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| Council/Committee: | Council |
| Report Title | Proposed departure from the development plan at land at the corner of Castle Street and Park Lane West, Tipton. |
| Date of Meeting | 22 July 2025 |
| Report Author | Anjan Dey, Senior Planning Officer Anjan_Dey@sandwell.gov.uk |
| Lead Officer | Alan Lunt Executive Director, Place |
| Wards Affected | N/A |
| Appendices | N/A |

1. Executive Summary

- 1.1 Planning Committee granted conditional approval at the meeting held on 30th April 2025, which gave consideration to planning application DC/ 24/70297 for retention of use of former vacant land to car sales/storage centre (sui generis) with portable cabin (5 year temporary licence).
- 1.2 The application is now before Council to consider the departure from the development plan before conditional planning permission can be granted
- 1.3 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

2. Recommendations

Council is recommended to:-

- 2.1 Approve an exception to the Development Plan in respect of planning application ref: DC/25/70297, retention of use of former vacant land to car sales/storage centre (sui generis) with portable cabin (5 year temporary licence).

3. Proposals – Reasons for the recommendations

- 3.1 The site is allocated for residential development and although the proposed sales use is not considered ancillary to the residential it does not involve any physical development, and a 5-year temporary consent is requested. As such, the proposed use would not prevent the site coming forward for residential development in the future. The site is largely vacant but there is a portable cabin at the north-east corner of the site.

4. Alternative Options Considered

- 4.1 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.

5. Consultation

- 5.1 The application was publicised by neighbour notification letters, site notice and press notice objections were received referring to concerns about the general tidiness of the site/visual amenity, noise from the proposed use and that it would affect highway safety by exacerbating parking issues along Castle Street.
- 5.2 The council's Planning Policy, Highways, Public Health and Conservation Officer have also been consulted on the proposal and have raised no objections subject to relevant conditions. The Canal & Rivers Trust was also consulted and raised no objections. The planning officer recommended approval on the basis that the proposal would create jobs and bring investment into the local area.

6. Financial Implications

- 6.1 There are no financial implications arising directly from this report.

7. Legal and Governance Implications

- 7.1 The development has been considered in accordance with the Town and Country Planning Act 1990 and 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, Planning Committee has referred the application to Council to consider whether an exception to the development plan should be granted.

8. Risks

- 8.1 There are no direct risks arising from this report.

9. Equality and Diversity Implications (including the public sector equality duty)

- 9.1 There are no direct equality implications arising from this report.

10. Other Relevant Implications

10.1 No other relevant implications arising from this report.

11. Background Documents

11.1 Planning application reference – DC/25/70297.

12. How does this deliver the objectives of the Strategic Themes?

12.1 The Sandwell Local Plan serves as the blueprint for future development, guiding housing and employment growth while ensuring new infrastructure investments like transport and schools. It aims to encourage a positive environment where businesses and our community and voluntary organisations are supported to grow; and investment into the borough is maximised, creating job opportunities for local residents.