

## Planning Committee

Report of Head of Planning and Building Control on 02 December 2021

Plans List Item Number: 4

### Reason for bringing to committee

### Significant Community Interest

### Application Details

**Location:** 196, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8HB

**Proposal:** SINGLE STOREY REAR EXTENSION TO PROVIDE WC, FRIDGE STORAGE AND CELLAR AREAS AND INCREASING FOOTPRINT OF EXISTING RESTAURANT/PUBLIC HOUSE, PROPOSED DOOR OPENING TO FRONT ELEVATION TO ACCESS FLATS ABOVE, PROPOSED RAMP AND EXTRACTION UNIT TO KITCHEN.

**Application Number:** 20/0499

**Case Officer:** Helen Smith

**Applicant:** DALWINDER SINGH

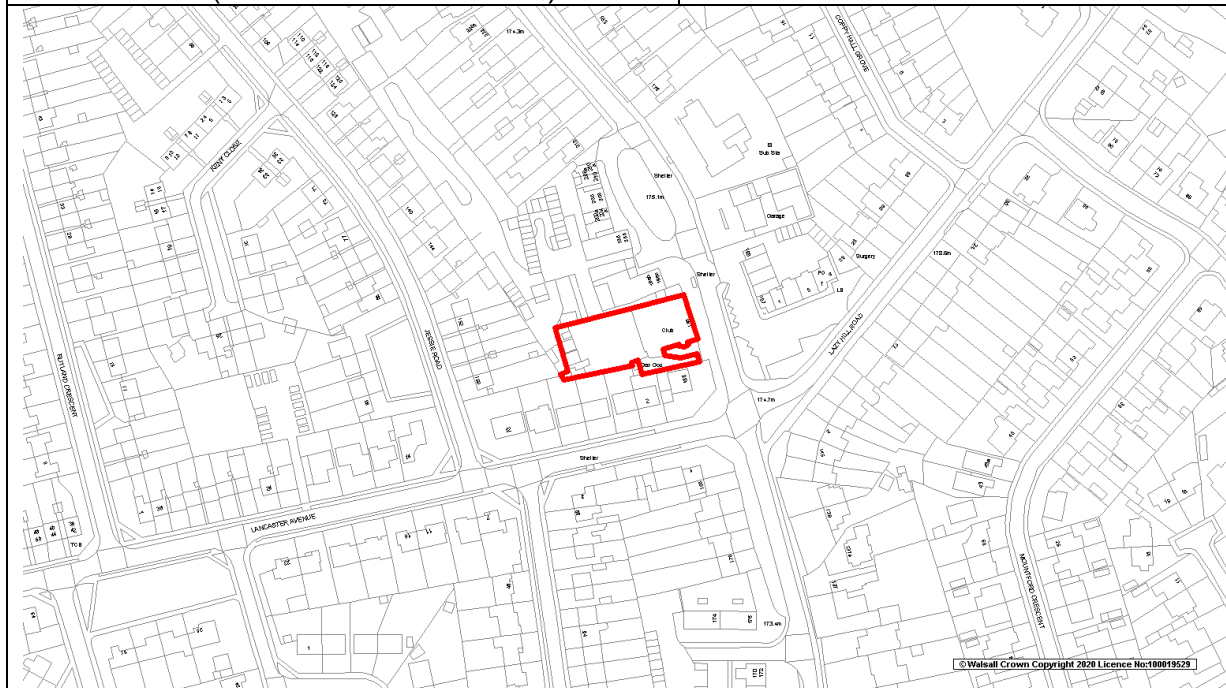
**Ward:** Aldridge Central And South

**Agent:** Yuji Suzuki

**Expired Date:** 11-Aug-2020

**Application Type:** Full Application: Minor Use Class A3 (Restaurants and Cafes)

**Time Extension Expiry:** 15-Dec-2021



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## Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission and subject to;
  - The amendment and finalising of conditions;

## Proposal

The proposal includes a single storey rear extension along with a timber decked terrace with a retractable roof (hatched in blue on drawing no. LHT-P3 Rev. B), extraction flue, access ramp to the rear, steps and new front and side door openings to the first floor and cellar.

The existing internal layout would be re-configured to provide a larger cellar, storeroom and customer toilet facilities. The existing footprint of the public house would be enlarged to include a restaurant seating area, bar, new kitchen, bar server, fireplace, and walk in fridge and freezer areas along with the retention of three existing interior seating areas towards the front of the premises. The plans indicate that the former function room would become the restaurant area.

The proposal would increase the gross internal floor space by 155 sq. metres. The equivalent of 4 full time staff would be employed (increased by 1 full time employee)

The key features and dimensions are as follows;

### Timber Decked Terrace with Retractable Roof

- 8 metres in depth
- 12.2 metres wide
- Height between 3.1 and 3.7 metres as the ground level reduces to the rear
- Flat roof
- Brickwork chimney height of 4.4 metres
- Constructed of vertical timber cladding and powder coat aluminium frames
- Bar and seating areas

### Rear Single Storey Extension

- 10.42 metres in depth
- 4.2 metres wide
- Flat roof between 3.4 and 4.1 metres high
- Rear door to be installed
- Would provide storage

The proposed new extraction unit ducting would be installed across the rear flat roof with the vertical flue attached to the north facing elevation of the existing premises. This flue would extend 1.2 metres above the existing ridge height. The lateral ducting would be 1.1 metres higher than the flat roof upon which it stands. The new extraction system would be positioned on the northern side of the building closest to 196b & c Walsall Wood Road above the proposed new kitchen.

Opening hours have not been included as part of the application however this aspect would be subject to existing licensing hours.

Parking for 12 vehicles has been shown to the rear of the premises. Existing outbuildings to the rear of the site would be demolished to accommodate parking.

This application is supported by the following documents;

Design and Access Statement reference LHT-P-04, deposited on 7/5/20 which states;

- The scale and appearance of the proposal is in balance with the existing building and surrounding area
- Works are located to the rear and front elevations
- Access via an existing entrance doorway with proposed new access to extension via steps and new DDA ramp to the rear. A new access door is situated on the front elevation.
- No specific landscaping works associated with this area

Noise Impact Assessment by Plan-It Contracts Consultancy & Design Ltd, report reference P4523-R1-V1, deposited 21/12/20 which concludes;

- Desk based noise impact assessment of proposed ventilation extract with respect to nearby residential receptors
- Assessment undertaken based on manufacturers data for the proposed ventilation system and resulting façade noise levels at nearby residential receptor façades.
- Local residential receptors are not likely to be exposed to noise-break-in levels
- Recommendation is that all plant and machinery should be adequately maintained to minimise increases in noise levels.

Design Specification for Extraction Fan, reference EQ1408-937 BY Plan-It Contracts Consultancy deposited 9/11/20.

- Details design to supply/extract proposed kitchen ventilation system.

Noise Impact Assessment by NoiseAir Acoustics and Air Quality, report reference P4523-R2-V1 deposited 3/11/21 which concludes;

- That with the implementation of a noise management plan adverse levels of noise can be prevented during daytime hours however it is recommended that night time operation with the windows and roof open should be avoided.

## **Site and Surroundings**

The application property is an existing two storey pub with a kitchen and has a dual pitched roof with a two storey flat roof extension to the rear. Accommodation is provided at first floor.

The application site is located within the Local Centre of Lazy Hill. 196b and 196c Walsall Wood Road are commercial properties and to the south is Lazy Hill Discount Store. To the rear is a gas governor station located to the south of a large customer parking area. Aerial photography indicates that this has only been used for vehicle parking in the past and not as a beer garden or outdoor drinking area.

There is an existing vehicular driveway between Lazy Hill Discount Store and 188 Walsall Wood Road giving access to a gated car park at the rear of the public house. There are tall conifer trees and planting along the southern and western boundaries of the application site rear car park and 1.8 metres high timber fencing along the southern boundary.

The rest of the centre includes a convenience store, takeaways, chiropodist and florist amongst others. There is a shared off-street parking area in front of the shops and a service yard to the rear.

There are residential properties located along the southern and near to the western boundaries of the application site fronting Lancaster Avenue and Jessie Road. The residential properties closest to the proposed development are 188 Walsall Wood Road, 2, 4 and 6 Lancaster Avenue with separation distances from the dwellings to the proposed rear extension of a minimum 14 metres from the common side boundary with the application site. The gas governor stator is a brick built structure located next to the rear boundary with 2 Lancaster Avenue.

The application site is a Coal Development Low Risk Area.

## **Relevant Planning History**

None

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

### **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV35: Appearance of Commercial Buildings
- ENV36: Poster Hoardings
- S1: Definition of Town Centre Uses
- S4: The Town and District Centres: General Principles
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP4: Place Making
- EMP1: Providing for Economic Growth
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services

- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

- SLC1: Local Centres
- T2: Bus Services
- T4: The Highway Network

## **Supplementary Planning Documents**

### **Designing Walsall**

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

### **Air Quality SPD**

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

## **Consultation Replies**

**Designing out Crime Officer**– No objections subject to Secure by Design recommendations being followed and these are included as an informative note.

**Environmental Protection** – No objections and require planning conditions to be included in respect of acoustic glazing specifications, extension speaker system, solid fuel fires, extension hours of use and noise management plan. An informative note will be included in respect of construction working hours. With regard to odour systems a planning condition will be required to ensure that this is maintained in accordance with the manufacturers' guidelines. Storage, disposal, containment of waste and grease trap requirements will be subject to planning conditions, if approved.



**Fire Officer** - No objections subject to compliance with Approved Document B Volume 2, 2019 edition building regulations. An informative note can be included.

**Local Highway Authority** – No objections subject to the inclusion of planning conditions in respect of parking areas being hard-surfaced, sustainably drained and demarcated spaces along with the submission of a Construction Methodology Statement. An informative note is recommended to keep the highway clear of mud during any construction if approved.

**Severn Trent Water** – No objections and do not require the inclusion of a drainage condition if approved. An informative note is included in respect of public sewers.

**Strategic Planning Policy** – No objections

## Representations

Objections have been received from 12 neighbours on the following grounds;

- Works are already taking place (*any works undertaken without prior planning consent are undertaken at the developers own risk*)
- Unsightly view
- Increased noise especially in summer
- Noise from extractor fan
- Loss of privacy
- Security concerns (*the Police have no objections to the proposal and recommend Secured by Design proposals are implemented if approved*)
- Smell of cooking and wood smoke already a problem
- Log burning fire polluting and impact on resident's health
- Inadequate space for fire engines to access rear of building
- Higher risk of sewage spillage with increased visitors (*no evidence to support this statement has been provided*)
- Lack of parking
- Impact on property value (*not a material planning consideration in this instance*)
- Close proximity of customers to house during pandemic (*the proposed development would be in excess of 14 metres from neighbouring houses which is greater than the distances between housing on neighbouring residential streets*)
- Extension not necessary for the area (*the Local Planning Authority is required to assess and determine planning applications placed before them*)
- No established restaurant at this location and proposal is misleading (*it is noted that the function room would become a restaurant however the application premises is in a local centre and a restaurant use is considered acceptable for such a location*)
- Highway safety
- Overdevelopment of the site (*a large car park area would remain to the rear*)
- Not compliant with the adopted development plan
- No Planning Application Notice displayed (*this planning application does not require a site notice to be displayed and was publicised in accordance with legislation*)



- Will demand for an additional restaurant fall post pandemic? *(not a material planning consideration)*
- Impact of competition on existing restaurants and businesses *(not a material planning consideration in this instance)*
- Anti-social behaviour incidents *(no evidence to support this statement has been provided the Police have no objections to the proposal)*

*(Officers comments in italics)*

## **Determining Issues**

- Principle of Development
- Design and Character of the Area
- Amenity of Surrounding Occupiers
- Noise
- Odour
- Air Quality
- Highway Safety, Parking and Access

## **Assessment of the Proposal**

### **Principle of Development**

The Lazy Hill Public House is a long established business and already permitted lawful use located within the Lazy Hill Local Centre designated boundary. Local Centres include Town Centre uses as defined by saved UDP Policy S1. Restaurant uses are also considered to be appropriate uses in Local Centres by saved UDP Policy S10 provided they do not adversely affect residential amenity particularly during the late evening.

The proposed increase in additional floor space of the existing public house to include is considered to be an appropriate scale for the Local Centre and has been considered against local and national policy.

UDP saved Policy S4 states that in all centres the priority will be to safeguard the existing level of shopping, leisure and other provision to maintain their vitality and viability. Local Centres are a focal point for many aspects of community life and the retention and investment in the Lazy Hill Public House is considered would be a positive enhancement for the Local Centre's vitality and viability.

Planning Policy officers have confirmed this proposal raises no strategic planning policy issues.

## **Design and Character of the Area**

The proposed extensions would be located to the rear of the existing public house building and would not be visible from the public realm. The proposed extraction flue chimney would be visible on the side of the existing premises but would be located towards the rear. As this premises are located within a Local Centre where there is another flue above the adjacent flat roof of a neighbouring restaurant it is considered that the current proposal would not appear out of place in this commercial area.

The proposed materials for the rear timber decked terrace extension would differ from those used in the existing public house but as this addition would be to the rear of the premises and would be mostly screened from neighbouring properties by existing boundary conifer trees it does not harm the character of the area. However as there is a difference in ground levels to the rear overlooking from the proposed side ramp, access and windows are a concern in respect of privacy for residents at 2 and 4 Lancaster Avenue. To address this concern the installation of an obscurely glazed privacy screen for the length of the side ramp, side entrance and side steps would provide privacy screening for adjacent residents. Details would need to be provided and agreed in writing by the Local Planning Authority and this requirement can be addressed by planning condition that meets the 6 tests.

On balance it is considered that the proposed design of this proposal is considered acceptable and it is considered that overall the changes would respect the existing identity of the area in accordance with the key provision 12 of the NPPF, ENV2 and ENV3 of the BCCS and DW3 of Designing Walsall. The proposal is considered would not have a detrimental impact on the character of the area in accordance with saved policy ENV32 of the UDP

## **Amenity of Surrounding Occupiers**

188 Walsall Wood Road, 2 and 4 Lancaster Avenue have short private rear gardens and are nearest to the proposed development. The limited separation distances of between 14 and 19.9 metres gives rise to a potential noise impact irrespective of the location close to a Local Centre where a degree of noise is expected, and it is considered right to mitigate noise where possible as outlined in the Noise paragraph below.

188 Walsall Wood Road sits forwards of the proposed extension opposite the existing public house side elevation with its rear boundary next to the existing driveway. However, the acoustic fencing would also provide noise screening for this resident.

The proposed extension would be visible to residents above existing fencing and structures however existing planting would provide a degree of screening and the proposed extraction ducting and flue would be located near to the northern boundary of the application site, within the Local Centre, and away from houses on Lancaster Avenue.

196b and 196c Walsall Wood Road are commercial properties and it is considered that the proposed extension and extraction ducting and flue will have a limited impact on these adjacent premises.

## **Noise**

Following officers' concerns about noise from the proposed extension, the Applicant has undertaken a further acoustic assessment – 'Noise Impact Assessment Report', by NoiseAir Limited, Ref. P4523-R2- V1 dated 02/11/21.

The Consultant has monitored daytime and night-time background noise at the premises and used noise measurements from a pub which similarly serves food and plays music. The resulting measurements were inputted into an acoustic software model to determine noise impacts at nearby residential premises, with the proposed glazing open and closed.

Following further clarification from the acoustic consultant, regarding the acoustic measurements taken in the example Pub, Environmental Protection are of the opinion that the presented acoustic report should be considered as representative of the potential impacts from the proposed extension.

The acoustic report has identified that when the glazing and doors in the extension are to be in the open position then noise will be audible within gardens and at the façade of nearby residential premises. These noise levels will be marginally above background noise levels during the daytime, however, will be considerably audible during the night period.

Within the report the Consultants have recommended several measures that would reduce the noise impacts when the windows/doors are open, this includes ensuring the noise music system is kept below 60 dB(A), closing all windows/doors at night/late evening, and implementing a Noise Management Plan. The recommendations are based on the glazing within the extension being double glazing, with a minimum sound reduction,  $R_w+C_{tr}$ , of at least 25 dB.

Regarding the closure of windows/doors, it is Environmental Protection view that planning conditions should require the closure of all windows/doors/openings on the extension by 9.00 pm. Subject to no significant noise complaints being received, then consideration can be given for having these remain open to 10.00 pm or possibly later in the future.

Environmental Protection are of the opinion that planning conditions that meet the 6 tests are needed if Committee are minded to issue permission to ensure that any noise from the extension is not significant, particularly during the late evening/night period.

As the extension is close to residential premises a working hours condition has been recommended by Environmental Protection Officers to minimise local impacts during construction. However as there is more relevant environmental legislation available to address any complaints arising from this an informative note has been included for the applicant.

The planning agents have provided a noise impact assessment of proposed ventilation extract with respect to nearby residential receptors. The proposal indicates that the fan unit serving the proposed extraction system is to be located away from the nearby residential premises. Environmental Protection Officers are of the opinion that this will reduce noise and odour impacts for residential properties. Officers have considered the report and are satisfied with the proposed arrangements for internal air extraction subject to the inclusion of a planning condition requiring the equipment to be maintained in accordance with the manufacturer's instructions.

### **Odour**

Environmental Protection Officers have considered the proposed scheme, containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from kitchen cooking operations, including any external ducting and flues and are satisfied with the proposals.

Environmental Protection Officers require the inclusion of planning conditions in respect of the installation of grease traps, details of storage/disposal/containment of waste and for the extraction equipment to be maintained in accordance with the manufacturer's guidelines will be required to prevent harm to amenity.

### **Air Quality**

The site is within a smoke control area (The Walsall (No.36) (Northgate) Smoke Control Order, 1983). Environmental Protection Officers have advised that any appliance that is to be used for solid fuel fires will need to be an exempt appliance or the user will only be allowed to use authorised fuels. The planning agent has advised that the fire shall only be fuelled by gas however a precautionary condition can be included in respect of solid fuel fires in accordance with the Air Quality SPD.

### **Highway Safety, Parking and Access**

The Local Highways Authority have commented that the proposed enlargement of the public house by an additional 155 sq. metres is not an insignificant increase in the overall ground floor area and the proposed layout shows a potential extra 14 tables in the restaurant area.

In saved UDP T13 parking policy terms there is a requirement for an additional 7 car parking spaces based upon 1 space per 22 sq. metres of ground floor area.

The proposal reintroduces customer parking to the rear with 11 spaces plus 1 disabled space to cater for any additional parking demand. This is considered adequate and is in excess of the saved UDP T13 policy requirement for the extension element.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

Planning conditions in respect of hard surfacing and construction methodology statement will be required along with an informative note to keep the highway free from mud, if approved.

## **Conclusions and Reasons for Decision**

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development is considered to be acceptable on balance subject to the inclusion of safeguarding conditions to protect residents' amenity. The proposed conditions are considered to meet the 6 tests within the national planning guidance. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

The use of safeguarding conditions will further ensure that the neighbours' amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval.

The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

## **Positive and Proactive Working with the Applicant**

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

## **Recommendation**

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission and subject to;
  - The amendment and finalising of conditions;

## Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: This development shall not be carried out other than in conformity with the following approved plans: -

- Location Plan, drawing no. LHT-P1 Rev. C, deposited 27/10/2020
- Block Plan, drawing no. LHT-P5, deposited 07/05/2020
- Existing Plans and Elevations, drawing no. LHT-P2, deposited 07/05/2020
- Existing and Proposed Long Section, drawing no. LHT-P6, deposited 07/07/2020
- Proposed Plans and Layout, (*incorrectly titled as Existing Plans and Elevations*) drawing no. LHT-P3 Rev. B, deposited 21/09/2020
- Proposed Site Plan/Parking Layout, drawing LHT-P9 Revision A, deposited 27/10/2020
- Design and Access Statement, reference LHT-P-04, deposited 07/05/2020
- Noise Impact Assessment, prepared by Noiseair, Report Ref: P4523-R2-V1, Version 1, dated 02/11/21 and deposited 03/11/2021
- Kitchen Ventilation Design Specification by Plan It Contracts, Job Reference EQ1408-937, deposited 09/11/2020
- Proposed Duct Layout, drawing no. EQ1408-879-02 Rev. C, deposited 09/11/2020

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: a) Prior to commencement of the development hereby permitted the extension roof materials, window and door glazing details with a minimum sound reduction,  $R_w+C_{tr}$ , of 25 dB(A) shall be submitted in writing to and approved in writing by the Local Planning Authority.

3: b) The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

3: c) Prior to the first occupation of the development hereby permitted a written Validation report to confirm compliance with parts (a) and (b) of this condition shall be submitted in writing to the Local Planning Authority

Reason: In order to protect the amenities of the occupiers of adjacent properties and in compliance with Policies GP2 and ENV32 of the UDP.



4: a) Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Parking and turning facilities for vehicles of site operatives and visitors
- ii. Loading and unloading of materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- v. Dust mitigation measures

4: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental and highway impacts of the development in accordance with saved policies GP2, ENV32, T7 and T13 of Walsall's Unitary Development Plan.

5: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

5: b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

6: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of a solid, obscurely glazed privacy screen to be installed for the depth of the extension facing the rear garden boundaries of no's 2 & 4 Lancaster Avenue shall be submitted in writing to and approved in writing by the Local Planning Authority.

6: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the amenities of the occupiers of adjacent properties and in compliance with Policies GP2 and ENV32 of the UDP.

7: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of a method to prevent grease entering the drainage system shall be submitted in writing to and approved in writing by the Local Planning Authority

7: b) The approved details shall be implemented, and the equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

Reason: To prevent grease entering into the drainage system in the interests of the free flow, capacity and the prevention of pollution of the system and in compliance with Policies GP2 and ENV32 of the UDP.

8: a) Prior to occupation of the development hereby permitted a minimum of 12 parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided on the rear parking area in accordance with drawing no. LHT-P9 Revision A and deposited 27/10/2020.

8: b) The parking spaces shall be fully demarcated consolidated hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any highway drain.

8: c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

9: a) Prior to occupation of the development hereby permitted a noise management plan based on the Outline Noise Management Plan included in Appendix D of the Noise Impact Assessment, prepared by Noiseair, Report Ref: P4523-R2-V1, Version 1, dated 02/11/21 shall be submitted in writing to and approved in writing by the Local Planning Authority.

9: b) The agreed Noise Management Plan shall be implemented upon the extension coming into use and shall be maintained by the Management of the Public House/Restaurant thereafter.

Reason: In order to protect the amenities of the occupiers of adjacent properties and in compliance with Policies GP2 and ENV32 of the UDP.

10: a) Prior to occupation of the development hereby permitted details of any electrical or electronic equipment to be used internally for the purposes of amplifying speech, music or other sounds to incorporate an automatic volume attenuator which shall reduce the system volume to agreed levels when the extension roof is in the open and closed positions shall be submitted in writing to and approved in writing by the Local Planning Authority.

10: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason: In order to protect the amenities of the occupiers of adjacent properties and in compliance with Policies GP2 and ENV32 of the UDP.

11: a) Prior to occupation of the development hereby permitted details of the proposed storage, disposal and containment of refuse and waste recycling facilities have been submitted and approved in writing by the Local Planning Authority.

11: b) The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory functioning of the development and ensure the visual amenity of the area and in compliance with Policies GP2 and ENV32 of the UDP.

12: No solid fuel fire shall be installed and used as a source of heating or for visual purposes in the development hereby permitted for the lifetime of the development.

Reason: To ensure safeguarding of local air quality and to protect local residential amenity and in accordance with Policies GP2 and ENV32 of the UDP and the Air Quality SPD.

13: All windows, doors and roof openings on the extensions hereby permitted shall be in the closed position by 21:00 hours and shall remain in that position until 08:00hrs the following day.

Reason: In order to protect the amenities of the occupiers of adjacent properties and in compliance with Policies GP2 and ENV32 of the UDP.

14: The approved extraction equipment shall thereafter be retained and maintained in accordance with the manufacturer's or installer's requirements.

Reason: To ensure safeguarding of local air quality and to protect local residential amenity and in accordance with Policies GP2 and ENV32 of the UDP and the Air Quality SPD.

15: Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no additional doors and/or windows shall be inserted in the development hereby permitted and there shall be no access created onto the flat roofed area throughout the lifetime of the development.

Reason: To define the permission and to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

## **Notes for Applicant**

### **Pollution Control**

No construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*(\* Bank and Public holidays for this purpose shall be Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).*

Subject to no significant noise complaints being received, one year after the extension is first used, then consideration can be given for having the glazing and roof in the open position to a later time e.g., 10.00 pm or possibly later however this will require the submission of a planning application.

### **Fire Officer**

#### **Approved Document B Volume 2, 2019 edition**

Requirement B5: Access and facilities for the fire service

Section 15: Vehicle access Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m<sup>2</sup>, with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

#### Design of access routes and hard standings

15.7 Access routes and hard standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height.

a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter.

b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

#### **Overall**

Access routes should have a minimum width of 3.7m between kerbs, noting that **WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes** (ADB Vol 2, Table 15.2)

Turning facilities should be provided in any dead-end access route that is more than 20m long (ADB Vol 2, Diagram 15.3, designed on the basis of Table 15.2) Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto:Water.Officer@wmfs.net)

The approval of Building Control will be required to Part B of the Building Regulations 2010

*and/or*

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, B5.i)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

## **Environmental Health**

The main activity at these premises is such that Walsall Council Environmental Health would enforce the requirements of Food Safety and Hygiene (England) Regulations 2013 and relevant European Community Regulations and Health and Safety at Work etc. Act 1974. The premises are required to comply with the requirements of this legislation and the application should consult with Environmental Health regarding legal requirements.

## **Designing Out Crime Officer**

A retractable roof will not be secure. This area will be vulnerable.

Lighting and alarms will be important. They are more easily included during construction and alterations. External LED lights with daylight sensors to the external wall of the building in particular near entrances. Identifiable CCTV particularly at all entrances. Alarm and CCTV installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

Security using the principles of Secured By Design is recommended

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

[https://www.securedbydesign.com/images/downloads/SBD\\_Commercial\\_2015\\_V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

## **Local Highways Authority**

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

## **Severn Trent Water**

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.



Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

**END OF OFFICERS REPORT**