P09/1401 WHICH STATES 'THE DEVELOPMENT HEREBY PERMITTED SHALL CEASE ON OR BEFORE THE 23RD FEBRUARY 2011'
Recommendation Summary:	REFUSE AND ENFORCE

SITE AND SURROUNDINGS

1. The site measures 0.12 hectares and comprises a public house on the corner of Glasshouse Hill and Hagley Road with its associated car parking and beer garden area. The site is located within a mixed use area with the eastern boundary of the site abutting No. 1-11 The Beeches, a flatted residential scheme, a vacant former ambulance station to the north of the site, retail units to the west and Glasshouse Hill to the south with a petrol filling station beyond.

PROPOSAL

2. Planning permission was granted by the Development Control Committee (Planning application P09/1401) for the temporary siting of a mobile catering trailer in the car park of the Cross Inn Public House for a 12 month period.
3. That period has now expired and planning permission is required for its retention. This proposal is for the removal of Condition 1 of that planning permission to allow the mobile catering caravan to be retained permanently.

4. The trailer measures 4 square metres and is sited within the south-western part of the existing pub car park within 1.5 metres of the western boundary of the site. The blank rear elevation of the catering trailer faces Hagley Road with the front elevation facing into the car park.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P08/1850	Erection of 2 no. marquees on car park to provide temporary overspill accommodation to customers during special events (retrospective)	Refused and Appeal dismissed	04/09/09
P09/1401	Change of use of land for the siting of a mobile catering trailer (retrospective)	Approved with conditions	26/02/10

The previously approved application for the siting of the mobile catering trailer was recommended for refusal by Officers and allowed for a 12 month period by the Development Control Committee. As a result it is considered appropriate for this application to be presented to Members for determination.

PUBLIC CONSULTATION

5. A total of 66 notification letters were sent to the occupiers of neighbouring properties. As a result no objections have been received.

OTHER CONSULTATION

6. Group Engineer (Development): On the original application the Group Engineer had concerns regarding traffic movements especially given the location adjacent to a busy set of traffic signals. The temporary permission allowed the situation to be monitored.

However, since the granting of the temporary permission the GED is not aware of any traffic issues arising and therefore has no objections to the application.

Head of Environmental Health and Trading Standards: No complaints associated with noise or odour from the trailer have been received by the Environmental Protection Section since its operation in 2009. No objections are raised to this planning application.

RELEVANT PLANNING POLICY

Black Country Joint Core Strategy

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP4 Place Making
- DEL1 Infrastructure Provision
- TRAN2 Managing Transport Impacts of New Development
- TRAN5 Influencing the Demand for Travel and Travel Choices
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality

Saved Unitary Development Plan Policies

- DD1 Urban Design
- DD2 Mixed Use
- DD4 Development in Residential Areas
- HE5 Buildings of Local Historic Importance

Supplementary Planning Documents / Guidance

- Parking Standards and Travel Plans Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- PGN28: Hot Food Takeaway Shops, Restaurants and Cafes

ASSESSMENT

7. The main issues are
- Principle
 - Appearance
 - Neighbour Amenity
 - Access and Parking
 - Planning Obligations

Principle/Policy

8. The site is not designated for any particular use within the adopted Black Country Joint Core Strategy or the Saved Unitary Development Plan.

Appearance

9. The mobile catering trailer is parked in a prominent location which is readily visible in both directions looking south and north from both Hagley Road and when looking east from Heath Lane.
10. The Cross Inn appears on the Historic Buildings and Sites and Monuments Record and the Council's Historic Environment Team are of the view that due to the modest size of the structure the proposal would not have a detrimental impact upon the public house or its setting.

11. The site frontage comprises a low level brick wall with the catering trailer being parked behind this. By its very nature the trailer is a temporary structure. It has been hand painted white with a glass servery located on its front elevation with a yellow and white striped canopy over. Despite the site being situated within a mixed use area the catering trailer forms a visually prominent temporary structure within the street that forms an incongruous addition within the street scene which visually detracts from the character and appearance of the area contrary to JCS Policy ENV3 Design Quality and Saved UDP Policy DD1 Urban Design.

Neighbour Amenity

12. There are residential properties in relatively close proximity to the development along Hagley Road and in Swincross Road on the opposite side of the car park.
13. However as confirmed by the Head of Environmental Health and Trading Standards no complaints have been received regarding the trailer since it was first brought into use in 2009. It is therefore considered that the retention of the trailer would not result in a detrimental impact on the amenities of the occupiers of neighbouring residential properties.

Access and parking

14. The application is for a four sq m hot food take away cabin on the car park of the existing car park. The cabin uses three existing spaces within the car park. The Parking Standards and Travel Plan SPD requires the provision of one space per twenty sq m being required as a maximum standard for take-away (A5) uses. However, Group Engineer (Development) considers that at peak hours such facilities can easily attract up to three vehicles and therefore that three spaces should be marked out for the operator's vehicle and cabin plus three spaces for hot food take away customers only. The applicant previously stated that the pub measures 124 sq m and the maximum standard is 1 space per 8 sq m. This would require the provision of sixteen spaces. Based on the current car park layout, this would leave 12 spaces for the pub use and the hot food take-away customers. This would be sufficient to meet the needs of the

development and to ensure compliance with Policy AM14 of the Adopted Dudley Unitary Development Plan (2005) and the Parking Standards and Travel Plans SPD.

Planning Obligations

15. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
16. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
17. In addition to applying Policy DEL1 and the SPD, in identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.

In consideration of the above the required Planning Obligations on this application have been identified as follows and would need to be secured within a S106 Agreement:

- Transport Infrastructure Improvements: £236.43
- Monitoring and Management Charge: £250.00

18. The applicant has not agreed to the payment of these offsite planning obligations at the date of agenda preparation.

CONCLUSION

19 The mobile trailer is sited on the car park of an existing public house. Whilst there is boundary treatment running along the western edge of the car park it is formed by a low brick wall with the trailer being visually prominent within the street scene. The visibility of the trailer is exacerbated by its white colour and yellow and white canopy over the front elevation of this temporary structure. Despite the site being situated within a mixed use area the catering trailer forms a visually prominent temporary structure within the street that forms an incongruous addition within the street scene which visually detracts from the character and appearance of the area.

RECOMMENDATION

It is recommended that:

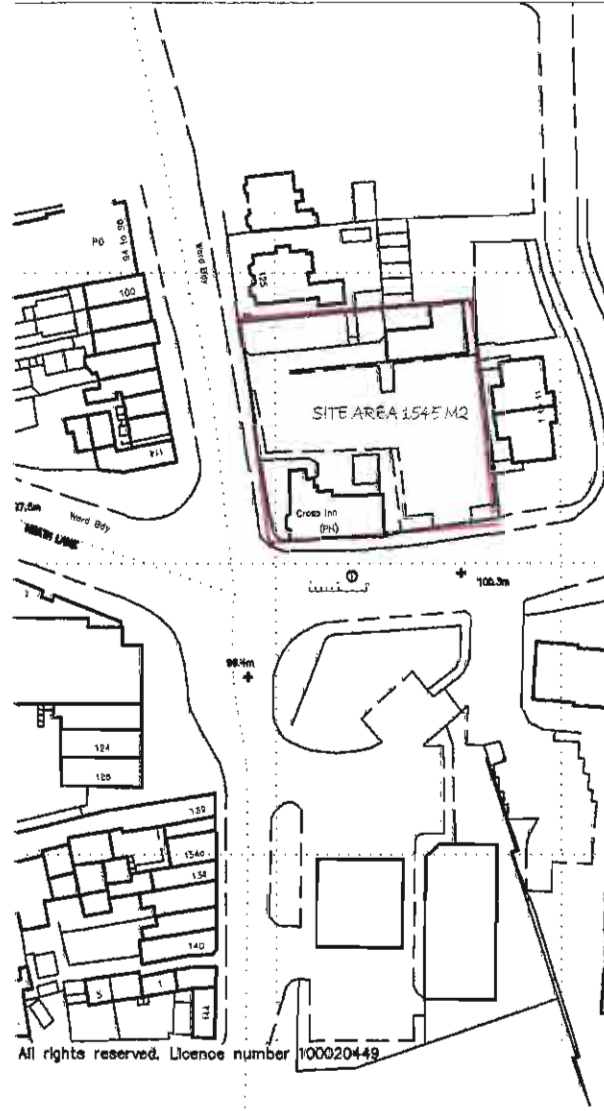
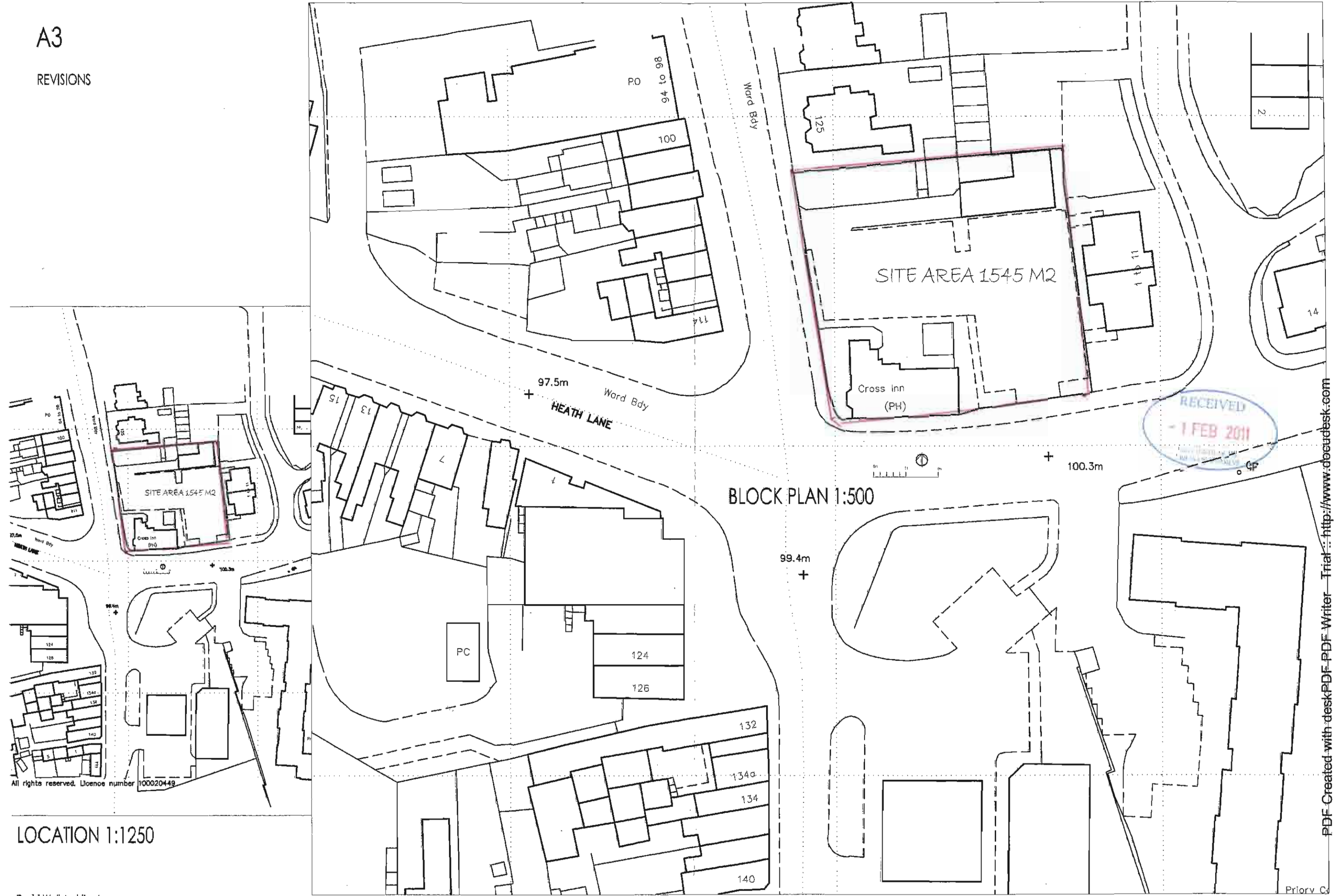
- a) the application be refused for the following reasons:
- b) enforcement action be authorised as appropriate.

Conditions and/or reasons:

1. The catering trailer forms a visually prominent temporary structure that forms an incongruous addition within the streetscene that visually detracts from the character and appearance of the area contrary to Policy ENV3 of the adopted Joint Core Strategy and Policy DD1 of the Saved UDP.
2. The lack of a completed undertaking to make an off site contribution towards Transport Infrastructure Improvements and the provision of management and monitoring fee would result in an unacceptable impact upon local infrastructure with no compensation or enhancement to mitigate against the impacts of the scheme thereby resulting in harm to the wider community thereby being contrary to Policy DEL1 (Infrastructure Provision) of the Adopted JCS (2011) and Supplementary Planning Document – Planning Obligations (March 2009).

A3

REVISIONS



LOCATION 1:1250

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 PROPOSED MOBILE FOOD KIOSK

LOCATION AND BLOCK PLANS

488/00

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