

# Report to Council

**12 April 2022**

<b>Subject:</b>	Proposed departure from the Development Plan at James W Shenton Limited, Tinsley Street, Tipton, DY4 7LQ
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>


## 1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/22/66538 (part demolition of existing buildings and proposed refurbishment of retaining structures, additional new industrial units, and parking area for uses B2 and B8).

## 2 Reasons for Recommendations

- 2.1 The proposal is on land allocated for residential use and as such is currently contrary to adopted council policy. The site is industrial and in the emerging local plan, the site is to be allocated for industrial purposes. The proposal would therefore add to the Council's need for quality industrial land.

## 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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## 4 Context and Key Issues

- 4.1 Planning Committee granted conditional approval on the meeting held 30<sup>th</sup> March 2022, which considered planning application DC/22/66538 (part demolition of existing buildings and proposed refurbishment of retaining structures, additional new industrial units, and parking area for uses B2 and B8).
- 4.2 The application was publicised by neighbour notification letters, site notice and press notice with objections which are contained within the original planning committee report attached.
- 4.3 Planning Committee Members approved the application on the 30<sup>th</sup> March 2022, and now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently allocated for residential use under the Site Allocations and Delivery Plan Policies Map and has been in private ownership for a number of years. The site has remained undeveloped due to surrounding industrial uses. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the ‘departure’ from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The application has been publicised by neighbour notification letters, and site and press notice, without response. The Council’s Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.

## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.



## 6. Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant.
<b>Equality:</b>	None Relevant.
<b>Health and Wellbeing:</b>	None Relevant.
<b>Social Value</b>	The proposal would create jobs and apprentices during the construction phase.

## 7. Appendices

None

## 8. Background Papers

8.1 Planning application reference DC/22/66538

