

Report to Council

26 January 2021

Subject:	Proposed departure from the Development Plan at Former Toys R Us Site, Wolverhampton Road, Oldbury B69 4RJ
Director:	Interim Director Regeneration & Growth Tammy Stokes
Contact Officer:	Principal Planner, Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

- 1.1 That approval be given to: an exception to the Development Plan in respect of planning application DC/20/64517 - Proposed demolition of existing building entrance, sub-division of existing retail unit (Class A1) together with external alterations, new shop frontage and cladding, mezzanine floor in Unit 1, creation of ancillary external garden centre area for Unit 2, construction of extension to form new unit for assembly and leisure use (Class D2), and construction of a standalone cafe/drive-thru restaurant, with associated landscaping and alterations to existing car park and internal vehicle circulation at the Former Toys R Us Site, Wolverhampton Road, Oldbury.



2 Reasons for Recommendations

- 2.1 The site forms part of a wider employment allocation in the Development Plan but the site was granted consent for retail use in 1987. As the site has an established retail consent and has been used for that purpose for a number of years, and given there is no evidence to suggest that the site would be brought forward for employment uses within a reasonable timeframe, on balance, it is considered that, on this occasion, the policy should be set aside to facilitate the site being brought back in to active use.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy – The development would bring vacant land back into beneficial use, 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 4 November 2020, consideration was given to planning application DC/20/64517 which sought approval for new retail, leisure and a café/drive-thru unit at the former Toys R Us site in Oldbury.
- 4.2 Planning Committee approved the planning application with conditions, and to the application being referred to Full Council as a departure from the Development Plan.
- 4.3 The site is currently allocated for employment uses 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 neighbour notification letter, and site and press notice, without response. The Council’s Highways, Planning Policy, and Environmental Health 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

Resources:	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
Legal and Governance:	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.
Risk:	None relevant.
Equality:	None relevant.
Health and Wellbeing:	The development would provide employment and add to the range of facilities in the local area.
Social Value	The development would bring vacant land back into beneficial use and secure investment in the Borough.

7. Appendices

None.



8. Background Papers

Planning application DC/20/64517.

