

## **PLANNING APPLICATION NUMBER:P06/0467**

Type of approval sought	Full Planning Permission
Ward	Kingswinford North & Wall Heath
Applicant	Wm Morrison Supermarkets plc
Location:	<b>WM MORRISON SUPERMARKETS PLC, CHARTERFIELD SHOPPING CENTRE, STALLINGS LANE, KINGSWINFORD, WEST MIDLANDS, DY6 7SH</b>
Proposal	<b>ERECTION OF 2 M HIGH BOARDED FENCING WITH MATCHING GATES ENCLOSING SERVICE YARD (RESUBMISSION OF REFUSED APPLICATION P05/2657)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

- 1 The application relates to a part of the curtilage to Morrison's Supermarket at the Charterfield Shopping Centre. A 3m galvanised security fence and gates has been erected around their rear service yard.
- 2 The service yard lies adjacent to a part of the western boundary to the shopping complex and abutting Hawkeswell Drive. This is a residential cul de sac which features semi detached homes opposite, and facing the store yard and car park and which leads up a gentle rise to sere terrace and apartment blocks to the north.
- 3 The immediate boundary to Hawkeswell Drive has been provided with a robust timber fence that conceals much of the service yard. The area of exception is that related to the yard access. There is a short approach road from Charterfield Drive to provide service access to the shopping centre premises in addition to the Morrisons store. This road runs straight up o the gates for Morrisons. At this point the road layout forms a T with a right turn into the shopping centre and left turn being the main Hawkeswell Drive.

- 4 The gates into the Morrisons service yard are part of the fencing noted above. Some planting has occurred within the site around the perimeter of the service yard.

## PROPOSAL

- 5 Application for the erection of fencing and gates to enclose the rear service yard area adjacent the store. The applicant proposes 2m high timber fencing, with both vehicular and pedestrian gates leading from the service yard of the adjacent Charterfield shops and to the car park area. This fencing would be erected on the line of the existing 3m high metal palisade fencing, which does not benefit from planning permission. The fencing would be of vertical boarding, to match the existing acoustic fencing on the western perimeter of the site.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/0275	Retrospective erection of 3m security fencing and gates	Refused	4/4/5
P05/2657	Retrospective erection of 3m high palisade fencing and gates, and landscaping scheme  Appeal pending – public inquiry likely August 2006	Refused	6/2/6

### **Reasons:**

P05/0275 - The galvanised fencing by reason of its bright and industrial appearance is detrimental to the visual amenities and character of the area contrary to Policies 39 'Townscape', 83 'Development Control - Shopping' and 85 'Development Control - Residential Areas' of the Dudley Unitary Development Plan.

P04/2657 - The galvanised fencing and gates by reason of their bright and industrial appearance and their height are detrimental to the visual amenities and character of the surrounding residential area contrary to Policies DD1, DD3 and DD4 of the Dudley Unitary Development Plan.

## PUBLIC CONSULTATION

6 Four letters of objection, and one from the ward members, have been received raising concerns over:

- Impact of closed gates on highway safety – queuing lorries on the carriageway result in danger, congestion and lack of visibility
- Noise disturbance from parked lorries
- Should not have submitted another application

## OTHER CONSULTATION

7 **Traffic and Road Safety:** No objections

## RELEVANT PLANNING POLICY

### **Unitary Development Plan**

DD1 Urban design

DD3 Design of retail development

DD4 Development in residential areas

The site lies outside any designated area within the UDP

## ASSESSMENT

8 The previous applications were refused on the basis of the brightness, height and style of the proposed fencing and gates being inappropriate within a residential area and thereby causing harm to residential and visual amenities, contrary to policy.

- 9 UDP policies require proposals to be of good design, allowing safe routes through sites and to have a positive impact on the character and appearance of the site and its surroundings. UDP policies also require that proposals are of an appropriate scale and design for the site and surroundings, with no harm caused to highway safety and no adverse impacts on amenities.
- 10 The proposed fencing is considered to be of a more appropriate style, material and appearance for a site within a residential area. It is similar in appearance to domestic fencing used to mark boundaries between plots in the vicinity, and at a height of 2m, would be less visually intrusive and dominating to the site and the surrounding area.
- 11 Any misuse of the highway by lorries is outside the control of the LPA and would be dealt with by the police, as this lies outside the red line area of the application.

## CONCLUSION

- 12 The proposed development is considered to comply with policy and would not result in any detrimental impacts to the amenities of the area.

## RECOMMENDATION

- 13 The application should be approved subject to the following conditions:

- 14 Reason for Approval

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of development, a sample of the timber staining to be used on the fencing hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in complete accordance with the approved details.