

Report to Planning Committee

29 November 2023

Application Reference	DC/23/68624
Application Received	01 September 2023
Application Description	Proposed 2 No. detached light industrial units with new access, parking, landscaping and new retaining wall with railings to rear.
Application Address	Land At Corner Of Cleton Street And Sedgley Road East/Tipton Road Tipton
Applicant	Mr C Parker
Ward	Oldbury
Contact Officer	Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That, subsequent to ratification by Council of the departure from development plan, planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Ground contamination;
- (iii) Finished floor levels;
- (iv) Provision and retention of electric vehicle charging points;
- (v) Construction management plan (including dust management, hours of construction, wheel cleaning etc;




- (vi) Low NOx boilers;
- (vii) Hard and soft landscaping;
- (viii) Drainage and SUDS;
- (ix) Restriction on hours of opening; and
- (x) Parking laid out, provision and retention.

2 Reasons for Recommendations

2.1 The proposal would create jobs and bring investment into the local area.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

4.1 This application is being reported to Planning Committee because the proposed use is a departure from the council's development plan.

4.3 To assist members with site context, links to several Google Map images are provided below:

[Cleton Street/Tipton Road, Tipton](#)

5 Key Considerations

5.1 The site is allocated for housing and if members were to approve the application, it would have to be considered by Full Council for ratification.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.



5.3 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Proposals in the Development Plan

Planning history (including appeal decisions)

Traffic generation

6. The Application Site

6.1 The application site is an area and which is to the immediate north of existing industrial units that are located within Cleton Street Business Park. The land is located along Tipton Road and Cleton Street and forms a buffer between the industrial units and the highway. The area is characterised by industrial/commercial units to the north and south east with residential properties to the west.

7. Planning History

7.1 There is no significant or relevant history of planning applications for this site and the land could be described as landscaping that acts as a buffer between existing industrial units and the highway – Tipton Road.

7.2 There are no relevant planning applications for the site but a pre-application enquiry was submitted in October 2022; reference PA/22/00622.

8. Application Details

8.1 The applicant proposes to create a new access from Tipton Road with the existing industrial estate, creating two light industrial units, (use classes E(g)) together with servicing, parking and landscaping.

8.2 Units 1 and 2 would be 6.1m high with a dual sloping roof, by 38.8m long by 12.5m high with floorspace for each of the units would be 450 square metres. The proposed site plans shows 5 car parking spaces for each of



the units including 1 electric vehicle charging point per unit. There would be a tarmac access drive and landscaped areas.

- 8.4 The would be a maximum of 6 people employed at the units and proposed hours of business are 0830 to 1730 (Mon to Fri) and 0900 to 1300 (Sat) with no opening on Sundays and Public Holidays.

9. Publicity

- 9.1 The application has been publicised by 10 neighbour notification letters without response.

10. Consultee responses

10.1 Planning and Transportation Policy

The site of the proposed development is allocated for housing; therefore, the proposed industrial development would be a departure from the development plan allocation, under Black Country Core Strategy (BCCS) policies DEL2, EMP1 and EMP4 (see 12.1).

According to policy EMP4 of the BCCS, the council should have a supply of 70 hectares of readily available employment land. The council has a short fall and the proposed development would go some way help fill this gap.

Taking the above into account there are no policy issues with the proposed industrial/warehouse development of the site, and no objections to the departure.

10.2 Highways

The highways team do not object to the proposal but recommended a condition is attached for the layout for parking and manoeuvring to be implemented prior to occupation and to be retained as such.



10.3 Public Health (Air Quality)

No objections have been received and it is recommended that conditions are attached to any approval that include the implementation and retention of the electric vehicle charging points shown, a dust management plan (part of the construction management plan) to protect local residents and businesses during the construction phase of the development, as well as the implementation of the submitted travel plan, and the installation of low NOx boilers.

10.4 Public Health (Contaminated Land)

No objections subject to the submission of a Desktop Study prior to commencement of development to identify the potential for risk of on-site contamination. In the event that contamination is found this should be reported to the LPA along with details relating to remediation. These matters can be dealt with by way appropriate conditions.

10.5 Public Health (Air Pollution and Noise)

Has no objections due to the proposed location that is away from residential properties.

10.6 The Canal and River Trust

No comments submitted as they have confirmed that the site falls outside their consultation zone.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.



12. Local Planning Policy

12.1 The following policies of the council's development plan are relevant:

ENV3: Design Quality

ENV8: Air Quality

ENV5: Drainage

DEL2: Managing the Balance between Employment Land and Housing

EMP1: Providing for Economic Growth and Jobs

EMP4: Canals

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the development plan.

12.3 BCCS policy DEL2 states that proposals for new employment development in areas of housing growth will be resisted where it is not consistent with housing led regeneration of the area. It has been over ten years since the adoption of the BCCS and the site remains undeveloped for housing and is unlikely to come forward due to viability issues (contaminated land mitigation measures).

12.4 BCCS policy EMP1 aims to provide land for at least 75,000 industrial and warehouse jobs in the Black Country by 2026. For this, there needs to be a ready supply of available land at any one time. Under BCCS Policy EMP4, Sandwell should have 70ha of available employment land available at any one time (the council currently has 23ha). The borough has been well under this level of provision since the adoption of the BCCS in 2011, therefore the proposed industrial development of the site would be welcome as this would bring forward new industrial development that would add to the existing stock of employment land.



12.7 The site is around 205 metres away from Birmingham Canal, however BCCS policy ENV4 is applicable, under this policy all development proposals likely to affect the canal network; must protect and enhance its nature conservation value, protect its visual amenity.

12.8 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off. This is conditioned as such.

12.9 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD. Electric vehicle charge points are proposed and other matters such as construction management plan and low emission boilers are conditioned as such.

13. Material Considerations & other relevant considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Proposals in the Development Plan

The proposal is contrary to the council's development plan; however, the residential development is unlikely to come forward in the long-term. The proposed development would create jobs in the local area and is in context with the existing character of the business park.

13.8 Traffic generation

The council's Highways team has raised no objections.



13.9 Design

The proposed design is typical of this sort of industrial development and is considered appropriate to the location within this established Business Park.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however the site has been undeveloped for a significant amount of time, and council resources are impacted upon by managing fly tipping on the site.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None
Social Value	The proposal would potentially provide jobs for the local area.

16. Appendices

Location plan

Site Plan

Proposed elevations – 4304-02

Proposed ground floor plan & Section 1



SITE LOCATION PLAN
AREA 4 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 396706 , 291160



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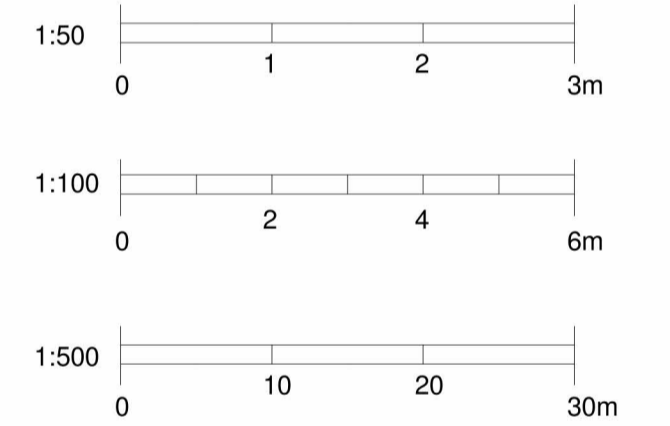


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SCALE BAR



PROJECT

PROPOSED INDUSTRIAL UNITS

TITLE

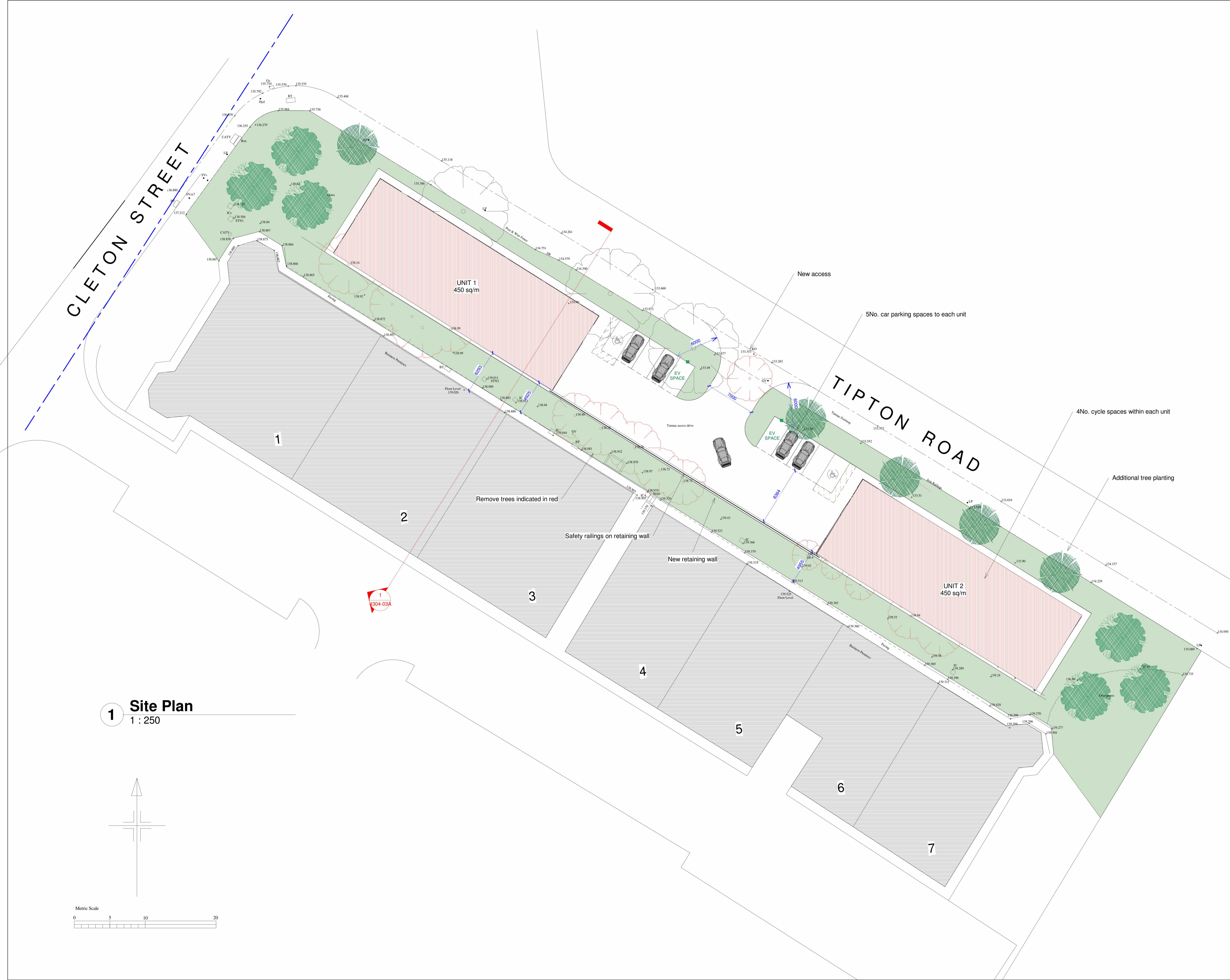
LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

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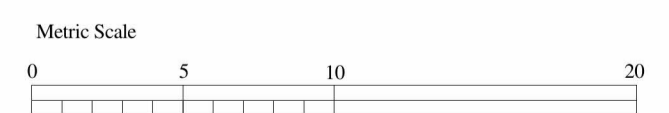
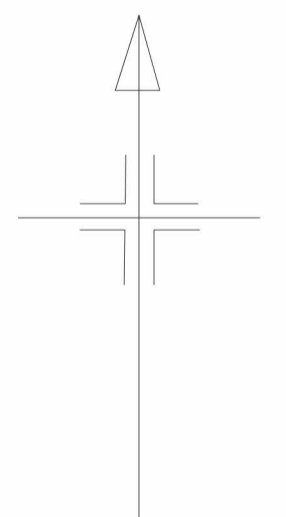
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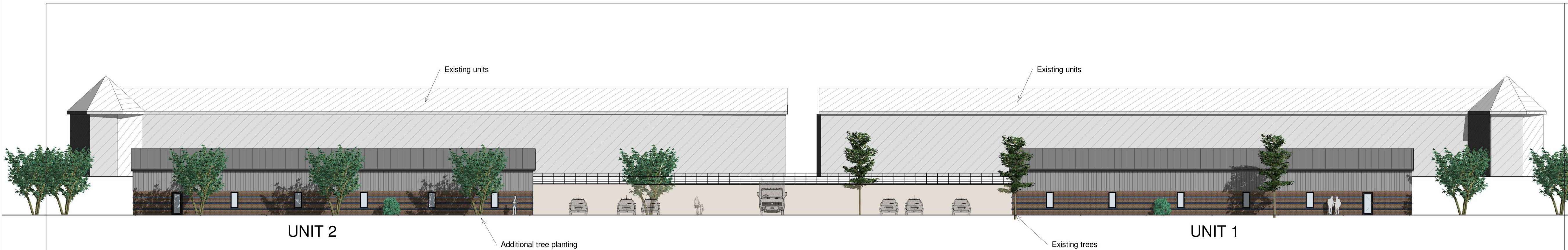
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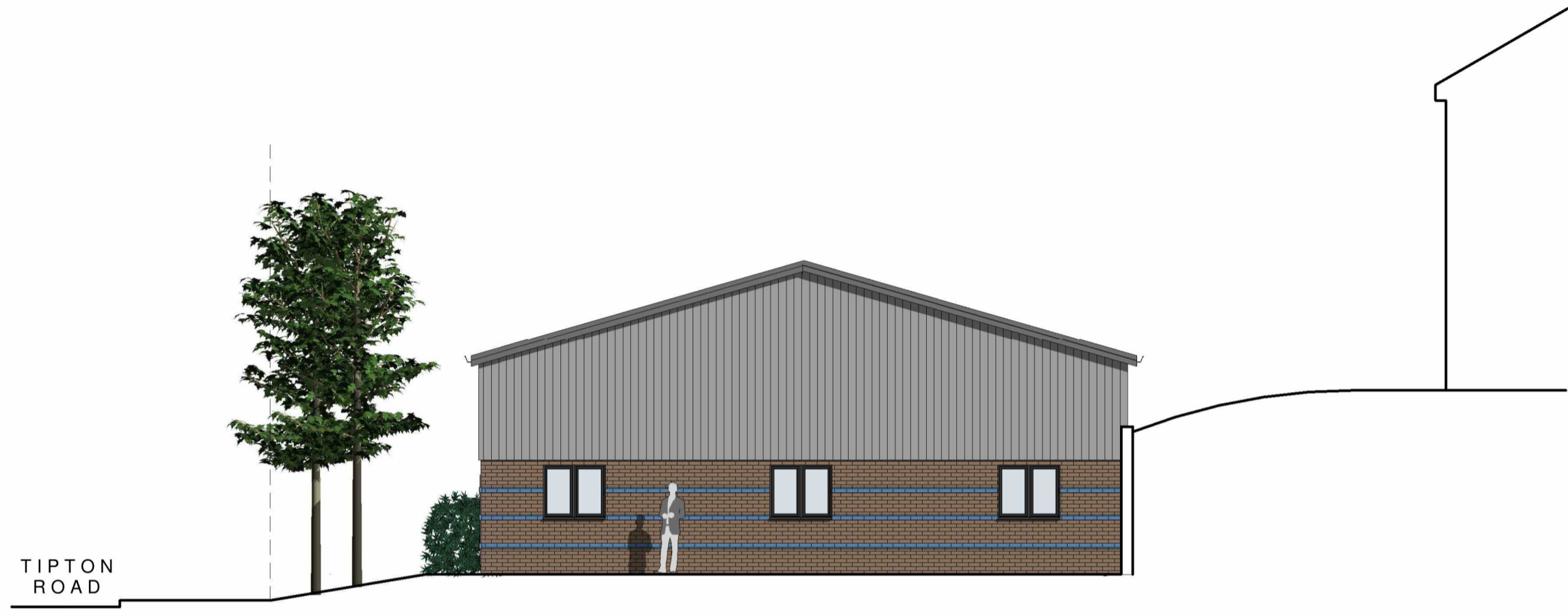


1 Site Plan
1 : 250





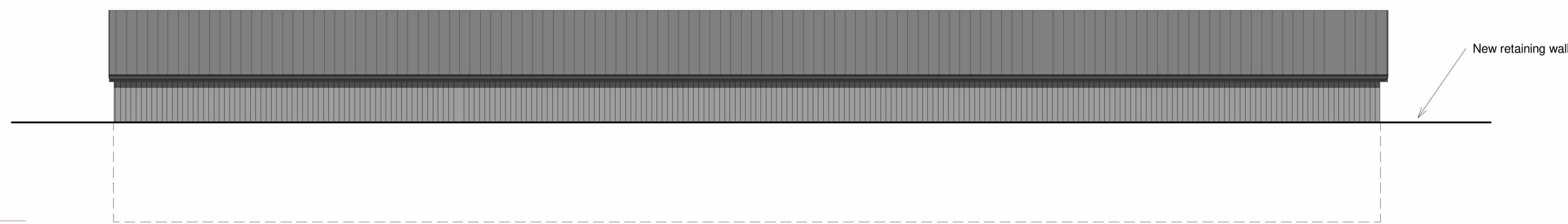
1 North East Elevation To Tipton Road
1 : 200



2 North West Elevation To Cleton Street
1 : 100



3 South East Elevation
1 : 100



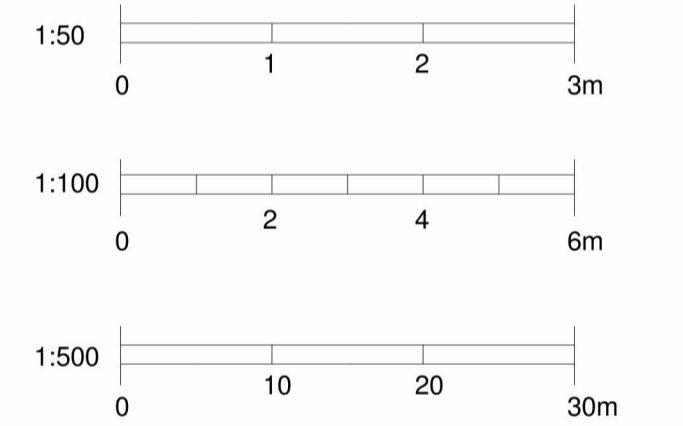
4 South West Elevation
1 : 100

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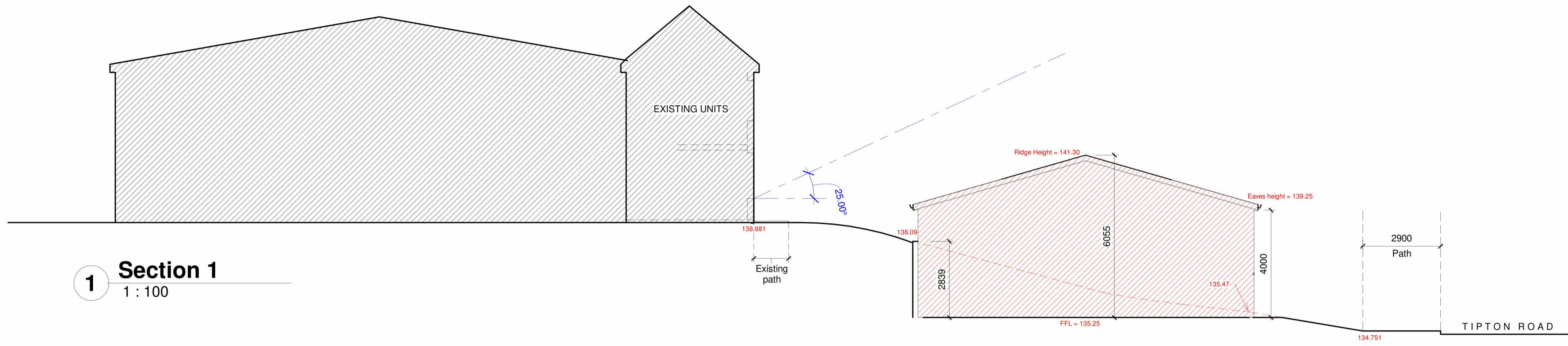
LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

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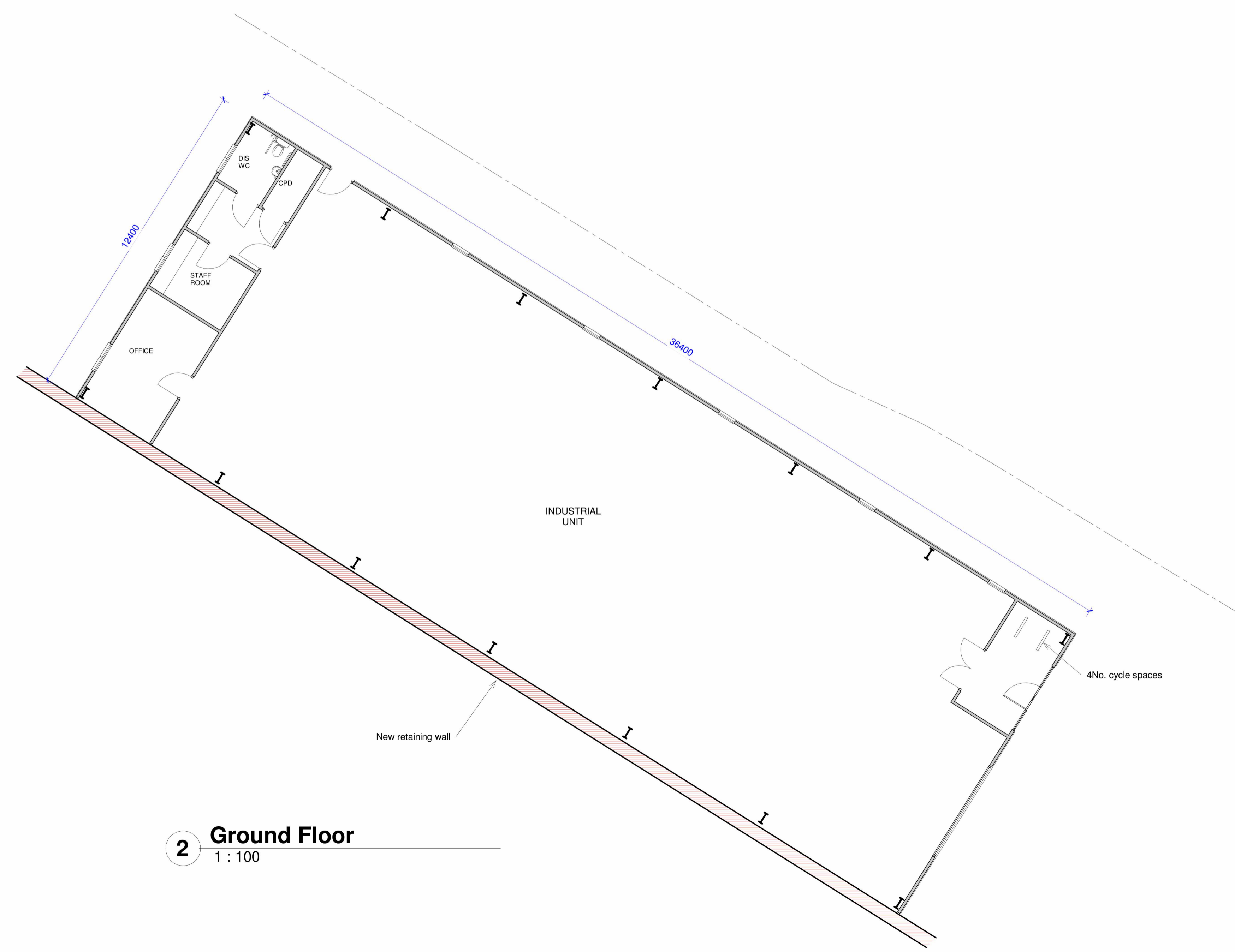
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1 Section 1
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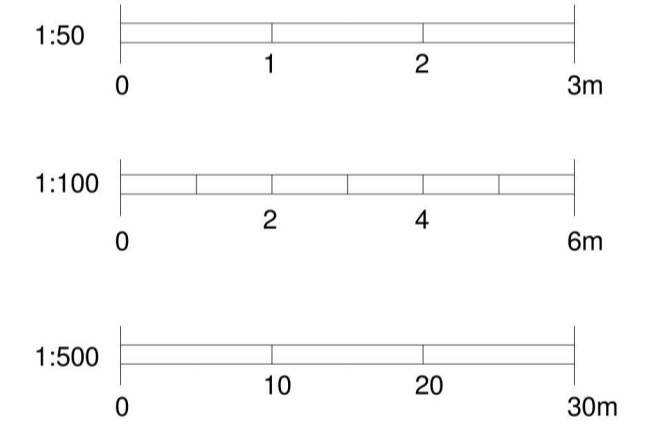
2 Ground Floor
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SCALE BAR



PROJECT

PROPOSED INDUSTRIAL UNITS

TITLE

LAND AT CLETON BUSINESS PARK, TIPTON ROAD, TIPTON

CLIENT

DRAWN BY: JG, CHECKED BY: SG, DATE: 02/05/2023

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