

Examination of the Sandwell Local Plan 2024-2041

Hearing Statement prepared on behalf of the Police and Crime Commissioner for the West Midlands (PCCWM)

(Respondent ID Ref: 1482 to 1509)

MATTER 12:

Development Management

Introduction

The Tyler Parkes Partnership Limited has previously made detailed representations at the Regulation 19 stage on behalf of the PCCWM (November 2024, Respondent ID Ref: 1482 to 1509). Those substantive representation are already before the Inspectors, available in full, online at the following url: [Sandwell Metropolitan Borough Council - Sandwell Local Plan - Reg 19 Publication](#)

Nature and Extent of this Statement

This Hearing Statement is submitted in direct response to the specific questions raised by the Inspectors under Matter 12: Development Management (selected questions only).

It is not the intention to restate, verbatim, what has been submitted previously, however some repetition will occur as each question is addressed in turn, below.

Inspectors' Questions

Issue 12 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its development management policies.

Q12.1 Is policy SDM1 justified and consistent with national policy? Including: a) Are the requirements clear, justified and will they be effective in ensuring high quality design?

The PCCWM welcomes and supports the wording in Policy SDM1 as it reflects the representations made at the early consultation stages. The policy includes the requirement that the new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety, and specifically at 2d. that *“Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”*

The inclusion of these references to Secured by Design and Park Mark principles are very important and help encourage prospective developers to engage with West Midlands Police's Design Out Crime officers at an early stage in the formulation of plans. This is not only cost effective for applicants but also leads to a better quality and safer living environment. A win-win situation.

Q12.4 Is it clear how policies SDM6 and SDM7 relate to each other and how they will be applied in practice? For soundness, should these two policies be amalgamated?

The PCCWM **acknowledges** the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9).

Notwithstanding this change, the PCCWM remains of the view that Policies SDM6 and SDM7 would be better amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa.

It is considered that a development should meet all of the relevant requirements to be policy-compliant.

Accordingly, the PCCWM objected at the Regulation 19 stage on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally

important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for anti-social behaviour after pubs and clubs close.

An amalgamated policy could take the following form and require only minor amendments (in bold and underlines):

"Policy SDM6 - Hot Food Takeaways

I: In principle considerations

Vitality and Viability

1. A percentage limit for the appropriate number of hot food takeaways in centres, including hot food takeaway permissions, and vacant units with a hot food takeaway as their lawful use (strategic, town, district and local) is as follows:

- a. in centres with 40 units or more – no more than 7% of frontages should be occupied by hot food takeaways;*
- b. in centres with less than 40 units – no more than 12% of the frontages should be occupied by hot food takeaways.*

Clustering of hot food takeaways in centres.

- 2. No more than two hot food takeaway outlets should be located next to each other. Any application for a further hot food takeaway use that would exceed this limit will not be permitted.*
- 3. Where two hot food takeaways are located next to each other, they should be separated by at least two non- hot food takeaway units from any similar uses.*

Exclusion zones

- 4. An exclusion zone will be implemented near to secondary schools and higher education establishments; no new hot food takeaway developments will be permitted where they are within 400 metres of a secondary school or college site (as measured in a direct line from the school entrance(s) used by pupils / students).*

II: Detailed Matters

5. Where the above requirements have been satisfied and the Hot Food Takeaway is acceptable in principle the following additional measures to protect the amenity of surrounding residential occupiers will apply:

Amenity

1.(i) No new hot food takeaways will be permitted where they are directly adjacent to residential property at ground floor level. This does not apply to first / second floor flats above or diagonally above a proposed hot food takeaway.

2.(ii) Where there is an existing residential unit above a hot food takeaway, which is not connected with its operation, private residential amenity should not be prejudiced. Specific care will need to be given to odour extraction, noise insulation, private accessibility and public convenience. Appropriate mitigation measures will include control over hours of opening hours. Where appropriate provisions cannot be included then such uses will not be supported, even within designated centres.

Local environmental issues

~~3.(iii)~~ All hot food takeaways will require appropriate fume extraction equipment to be installed, retained and maintained to reduce / remove potential nuisance from odours. Extraction systems should be effective in dispersing odours from hot food takeaways, whilst satisfying the council's design policies, especially in areas of historic character. Such systems should be insulated to a level sufficient to prevent any noise they make from creating adverse impacts for adjacent residents.

Disposal of waste products and litter

~~4.(iv)~~ Appropriate fat traps / interceptors must be installed on sinks and drains to prevent from reaching the wastewater system, to avoid blockages and the subsequent flooding of property.

~~5.(v)~~ Appropriate storage areas must be specified for food waste bins and packaging waste and be included in any new proposal.

~~6.(vi)~~ The bins to be provided must be a suitable size and should be stored in a location that will not cause a nuisance to neighbouring residential or commercial properties, including regarding odours and accessibility.

~~7.(vii)~~ Commercial bin stores must be contained within the site. Where this is not possible, secure storage structures should be provided, designed to prevent vermin infestation and reduce odours.

Management of Associated Impacts

~~8.(viii)~~ Proposals for new hot food takeaways will only be granted permission subject to stringent planning conditions, to address matters such as (but not limited to):

- a. opening hours;
- b. parking restrictions;
- c. highway safety;
- d. where it is considered necessary, the installation of or contributions towards monitoring technology such as CCTV.

In some cases, they may be limited to a personal permission and / or a temporary consent.

~~9.(ix)~~ In determining any planning applications for hot food takeaways, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations."

Q12.6 In terms of this issue, are any main modifications necessary for soundness?

PCCWM suggestions for main modifications have been identified above.