

Report to Planning Committee

30 April 2025

Application reference	DC/25/70297
Application address	Land At The Corner Of Castle Street And Park Lane West, Tipton.
Application description	Retention of use of former vacant land to car sales/storage centre (sui generis) with portable cabin (5 year temporary licence).
Application received	7 February 2025.
Ward	Tipton Green.
Contact officer	Anjan Dey anjan_dey@sandwell.gov.uk

1. Recommendations

1.1 That temporary planning permission is granted subject to conditions relating to:-

- i) Laying out, drainage & surfacing & retention thereafter;
- ii) Restriction on hours of opening;
- iii) Restriction on hours of associated deliveries;
- iv) Implementation and retention of approved waste storage area;
- v) Submission of external lighting details if required;
- vi) The use authorised by this permission shall be discontinued at the expiration of a period of 5 years;
- vii) The use shall be for the benefit of the applicant only; and
- viii) The Parking for visitors and staff shall be provided and retained as such.

1.2 That Full Council be requested to grant an exception to the relevant planning policies to allow the application to proceed.

2. Reasons for Recommendations

- 2.1 The area is a mixture of commercial and residential properties, and the scheme provides a further commercial use into the area without compromising existing private residential amenity.

3. How does this deliver objectives of the Council Plan?

Thriving Economy in Sandwell	<p>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.</p> <p>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.</p>
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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. In addition, 4 objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land at the corner of Castle Street and Park Lane West.](#)

5. Key Considerations

- 5.1 The site is allocated for residential in the development plan.
- 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;
 - Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment;
 - Highways considerations - traffic generation, access, highway safety, parking and servicing;
 - Environmental concerns – noise, air quality, pollution and general disturbance.

6. The Application Site

- 6.1 The application site is situated on the north side of Castle Street, Tipton at the junction with Park Lane West. There are residential properties on the opposite side of the site with industrial units to west. Tipton Green bridge and the Birmingham Canal is to the east of the site and the site shares a boundary with Tipton Factory Locks.

7. Planning History

- 7.1 Non-relevant.

8. Application Details

- 8.1 The site is largely vacant but there is a portable cabin at the north-east corner of the site. The application relates to planning enforcement case ENF/24/12306 that relates to the unauthorised portable cabin and use of the land for car sales. The applicant now proposes to regularise the use of the site for car sales and is seeking a temporary 5-year consent.

The submitted layout shows the sales office (portable cabin) at the north-east part of the site and sales forecourt. Adjacent to the sales office would be a dedicated storage area for recyclable and general waste.

The site layout plan indicates that the sales forecourt would have a type 3 sub base for drainage and gravel finish. There is existing dropped kerb from Castle Street for access and egress. The corner to the junction with Park Lane West is secure by existing brick wall with fence and metal gate to the access point. The rear and western sides of the site are secured by metal palisade fencing. Staff and visitor parking as well as deliveries would be to the west of the site on land that is also within the ownership of the applicant (edged blue on the proposed site layout).

Proposed hours of opening are 0800am - 1900pm (Monday to Friday)
Saturday 0800am -1800 (Saturday) 0900 – 1600 (Sunday & Bank Holidays).

9. Publicity

- 9.1 The application has been publicised by 12 neighbour notification letters and by site notice. Four objections have been received.

- 9.2 Objections have been received on the following grounds:

- i) The general untidiness of the site that affects visual amenity;
- ii) Concerns relating to noise and uncontrolled use of the site for the sale of cars and also the storage of other vehicles;
- iii) The use would exacerbate parking issues along Castle Street and impact highway safety;

Non-material objections have been raised regarding loss of property value.

These objections will be addressed in under paragraph 13 (Material Considerations).

10. Consultee responses

10.1 Planning Policy

The application site is allocated for residential development in the SAD Policies map and the Tipton Area Action Plan. Policy SAD H1 is applicable given the housing allocation, and although the proposed sales use is not considered ancillary to the residential allocation 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 from coming forward for residential development in the future.

10.2 The site is part of an area allocated as other employment sites in the Regulation 22 publication of the Sandwell Local Plan Policies Map. Policy SEC4 of the emerging Sandwell Local Plan seeks to support new industrial employment uses or extensions to existing industrial employment uses but also allows for some degree of flexibility for housing or other non-ancillary non-employment uses. There is currently a transition period due to the emerging plan, and whilst the proposal is a departure at present, if the new Sandwell Local Plan is adopted the site will then be retained as employment land.

10.3 In principle Policy has no objections to the proposed use for car sales in this location on the basis that is required for a temporary period of 5 years.

10.4 Highways

No objections subject to the use being for the benefit of the end user only given that they control the land outside the site and this will be used for staff and visitors. This can be ensured by a relevant condition.

10.5 Conservation Officer

No overall objections. The application site shares a boundary with the Factory Locks conservation area and stands opposite to a locally listed building. However, if managed well it would not be expected to cause appreciable impact on the setting of the heritage assets.

10.5 Pollution Control (Noise)

No overall objections or related conditions recommended.

10.6 Biodiversity Net Gain

The council's Ecologist has confirmed that the proposal for a change of use is exempt from Biodiversity Net Gain obligations.

10.7 The Canal & Rivers Trust

No overall objections but a condition has been recommended relating to the installation of any external lighting if required and that details shall be submitted to the planning department for approval. This matter can be dealt with by relevant pre-commencement condition.

11. National Planning Policy Framework (NPPF)

- 11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied. 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.

- 11.2 The framework promotes sustainable transport options for development proposal and 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. Development Plan Policy

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

Black Country Core Strategy (BCCS)

ENV2 - Historic Character and Local Distinctiveness

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

Site Allocations and Delivery Development Plan Document – (SADD)

SAD H1 - Housing Allocations

- 12.2 The site of the proposed development is currently allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the emerging plan intends to allocate the area for continued employment use. Notwithstanding this, at this current time the development is classed as a departure from the development plan.
- 12.3 The proposed development will have to give regards to BCCS policy ENV2 relating to the historic character and local distinctiveness of the area. The site is in proximity of the Factory Locks Conservation Area but it is considered that it would not harm the setting of the locks.
- 12.4 The proposed development will have to give regard to 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.

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 Visual amenity;

The site has been subject to various complaints relating to unauthorised storage of vehicles as well as general untidiness. The proposal would improve the overall appearance of the site, and the proposed layout is considered typical and appropriate for a car sales use. The portable cabin is considered proportionate to the site located at the north-eastern corner.

The applicant has also provided background information in respect of historical problems associated with the site. When the owner purchased the land, it was overgrown with shrubbery that obstructed the public footpath. The site was also subject to fly tipped rubbish from local households that he had to remove. If the site is brought into use, it would hopefully deter this type of activity.

13.3 Highways considerations - highway safety and parking;

The Head of Highways has reviewed the application and raised no objections to the application subject to the proposal benefitting the applicant only due to staff and visitor parking being outside application site.

13.4 Environmental concerns – noise and general disturbance;

The Public Health Noise Officer has reviewed the application and has raised no objections. Furthermore, the noise officer has not requested that hours of opening be restricted. The proposed hours of opening are considered appropriate to the proposed sales use and should not result

in any excessive noise disturbance to nearby residential properties. Notwithstanding this, it would be appropriate to restrict hours of opening to those outlined in the application.

14. Conclusion and planning balance

- 14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).
- 14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

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 managed by appropriately worded 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:	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
Risk:	There are no risks associated with this report.
Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Corporate Parenting	None.

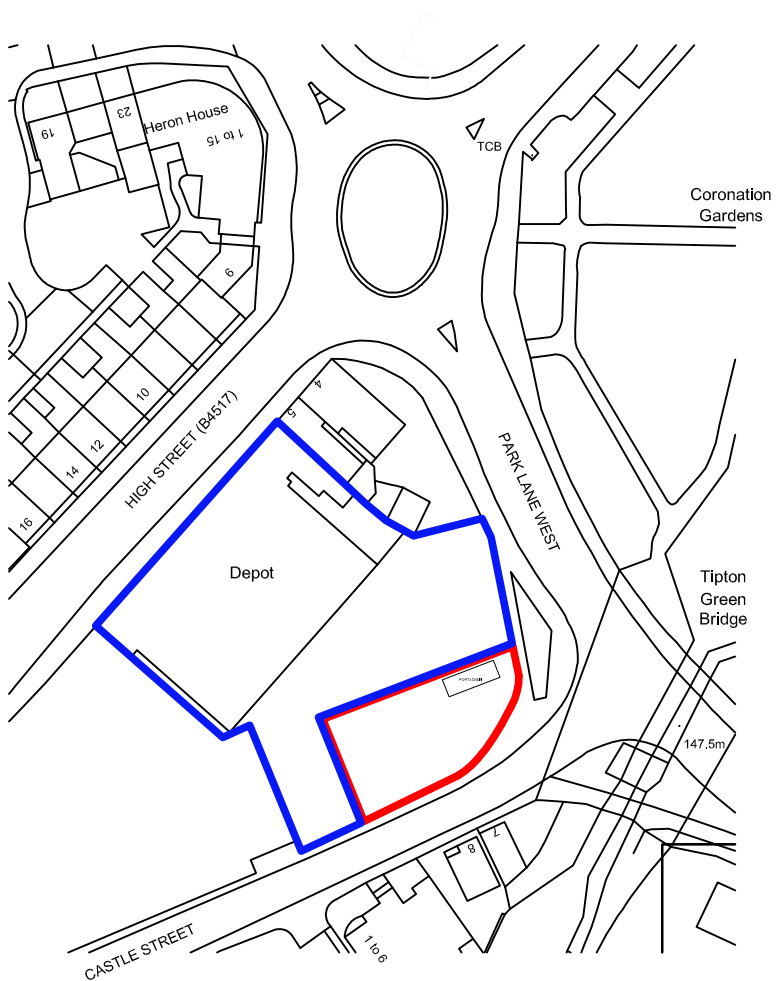
17. Appendices



17.1 Plans for consideration

Location plan - P100 B

Site/block plan – P101

Proposed layout and elevation plan – P200



-  APPLICATION SITE
-  OTHER LAND UNDER CLIENT OWNERSHIP



LOCATION PLAN

LAND NORTH WEST OF CASTLE STREET

CHANGE OF USE APPLICATION
e: info@matlabarchitecture.co.uk
w: matlabarchitecture.co.uk
t: 01250 894000
p: 01250 894000

drawing title:

LOCATION PLAN

scale:

0 5 10 20

job no.:

2402_P1008
1:1250@A4

status:

PLANNING

date:

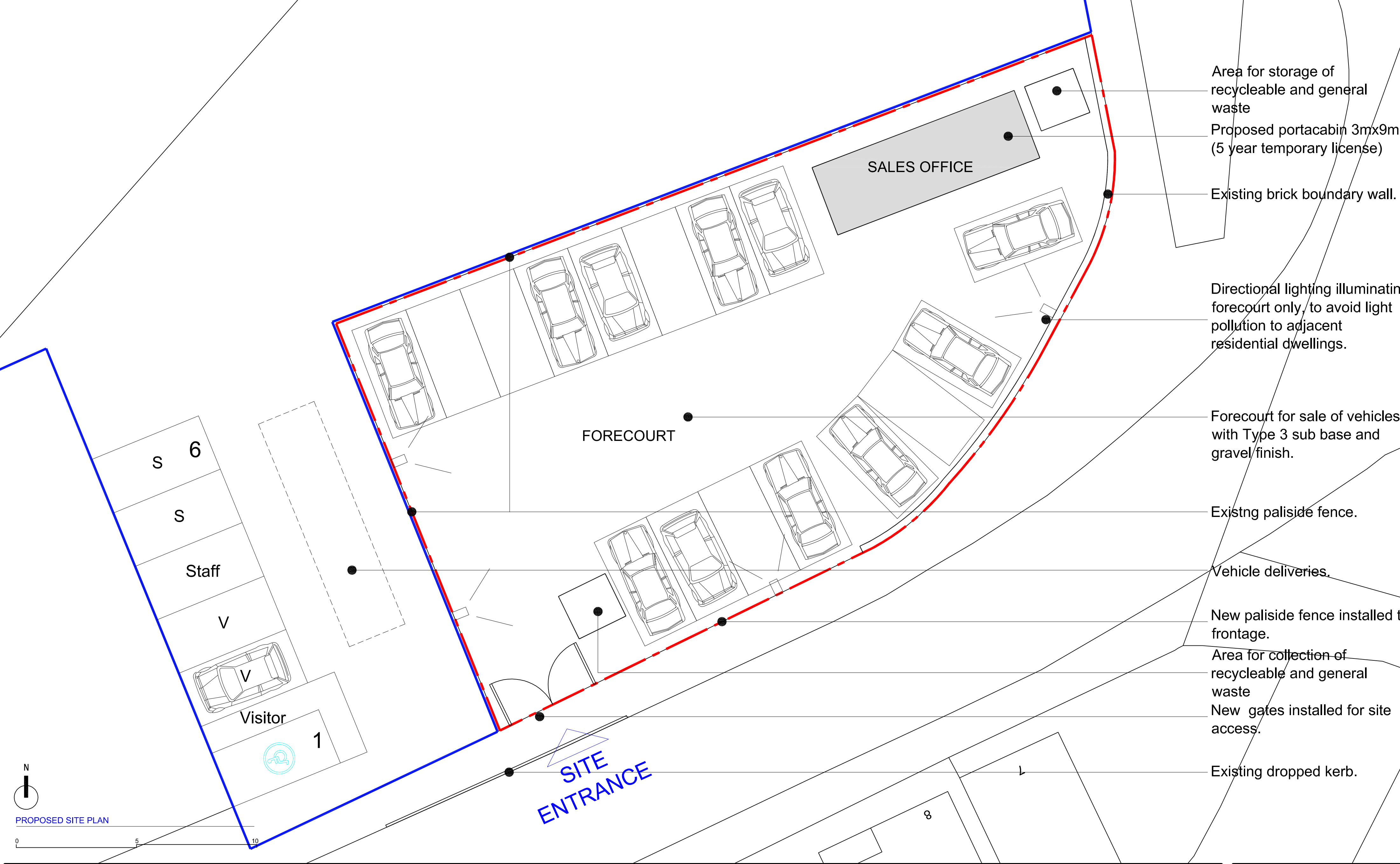
2024.06.16

revisions:

A - 2024.06.20 SCALE REVISED TO 1:1250 AS REQUESTED BY LPA.

B - 2024.03.05 SCALE BAR CORRECTED AND PRINTABLE SHOWN.

MATERIALS
LABORATORY
&
DESIGN
WORKSHOP



Area for storage of
recyclable and general
waste

Proposed portacabin 3mx9m
(5 year temporary license)

Existing brick boundary wall.

Directional lighting illuminating
forecourt only, to avoid light
pollution to adjacent
residential dwellings.

Forecourt for sale of vehicles
with Type 3 sub base and
gravel finish.

Existing palisade fence.

Vehicle deliveries.

New palisade fence installed to
frontage.

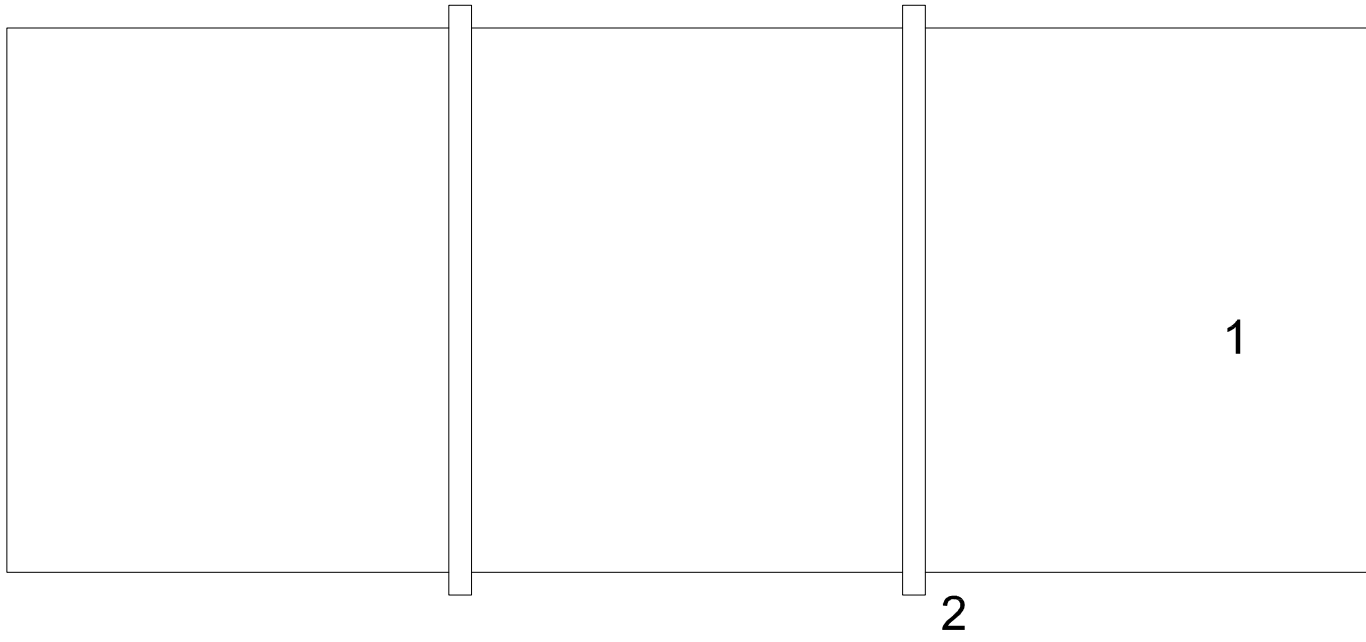
Area for collection of
recyclable and general
waste

New gates installed for site
access.

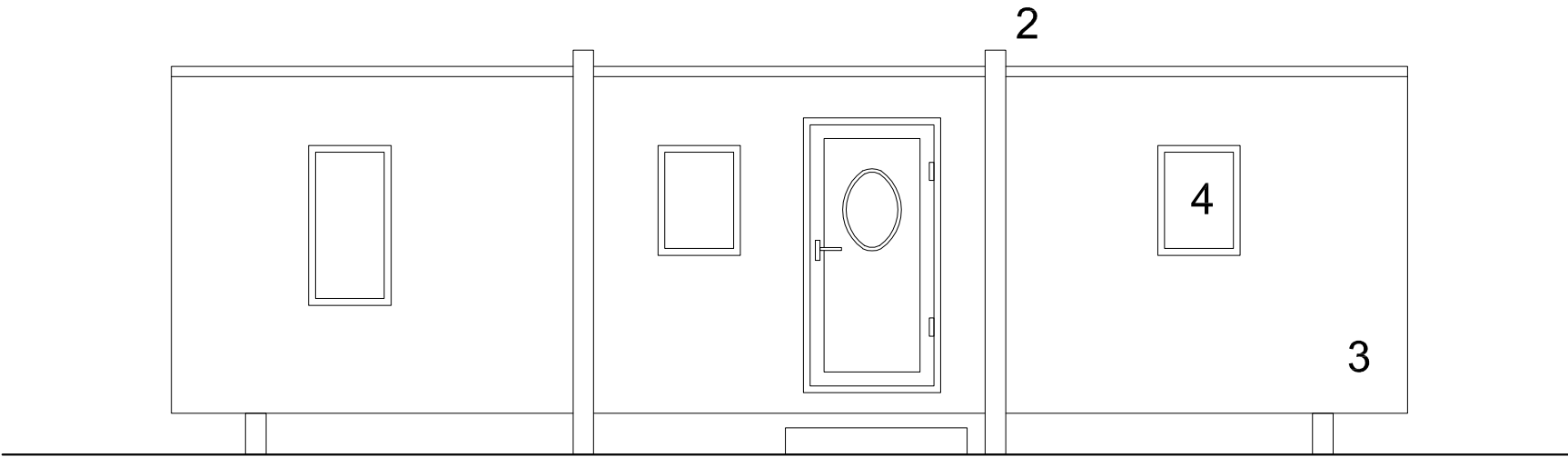
Existing dropped kerb.

LAND NORTH WEST OF CASTLE STREET CHANGE OF USE APPLICATION e:info@materialarchitecture.co.uk w:materialarchitecture.co.uk t:01922616646 m:07973630056 PLANNING ARCHITECTURE URBAN DESIGN	scale.	status.	revisions.
	AS SHOWN	PLANNING	
drawing title.	job no.	date.	
PROPOSED SITE PLAN	2402_P101 1:1000a2	2024.06.16	

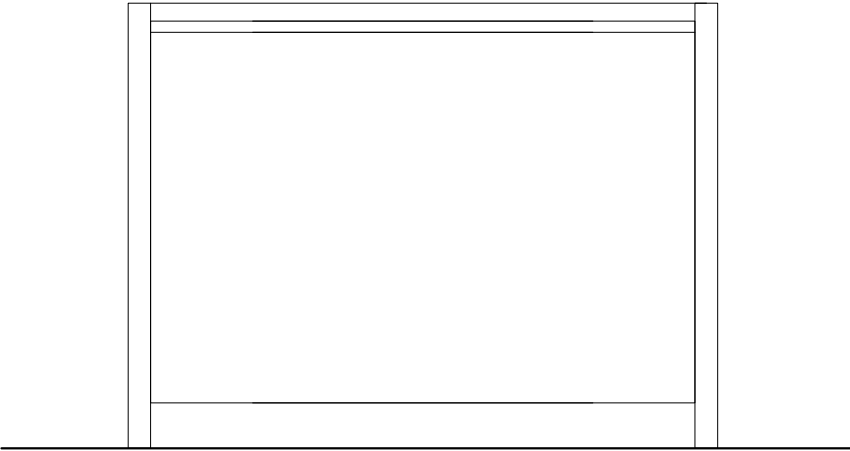
MATERIALS
LABORATORY
&
DESIGN
WORKSHOP



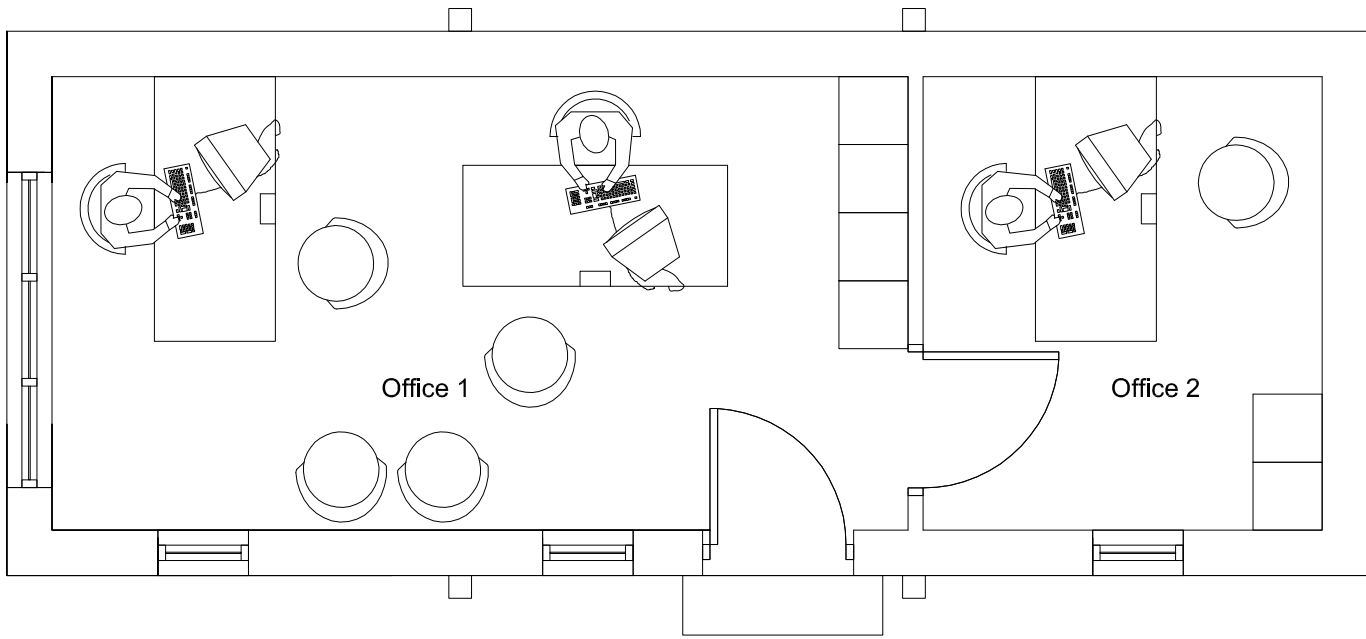
ROOF PLAN



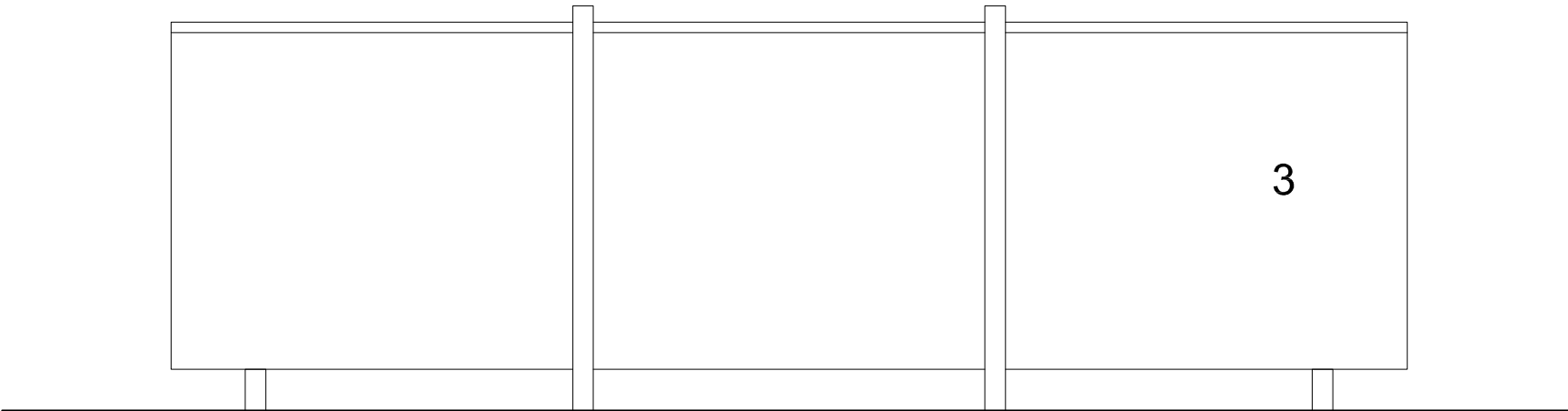
FRONT ELEVATION



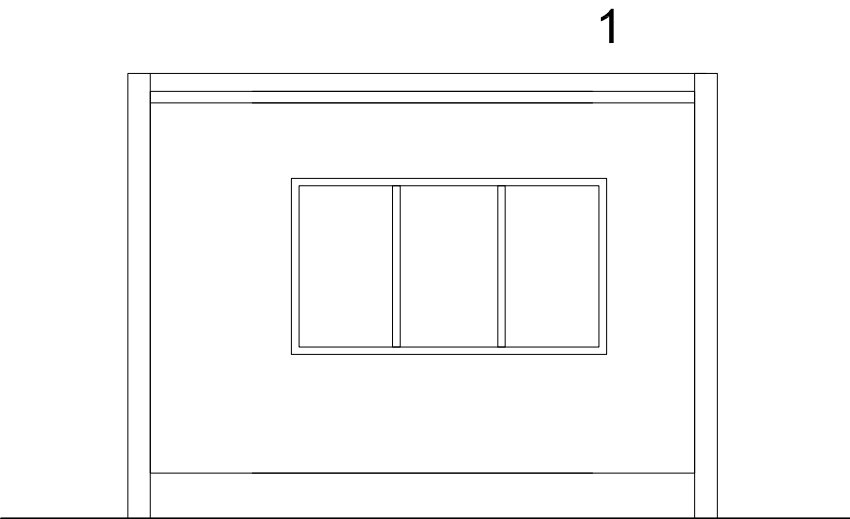
SIDE ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

- KEY
- 1 Felt Cambered Flat Roof
 - 2 Jackleg Frame
 - 3 Goosewing Grey External Panels
 - 4 White uPVC Double Glazing

PORTACABIN GA PLANS AND ELEVATIONS

LAND NORTH WEST OF CASTLE STREET CHANGE OF USE APPLICATION e:info@matlabarchitect.co.uk w:matlabarchitect.co.uk t:0122366676 m:0797383005 PLANNING ARCHITECTURE URBAN DESIGN	scale. 0 1 2 1:500	status. PLANNING	revisions. -
drawing title. GA PLANS AND ELEVATIONS	job no. 2402_P200	date. 2025-01-05	



DC/25/70297

List of conditions:

- i) The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
- ii) The approved development/use shall not be occupied until all areas of hardstanding, including manoeuvring areas, as indicated on the approved plan(s), have been laid out, drained, surfaced and marked out in accordance with details which have previously been submitted in writing and approved by the local planning authority.
- iii) When provided the areas identified in the preceding condition shall then be retained at all times thereafter for their intended use.
- iv) The development hereby approved shall be open between the hours of 0800 – 1900 Monday to Friday, 0800 – 1800 on Saturday and 0900am - 0600 on Sundays and all Public Holidays.
- v) Associated deliveries to the site shall only be between the hours of 08:00 – 1900 Monday to Friday, 0900 – 1600 on Saturdays with no deliveries on Sundays or Public Holidays.
- vi) Before the development is occupied or brought into use and if required, an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented before the development is first occupied or brought into use and shall be thereafter retained.

- vii) The approved waste storage shall be implemented before the development is first occupied or brought into use and thereafter retained.
- viii) The use authorised by this permission shall be discontinued at the expiration of a period of 5 years from the date of this permission and any structure/building in association with the use/development shall be removed from the site.
- ix) The approved use shall be used only for the purposes indicated in the application and shall be for the benefit of the applicant only.
- x) The development shall not be brought into use unless and until the parking areas to provide staff and visitor parking shown on the site plan drawing reference P101 has been provided and shall thereafter be retained for life of the development.