

## **PLANNING APPLICATION NUMBER:P11/0091**

Type of approval sought	Full Planning Permission
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	Mr Tsang
Location:	<b>5A, ENVILLE ROAD, WALL HEATH, KINGSWINFORD, DY6 0JT</b>
Proposal	<b>INSTALLATION OF ROLLER SHUTTERS</b>
Recommendation Summary:	<b>REFUSE</b>

### **SITE AND SURROUNDINGS**

1. The application site is located on the outskirts of the local shopping centre of Wall Heath and relates to a detached two storey property with a flat roof over built during the 1950's. The property comprises a Chinese hot food takeaway (A5 Use Class) at ground floor level with first floor living accommodation over set back from Enville Road. The site benefits from hard standing to the frontage whilst a compound with an acrylic open corrugated awning is positioned along the eastern elevation. Beyond this, to the east, is a small car parking area whilst to the west is No. 6 Enville Road a modern two storey detached building which lies vacant from its former use as a Post Office (A1 Use Class) at ground floor level with first floor living accommodation over which is currently occupied.

### **PROPOSAL**

2. The application is for full planning permission for the installation of a roller shutter to the ground floor shop frontage. The roller shutter would be a galvanised steel roller shutter with solid slats. The roller shutter would be housed in a roller shutter box projecting 0.3 metres from the frontage of the building and spanning 4.5 metres in width.

3. The application is accompanied by a Design and Access Statement as well as a petition containing 195 signatures of support for the installation of roller shutters. The majority of the petitioners do not live within the immediate vicinity of the site.

## HISTORY

### 4. Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/56/1938	Outline planning permission for the re-erection of a fried fish and chip shop	Approved with conditions	19 July 1956
BH/57/2407	Full planning permission for the erection of a fried fish and chip shop with flat	Approved with conditions	19 November 1957
BH/62/191/S	Advertisement consent for an illuminated sign	Refused	12 October 1962
BH/62/196/S	Advertisement consent for an illuminated sign	Approved with conditions	17 December 1962
DB/67/776/S	Advertisement consent for the display of an illuminated pole sign	Approved with conditions	22 February 1967

## PUBLIC CONSULTATION

5. The application was advertised by way of neighbour notification letters being sent to the occupiers of forty-nine properties within close proximity to the site. The final period for comment expired on 18 March 2011. In conjunction with the petition of support submitted at the application stage, correspondence has been received from a Ward Member stating that;
- This application for an external roller shutter is made to try and prevent further damage to the shop window of the property subject to this application;

- The property has been subject to at least two attacks in the last two years resulting in broken windows with the last attack leaving the owners having to have a complete new window and door frame fitted of a more robust frontage to the building;
- It should be noted that all except one of the shop fronts on the Albion Parade opposite this shop have external roller shutters installed and it is understood by the Ward Member that none of those shops have suffered from random window breakages unlike the application premises;
- The application premises along with another premises within Albion Parade, a Pizzeria hot food take-way, are the only premises within the immediate area which are unprotected, however, the pizzeria operates much later and therefore the staff being present at the premises would act as a deterrent to any criminal activity; and
- The Ward Member refers to the current Policy context suggesting that the installation of external roller shutters would attract either criminal or anti-social behaviour and would detract from the appearance of the area. Internal shutters are preferred, even at a hot food take-away.

## OTHER CONSULTATION

6. None required.

## RELEVANT PLANNING POLICY

### Black Country Joint Core Strategy

- CEN2 Hierarchy of Centres
- CEN6 Meeting Local Needs for Shopping and Services

### Saved Unitary Development Plan

- DD1 Urban Design

## Supplementary Planning Guidance

- Design for Community Safety

### **ASSESSMENT**

7. The main issues are;
  - Principle; and
  - Impact upon the street scene.

#### Principle

8. Whilst the applicant has indicated that no pre-application discussions have been undertaken with the Council, planning history checks of the site show that there have been pre-application discussions between the applicant and Council regarding the installation of roller shutters at the premises between August and October 2010. It was considered at that time that external roller shutters would be considered inappropriate and would contribute to an inactive and unattractive street frontage which would be considered to reinforce the fear of crime contrary to Policy DD1 (Urban Design) of the then adopted Dudley Unitary Development Plan and the Design for Community Safety Supplementary Planning Document. Whilst the Council has now formally adopted the Black County Joint Core Strategy since the pre-application advice was given, Policy DD1 (Urban Design) has been saved and therefore still carries significant weight in the determination of this application.
9. The applicant was advised at the pre-application stage that an internally mounted grill would be more appropriate and therefore the principle of the proposed external shutter would not be supported if a formal planning application was submitted.
10. The applicant has failed to submit any evidence of criminal or anti social behaviour with the planning application (evidence of any crime reference numbers reported to the Police or any Insurance Claims as a result of criminal damage) and instead only

alluded to such activity occurring through the Design and Access Statement which states that the premises have been subject to a number of incidents where windows have been broken and criminal damage attempts have been made.

11. The Design for Community Safety Supplementary Planning Document is of relevance in the assessment of the application. This document was produced in association with West Midlands Police and has been adopted by the Council as Supplementary Planning Guidance. The document strongly encourages that full shop window displays are maintained as this allows surveillance by passers by, and where shutters are to be provided they should be internal and should be transparent if possible. Additionally the provision of strengthened glass is promoted. The provision of external roller shutters is generally discouraged.
12. It is recognised that crime and the fear of crime are material circumstances when considering the application as is the need for businesses to protect themselves from crime and anti social behaviour. However, as stated in the SPD, there are alternative measures that could be put in place which are less visually harmful to the character of the area.

#### Impact upon the character of the area

13. The proposed shutters are large bulky shutters with a large externally mounted housing box above the opening. The solid, galvanised roller shutter across the whole width of the shop front would present a blank and featureless frontage to the street. The roller shutter would create a 'dead' frontage that would detract from the visual appearance of the street scene and wider area. The shutter is of a poor design and no colour treatment has been indicated. The roller shutter would not allow the surveillance of the street or the shop window to be visible behind thereby resulting in an inactive and unattractive street frontage.
14. The adjoining vacant premises formerly containing the Post Office does not benefit from external roller shutters; only internal shutters and nor has the shop windows to these premises suffered from vandalism or damage through breakages, as observed

at the time of the site inspection on the 10 March 2011 and further site monitoring inspection on the 17 March 2011. The applicant has provided photographic evidence as part of the planning application of the Albion Parade shopping precinct to the north-east of the site with the majority of these premises benefiting from roller shutters to their respective frontages; however, these are considered to be of a slightly more appropriate design with discrete shutter boxes, being colour coated to match the shop fronts they display and are of a generally less bulky design than the scheme proposed. Furthermore, these installed roller shutters pre date adoption of the Design for Community Safety Supplementary Planning Document which was adopted in 2002.

## CONCLUSION

15. The proposed roller shutter with housing box across the whole width of the shop frontage due to its design is considered to be inappropriate and would present a featureless frontage to the street scene which would result in an inactive and unattractive street frontage which would be considered to reinforce the fear of crime. The applicant has failed to submit any evidence of criminal or anti social behaviour with the planning application and despite undertaking pre-application discussions with the Council regarding the installation of roller shutters which resulted in the Council advising the applicant towards internal shutters and reinforced glass to the shop frontage, this advice has not been followed.

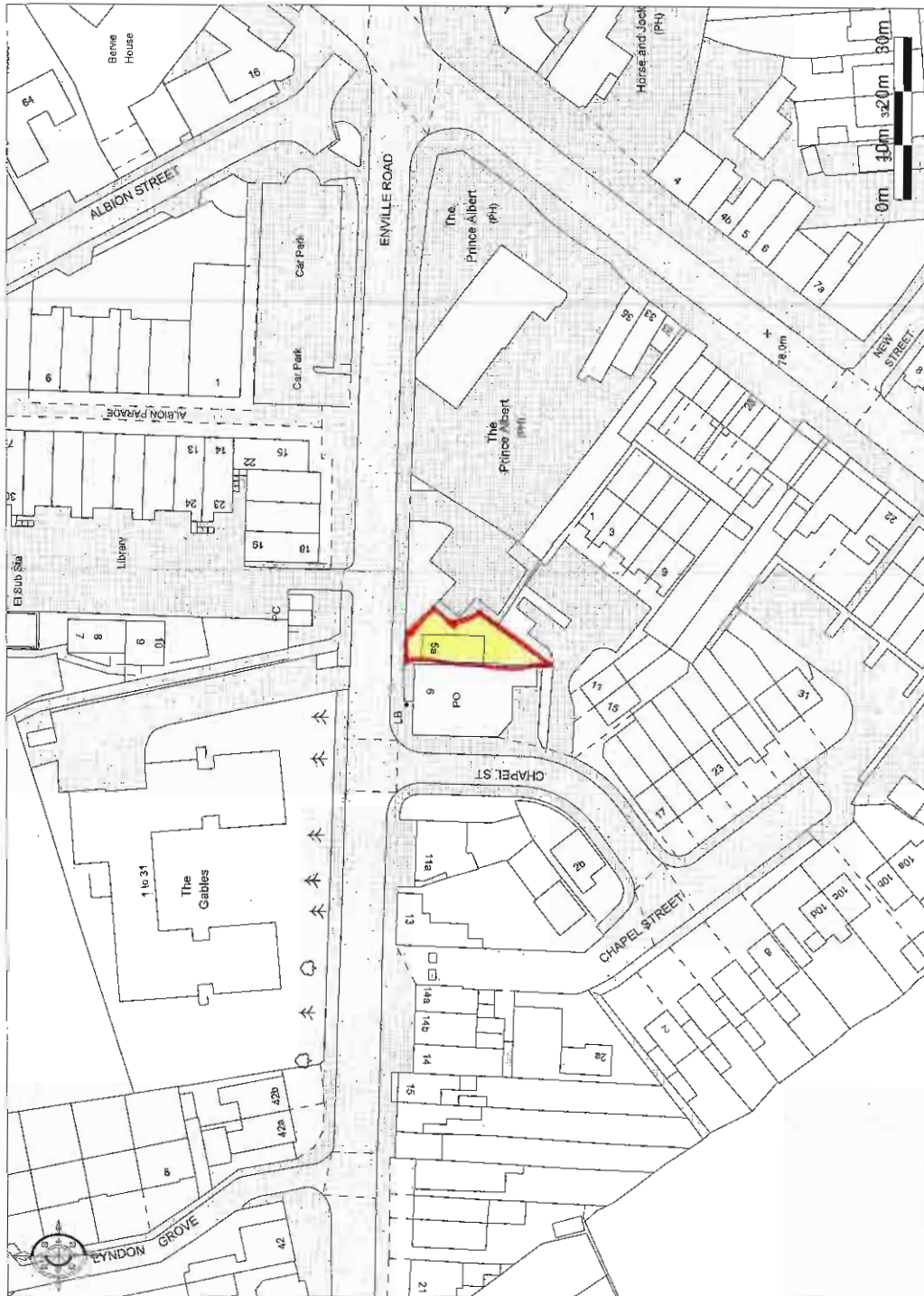
## RECOMMENDATION

16. It is recommended that the application be **refused** for the following reason:

Conditions and/or reasons:

1. The proposed roller shutter with housing box across the whole width of the shop frontage due to its design is considered to be inappropriate and presenting a featureless frontage to the street scene which would result in an inactive and unattractive street frontage which would be considered to reinforce the fear of crime. The applicant has failed to submit any evidence of criminal or anti social behaviour with the planning application and despite undertaking pre-application discussions with the Council regarding the installation of roller shutters which

resulted in the Council advising the applicant towards internal shutters and reinforced glass to the shop frontage, this advice has not been followed. The proposal is therefore contrary to the Saved Policy DD1 (Urban Design) of the Unitary Development Plan Policies and Supplementary Planning Document (Design for Community Safety).



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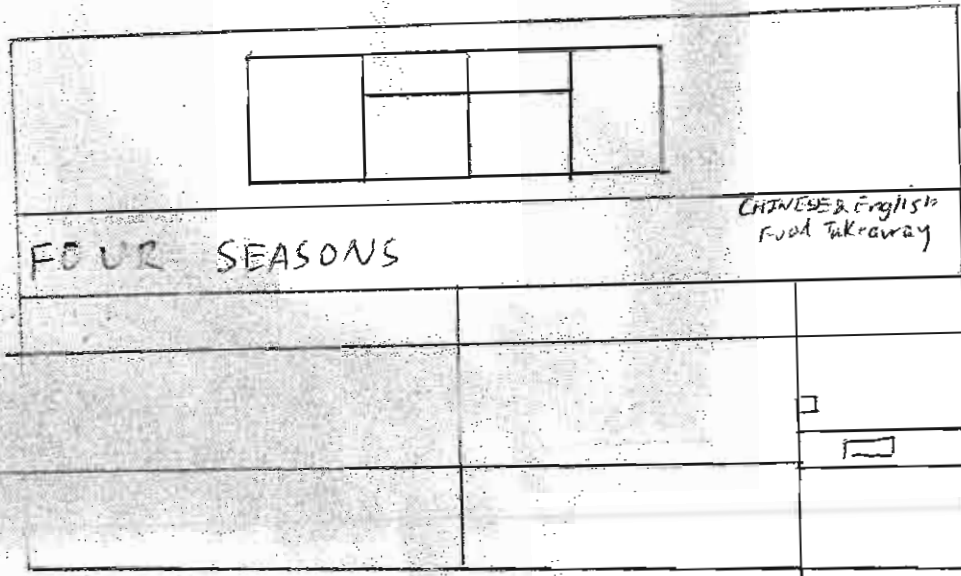
Four Seasons, 5 Envile Road, Kingswinford, DY6 0JT

RECEIVED  
25 JAN 2011  
TOWN PLANNING DEPARTMENT

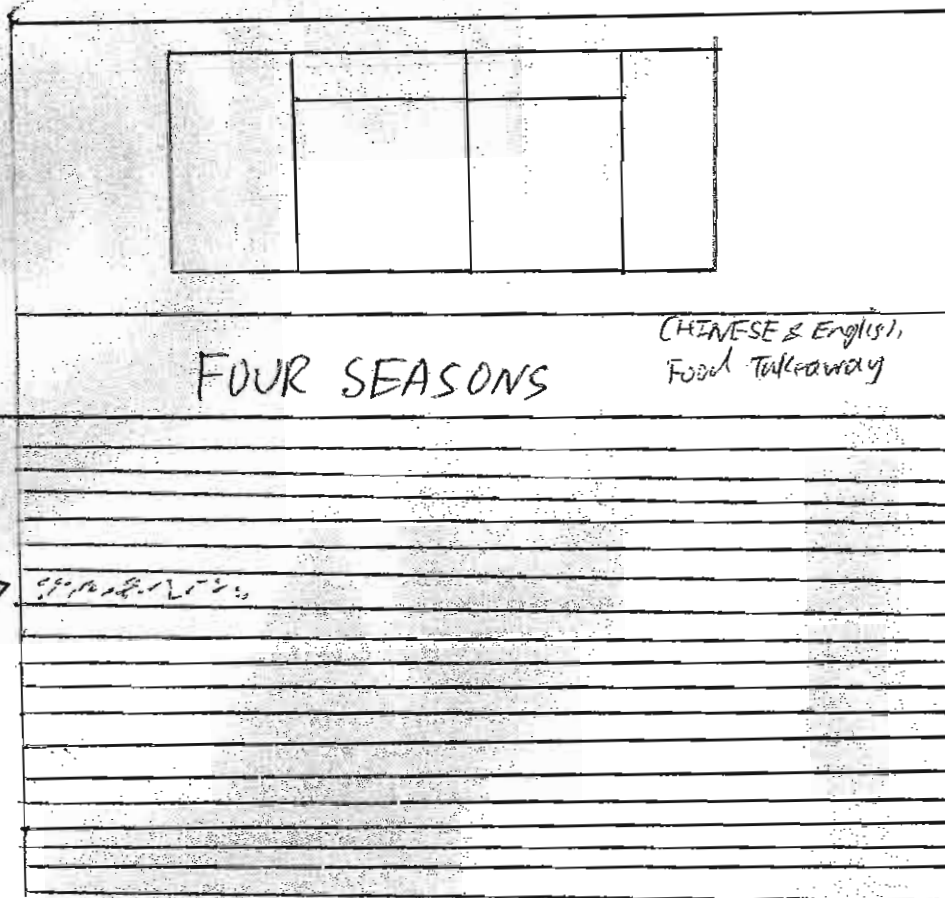
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FRONT ELEVATION



WITHOUT SHUTTER



WITH SHUTTER

SHUTTER  
SIZE:

Pinholes →

8F1

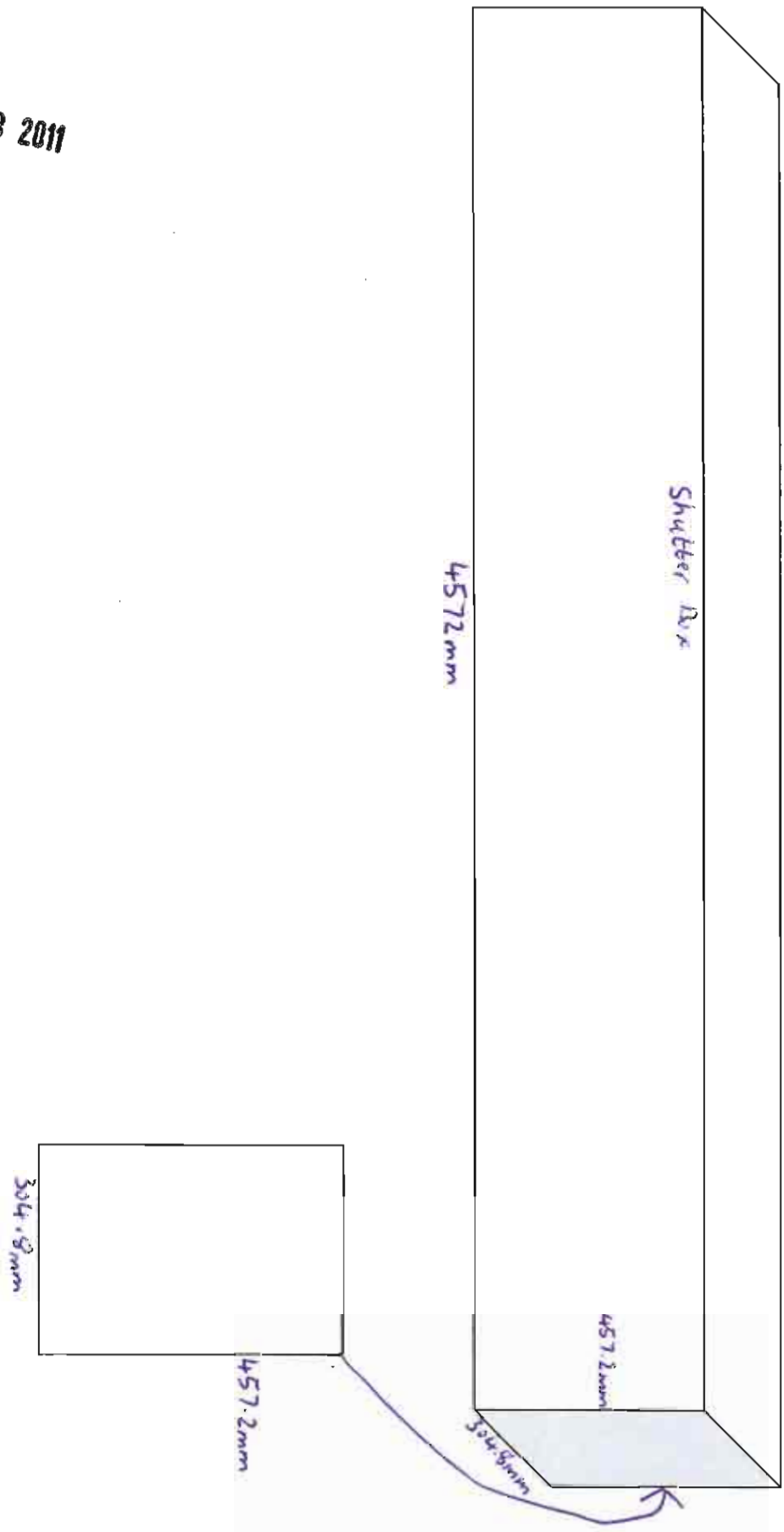
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SHUTTER  
SIZE:

8F2

2.49936m

22 FEB 2011



SHOP TOP VIEW  
PLAN

RECEIVED  
25 JAN 2011  
DINAGAT CITY OFFICE  
LUPATINIBANG DIVISION OFFICE

