



# Walsall Council

Development Management

## PLANNING COMMITTEE

Report to the Head of Planning and Building Control

7<sup>th</sup> March 2024

### Supplementary Paper

Since preparation and publication of the planning committee agenda, the following supplemental information has been received. Officer comments are provided in response to the supplemental information along with any necessary amendments to the recommendation.

**Agenda Item number: 6**

**Response to local plan consultations – Cannock Chase and City of Wolverhampton Councils**

<b>Supplemental Information</b>	<b>Officer Comments</b>
<p>Para 4.10 – The Wolverhampton plan being consulted on describes itself as the “issues &amp; preferred options consultation” rather than just issues and options. Preferred options is a non-statutory stage but many authorities choose to carry it out as an additional stage in the local plan process. This paragraph should therefore state:</p> <p>“4.10 City of Wolverhampton Council began consultation on the ‘Issues and Preferred Options’ document (regulation 18) for their local plan on 26 February 2024. The regulation 18 stage of a local plan is about asking what matters the plan should address, but the document also sets out what it thinks these should be, as ‘preferred options’. In the main, the plan proposes to carry forward the policies and designations that were proposed in the draft Black Country Plan.”</p> <p>The consultations from the two authorities ask a number of detailed questions. The two appendices to the report do not include recommended answers to these, but the full response to be provided by the Executive Director as per the recommendation will be based on the issues highlighted in the appendices.</p>	<p>Recommendation remains as set out on page 11 of the planning committee agenda at paragraph 2.1</p>
<p><b>Recommendation: Remains as set out in the report</b></p>	

**Plans list item number: 1**

**Application site address: THE SNEYD, 67 VERNON WAY, BLOXWICH, WALSALL, WS3 2LU**

Supplemental Information	Officer Comments
<p>Within the <i>'Principle of Development'</i>, section of the report, it covers the housing delivery test, loss of the community facility (saved UDP policy LC8) and whether the proposal might represent development that is not inappropriate in the green belt have not included all pertinent references from government policy. These are set out below;</p> <p>The presumption in favour of development where an authority has failed the housing delivery test (HDT) is set out in NPPF paragraph 11d). Walsall failed the HDT most recently in the results published in December 2023. Paragraph 11d) needs to be read in conjunction with clause i and footnote 7, as well as footnote 8. The full relevant part of paragraph 11d) states;</p> <p><i>"For decision-taking this means ...d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8.. This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years 8], granting permission unless... the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt...]."</i></p>	<p>As this application site is in the green belt, the presumption in favour of sustainable development therefore does not apply despite Walsall's housing supply shortfall and housing delivery test failure.</p> <p>Consequently, the recommendation to refuse planning permission remains as set out in the committee report.</p>

<p>Within the 'Green Belt Assessment' section of the report, reference is made to NPPF paragraph 154 g). However, this proposal does not involve the provision of affordable housing and is below the minimum threshold for affordable housing of 15 dwellings under BCCS policy HOU3 anyway, so the references to affordable housing policies should be omitted.</p> <p>Although the public house has been demolished, no planning permission has been granted for the demolition so saved UDP policy LC8 continues to apply. The loss of the facility, which formed one of the reasons for refusal of the previous application, therefore still applies.</p>	<p>The recommendation to refuse planning permission remains as set in the committee report</p> <p>The recommendation to refuse planning permission remains as set in the committee report subject to the addition of a further reason for refusal; <i>The current submission fails to show compliance with Policy LC8 of Walsall's Unitary Development plan to justify the loss of the existing pub as a community facility.</i></p>
<p>Since the publishing of the committee agenda, the planning authority has received additional comments from the Council's Environmental Protection Team advising; subject to all other matters being resolved, a condition should be imposed requiring an acoustic design statement setting out remedial measures to be submitted and agreed with the LPA for implementation in any future development.</p>	<p>Whilst it is recognised that a condition could be imposed should all other matters be resolved, as the application is still being recommended to be refused, if the application was to go to appeal, without refusal reason 7 it would not allow for noise mitigation to be considered by any future planning inspector.</p>
	<p>The recommendation as set out in the report is updated with the additional reason for refusal for the non-compliance of UDP policy LC8</p>
<p><b>Recommendation:</b> Refuse planning permission.</p>	

<p><b>Plans list Item number: 2</b></p>	
<p><b>Application site address: 41, HIGH STREET, PELSALL, WALSALL, WS3 4LT</b></p>	
<p><b>Supplemental Information</b></p>	<p><b>Officer Comments</b></p>
<p>Comments objecting to the proposal from two third party neighbours regarding an increased number of vehicles, racing of vehicles in the high street and antisocial behaviour, number</p>	<p>These matters are discussed in the committee report. No additional evidence has been provided clearly demonstrating the matters raised are directly related to the hot food takeaway</p>

of hot food outlets already in Pelsall and concerns regarding public safety.	before committee. Recommendation remains as set out in the committee report.
Police have reconfirmed they have no objections to the proposed hot food takeaway	Recommendation remains as set out in the committee report.
Conservation Officer has provided comments on the revised plans for flue/chimney - No objection to the amended plan showing a chimney to house the existing flue, this plan is acceptable.	Recommendation remains as set out in the committee report.
Community protection have provided further comments; In October 2020 the premises registered as a food business it was subsequently inspected in August 2021 (largely due to lockdown and trading restrictions) receiving a food hygiene rating of 3 Satisfactory and a risk rating of C meaning to be inspected every 18 months. Since Mazza opened the service has received 49 complaints about the premises. Majority of the complaints (41) being recorded between March and April 2021, regarding antisocial behaviour including noise, intimidation, speeding vehicles, large groups hanging around, use of drugs. The service engaged with the proprietor and other businesses in the locality. The proprietor signed up to the council's litter champion scheme and undertook to litter pick, leaving the bags of litter to be collected by council environmental operatives. Post March/April 2021, a complaint about noise and ASB was received, with a further complaint December 2021 regarding waste oil that was resolved. During 2022 two complaints received for ASB, one in February and one in October. Since July 2022, 327 litter fixed penalty notices have been issued on persons in Pelsall High Street, highlighting 4 vehicles registered to Walsall residents and 319 from outside Walsall.	Based on the latest community protection comments, coupled with the objections to the planning application, plus the Police retaining their no objection to the proposal, there is no clear evidential base, directly linking the ASB in Pelsall local centre sufficiently to this hot food takeaway that could be sustain a reason for refusal. Should the application be refused and appealed, the planning authority would have to be able to demonstrate a clear link with this particular takeaway use, which is part of a busy local centre that also benefits from other takeaways and food outlets. If the planning authority could not demonstrate that clear link, the planning inspector would allow the appeal, for this hot food takeaway, in a local centre, which in planning terms, is an appropriate land use for a local centre. There is third party legislation that can deal with the wider ASB in the location which is outside the scope of the planning legislation.  Recommendation remains as set out in the report.
<b>Recommendation: Grant subject to conditions</b>	

