

# Report to Council

**12 December 2023**

<b>Subject:</b>	Proposed departure from the Development Plan at Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth
<b>Contact Officer:</b>	Senior Planner, Douglas Eardley douglas_eardley@sandwell.gov.uk

## 1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/22/67520 - Retention of heavy goods lorry and trailer parking area with portable office at the site of Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP.

## 2 Reasons for Recommendations

- 2.1 The site forms part of a wider housing allocation in the Development Plan. To realise the housing allocation, comprehensive redevelopment would be required and given there is no evidence to suggest that the site would be brought forward for housing within a reasonable timeframe, on balance, it is considered that, on this occasion, the policy should be set aside to facilitate the site being retained for heavy goods lorry and trailer parking area with portable office which would remain in-keeping with the surrounding industrial area.



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

	A strong and inclusive economy – The retention of the use of the site for heavy goods lorry and trailer parking area with portable office would remain in-keeping with the surrounding industrial area, secure investment in the Borough, provide employment and add to the range of facilities in the local area.
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### 4 Context and Key Issues

- 4.1 At the meeting of the Planning Committee held on 25 October 2023, consideration was given to planning application DC/22/67520 which sought approval for the retention of heavy goods lorry and trailer parking area with portable office at the site of Tata Cargo Ltd in Wednesbury.
- 4.2 Planning Committee approved the planning application with conditions, and to the application being referred to Council as a departure from the Development Plan.
- 4.3 The site is currently allocated for housing under the Site Allocations and Delivery Development Plan Policies Map. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.4 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.
- 4.5 The application has been publicised by site and press notices without response. The Canal and River Trust, Health and Safety Executive and the Council’s Highways, Planning Policy, and Pollution Control 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 Refusal of application is an option but there are no reasonable planning reasons for doing so.



## 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 to the Development Plan. Consequently, the Committee has referred the application to 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>	The development would provide employment and add to the range of facilities in the local area.
<b>Social Value</b>	The development would retain the use of the site and secure investment in the Borough.
<b>Climate Change</b>	None relevant.
<b>Corporate Parenting</b>	None relevant.

## 7. Appendices

Location Plan.

## 8. Background Papers

Planning application DC/22/67520.

