

Report to Planning Committee

25 October 2023

Application Reference	DC/22/67520
Application Received	15 September 2022
Application Description	Retention of heavy goods lorry and trailer parking area with portable office.
Application Address	Tata Cargo Ltd, Rigby Street, Wednesbury, WS10 0NP
Applicant	Mrs Parminder Kaur Sandhu
Ward	Wednesbury South
Contact Officer	Douglas Eardley douglas_eardley@sandwell.gov.uk

1 Recommendations

- 1.1 That retrospective planning permission is granted subject to conditions relating to:
- i) The areas shown for manoeuvring and parking of vehicles is provided and retained as such; and
 - ii) Site drainage implemented in accordance with submitted Drainage Strategy Statement.

2 Reasons for Recommendations

- 2.1 The retention of heavy goods lorry and trailer parking area with portable office on site would upgrade the use and function of the existing site.



3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

- 4.1 The application is being reported to your committee as the development is a departure from the Development Plan.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Rigby Street, Wednesbury](#)

5 Key Considerations

- 5.1 The site is allocated for housing in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Planning History

6. The Application Site

- 6.1 The application relates to a site on the southern side of Rigby Street, Wednesbury. In line with the application, the site is currently used for heavy goods lorry and trailer parking area with portable office. The site is situated in a predominantly industrial area with the Tame Valley Canal to the south of the site. The site falls within a Housing Allocation Area H8.1 – Black Lake.



7. Planning History

7.1 Relevant planning applications are as follows:

DC/08/49258	Proposed change of use from storage (B8) to manufacture of pallets, crates and boxes (B2).	Grant Permission subject to Conditions – 25.04.2008.
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8. Application Details

- 8.1 Originally this was a full planning application for the ‘Demolition of existing unit and retention of heavy goods lorry and trailer parking area with portable office’, however on my site visit it was noted that the existing unit was no longer on site; therefore the description of development has been altered to ‘Retention of heavy goods lorry and trailer parking area with portable office’ to reflect the current proposal, as the ‘demolition of existing unit’ is now not applicable to DC/22/67520.
- 8.2 The portable office is sited in the north-western aspect of the site, with the remainder of the site used for manoeuvring of vehicles and heavy goods lorry and trailer parking area.
- 8.3 Vehicular and pedestrian access to the site would be taken off Rigby Street.
- 8.4 Regarding DC/23/67520, the opening hours from Monday to Sunday and including bank holidays are 24hrs.

9. Publicity

- 9.1 The application has been publicised by press and site notices without response.



9.2 Objections

No objections have been received.

10. Consultee responses

10.1 Planning Policy

Planning Policy have confirmed that the proposal site falls within a housing allocation, and that it is within an existing and active industrial area. They confirm that to realise the housing allocation, comprehensive redevelopment would be required, and this has not come forward. They go on to confirm that the use of the site remains in-keeping with the surrounding area and that they would have no concerns with the retention of the use that has been established here. In general, Planning Policy have confirmed that they are satisfied with the proposal and that it is generally compliant with policy.

10.2 Highways

Following the receipt of satisfactory information relating to trip rates, Highways has no objection. Highways has requested the imposition of a condition to ensure that the areas shown for manoeuvring and parking of vehicles is provided and retained as such.

10.3 Pollution Control (Noise)

No objection.

10.4 Pollution Control (Air Quality)

They have requested the imposition of a condition relating to a construction method statement. However, this would not be applicable in this instance, because as this is a retrospective application, the works have already been carried out on site.



10.5 Cadent Gas

Their comments have been forwarded to the Agent for their consideration/action.

10.6 Canal and River Trust

They have requested the imposition of a condition to ensure that the site drainage is implemented in accordance with the submitted Drainage Strategy Statement, which can be carried forward as a condition for DC/22/67520. They also originally requested the imposition of other conditions pertaining to a Construction Environmental Management Plan, boundary treatments and external lighting. However, through discussions with the Canal and River Trust to establish that the demolition of the existing unit on site has already been undertaken and that DC/22/67520 is retrospective, the Canal and River Trust subsequently concur that these conditions would not be required in this instance.

10.7 The Health and Safety Executive (HSE)

The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be considered to reflect the character, needs and opportunities for each area. The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. It also states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.



12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

DEL1: Infrastructure Provision

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

SAD EOS10: Design Quality & Environmental Standards

12.2 SAD H1: The site is allocated for Housing in the Development Plan (site allocation H8.1 – Black Lake). However, in line with Planning Policy comments above (section 10.1) to realise the housing allocation, comprehensive redevelopment would be required, and this has not come forward. Therefore, the proposed retention of the use of the site remains in-keeping with the surrounding industrial area.

12.3 Due to the nature of the proposal and no request from Pollution Control for conditions pertaining to low NOx boilers, electric vehicle charging points the compliance with policies DEL1 and ENV 8 would not be applicable in this instance.

12.4 Following the requirement for the imposition of a condition from the Canal and River Trust to ensure that the site drainage is implemented in accordance with the submitted Drainage Strategy Statement (section 10.6 above), it would ensure that the proposal would be compliant with the provisions of policy ENV5.

12.5 Due to the nature of the proposal being for the retention of heavy goods lorry and trailer parking area with portable office, policies ENV3, SAD EOS9, SAD EOS10 would generally not be applicable in this instance. However, through the imposition of a condition requested by Highways above to ensure that the areas shown for manoeuvring and parking of



vehicles is provided and retained as such, it would ensure that the proposal could be accommodated in the area and activities are confined to the site.

13. Material 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 Planning history

The site previously had planning permission (DC/08/49258) granted subject to conditions for a proposed change of use from storage (B8) to manufacture of pallets, crates and boxes (B2). Whilst it is noted that the site falls within a housing allocation, when this previous permission is coupled with the comments from Planning Policy (section 10.1 above), it is considered that DC/22/67520 could be accommodated within this existing and active industrial area without significantly prejudicing the housing allocation; as to realise the housing allocation, comprehensive redevelopment would be required, and this has not come forward.

14. Conclusion

On balance, despite the application being a departure from the Development Plan, other material considerations outweigh the allocation and there are no other significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.



16 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	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Context plan

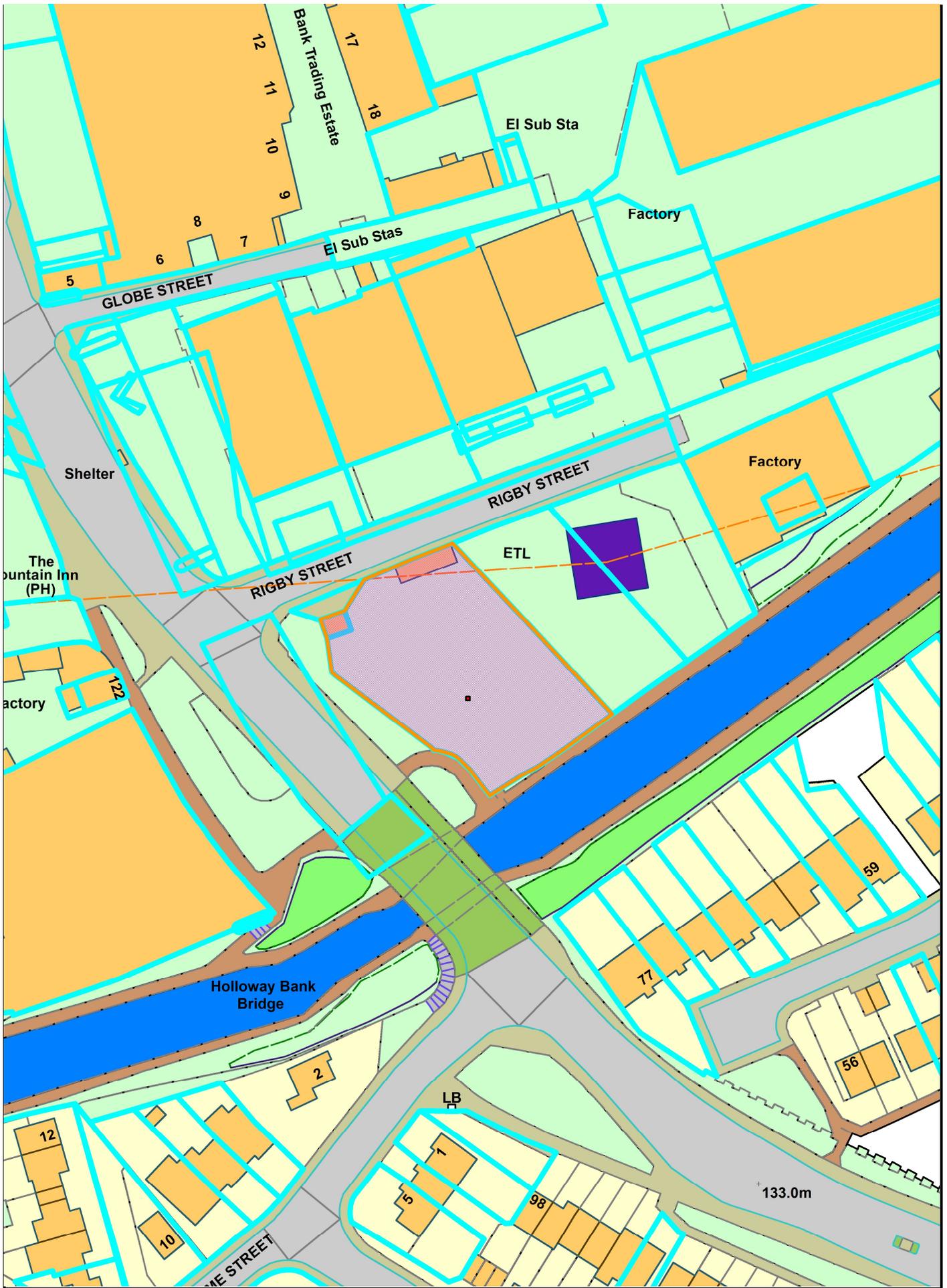
6019-T10P100 REV P1

6019-T20P00 REV P3

6019-T20E01 REV P2

6019-T70P00





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10cm

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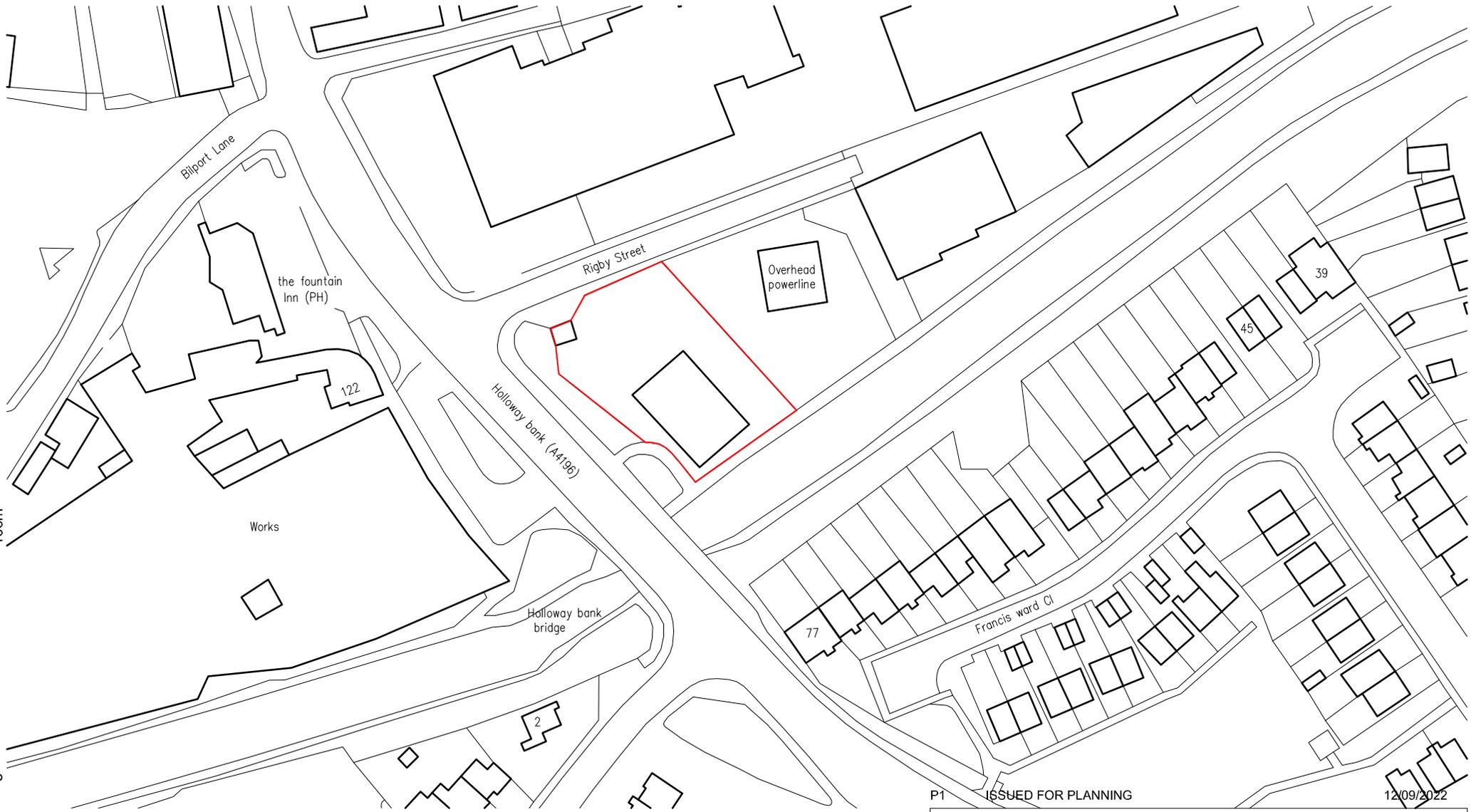
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Application Site

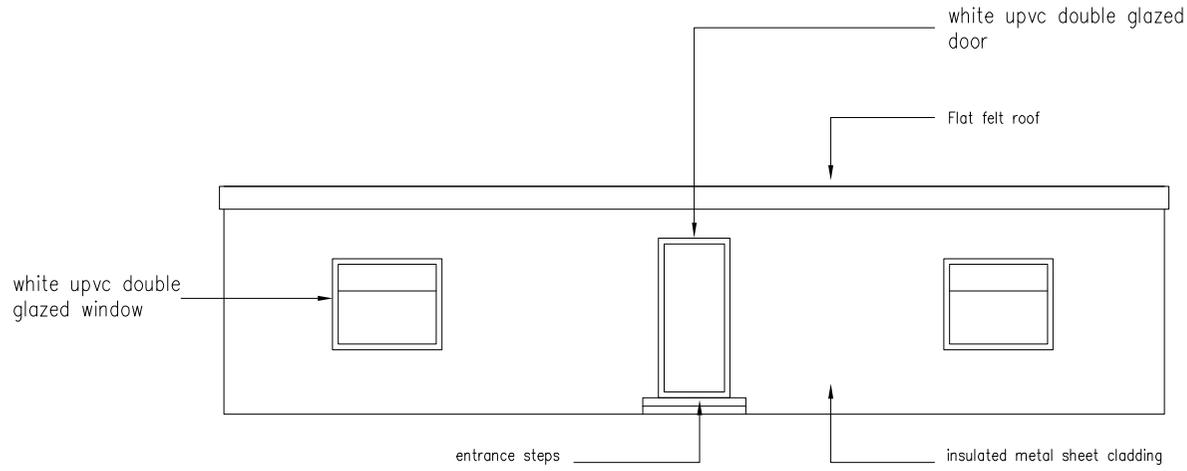


P1 ISSUED FOR PLANNING

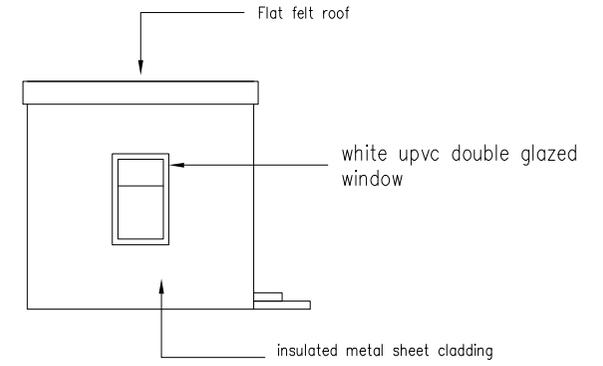
12/09/2022

STATUS:		PLANNING
CLIENT:		
PROJECT:		TATA Cargo Ltd, Rigby Street, WS10 0NP
DRAWING NAME: Location Plan	REV:	P1
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	SHEET SIZE:	A4
DRAWING No: 6019-T10P100	DRAWN:	GK

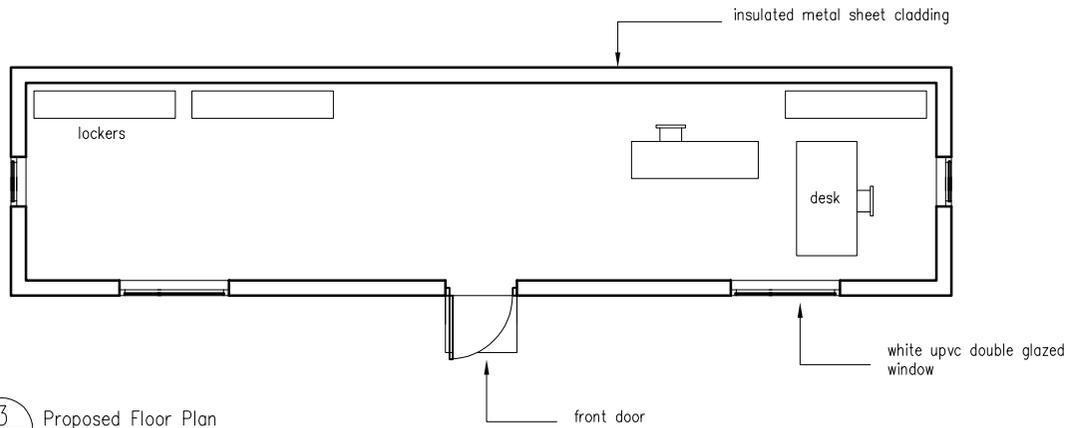
Any errors and omissions to be reported to the Architect before works commence. All dimensions to be checked on site. Do not scale. All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant Codes of Practice and British Standards. copyright ©DESIGN & BUILD ARCHITECTS Ltd | 07904375999 | www.designandbuildarchitects.com



1 Proposed Front Elevation
SCALE: 1:100

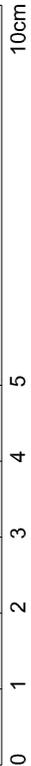


2 Proposed Side Elevation
SCALE: 1:100



3 Proposed Floor Plan
SCALE: 1:100

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P1 AMENDED FOLLOWING PLANNERS COMMENTS
P1 ISSUED FOR PLANNING

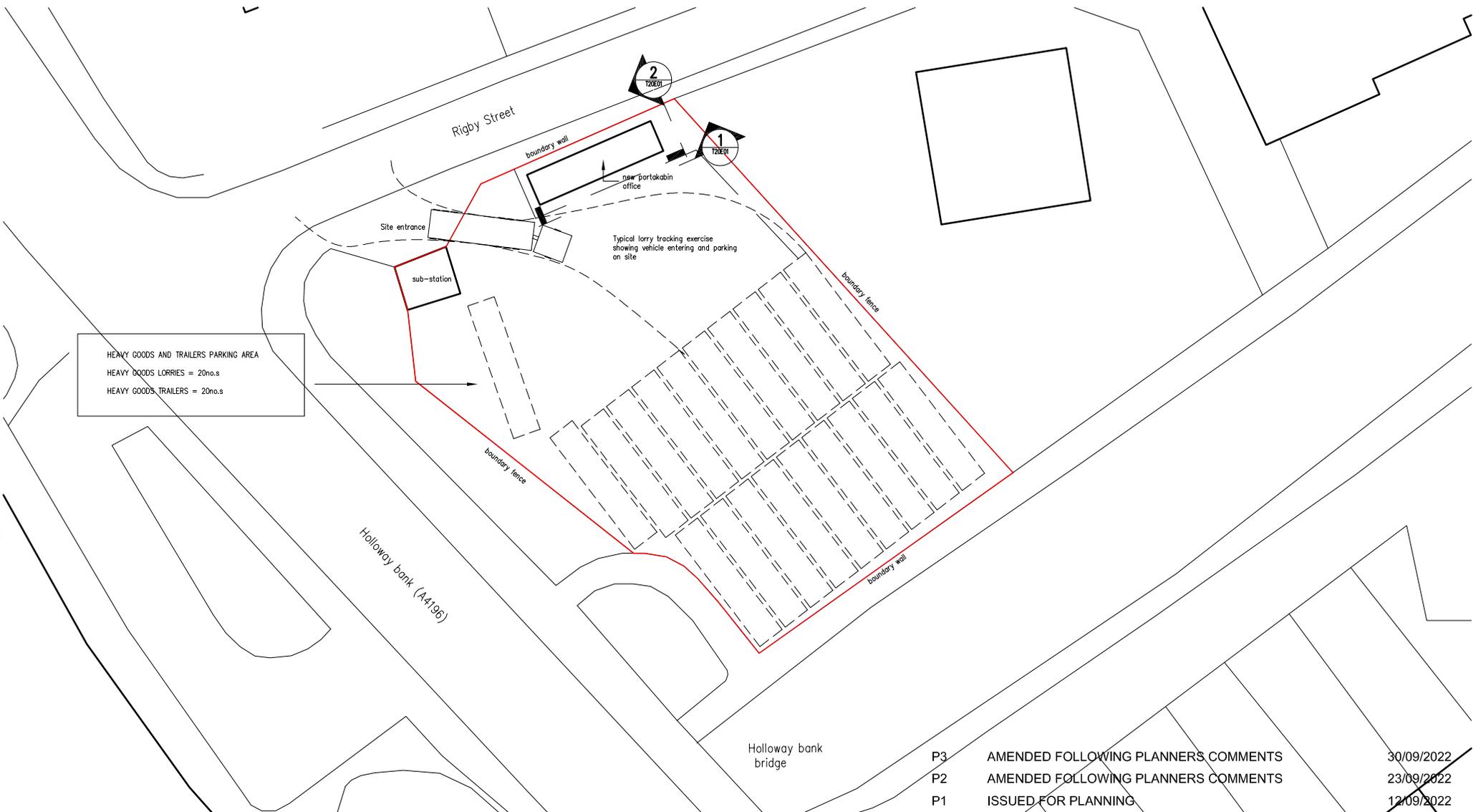
26/09/2022
23/09/2022

STATUS:		PLANNING
CLIENT:		
PROJECT:		TATA Cargo Ltd, Rigby Street, WS10 0NP
DRAWING NAME: Proposed Elevations	REV:	P2
	SCALE:	1:100
	SHEET SIZE:	A4
DRAWING No: 6019-T20E01	DRAWN:	GK

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0 1 2 3 4 5 10cm



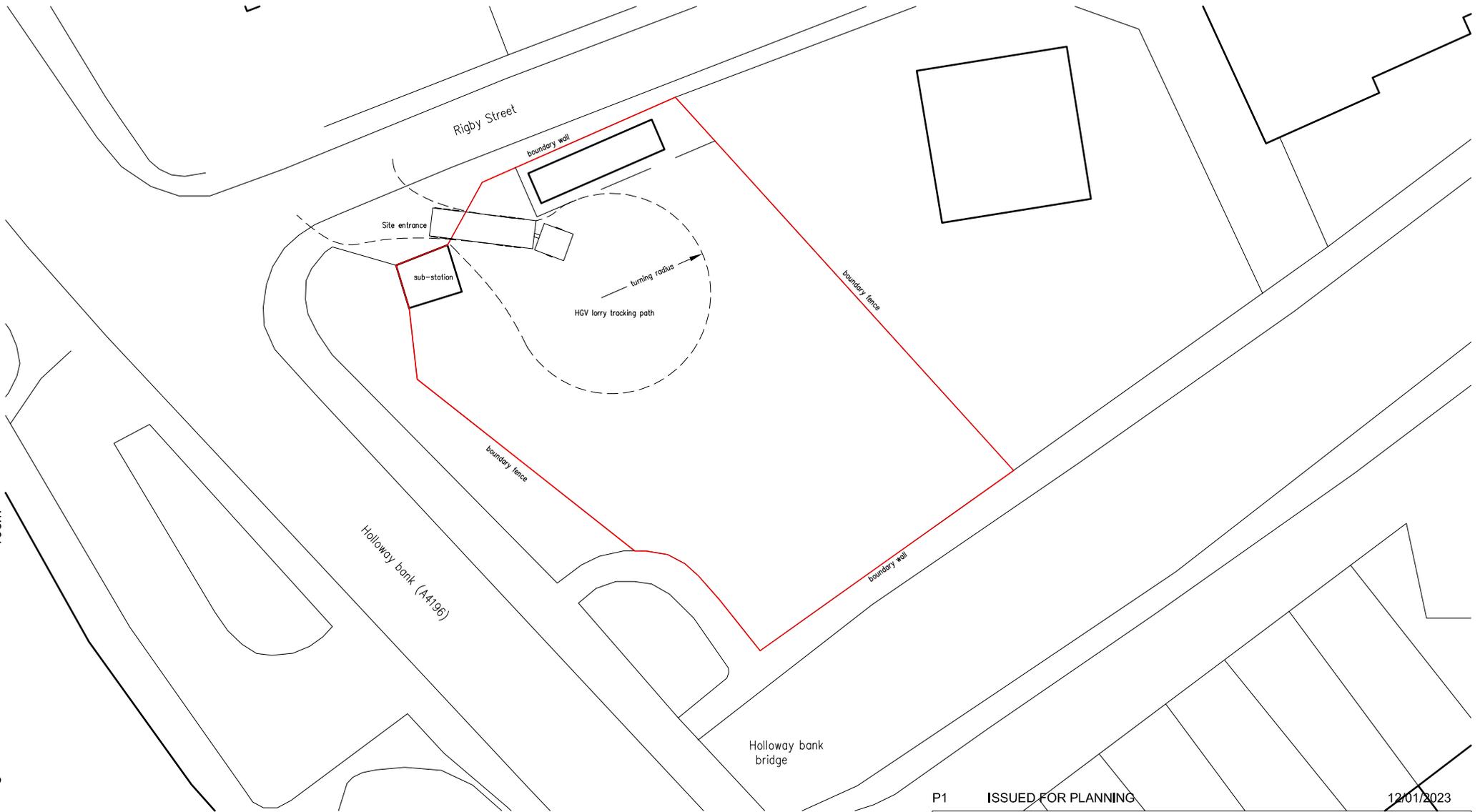
HEAVY GOODS AND TRAILERS PARKING AREA
 HEAVY GOODS LORRIES = 20no.s
 HEAVY GOODS TRAILERS = 20no.s

P3	AMENDED FOLLOWING PLANNERS COMMENTS	30/09/2022
P2	AMENDED FOLLOWING PLANNERS COMMENTS	23/09/2022
P1	ISSUED FOR PLANNING	12/09/2022

STATUS:	PLANNING	
CLIENT:		
PROJECT:	TATA Cargo Ltd, Rigby Street, WS10 0NP	
DRAWING NAME: Proposed Ground Floor	REV:	P3
	SCALE:	1: 500
	SHEET SIZE:	A4
DRAWING No: 6019-T20P00	DRAWN:	GK

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P1 ISSUED FOR PLANNING

12/01/2023

STATUS:		PLANNING
CLIENT:		
PROJECT:		TATA Cargo Ltd, Rigby Street, WS10 ONP
DRAWING NAME: HGV Tracking Plan	REV:	P1
	SCALE:	1: 500
	SHEET SIZE:	A4
DRAWING No: 6019-T70P00	DRAWN:	GK

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