

Report to Planning Committee

19 July 2022

Application Reference	DC/21/66125
Application Received	16 September 2021
Application Description	Proposed industrial/warehousing development (use classes B2/ B8) together with associated access, servicing, parking and landscaping.
Application Address	Newcomen Drive Open Space Newcomen Drive Tipton
Applicant	Mr J Kelly
Ward	Tipton Green
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

1.1 That, subsequent to ratification by Council of the departure from housing, the signing of a Section 106 regarding ecology protection, and no objections Public Health (Noise), planning permission is granted subject to conditions relating to:

- (i) External materials as per submission;
- (ii) Hard and soft landscaping;
- (iii) Finished floor levels;
- (iv) Boundary treatment (including any retaining walls);
- (v) Electric vehicle charging points;



- (vi) Construction management plan (including dust management, hours of construction, wheel cleaning etc as well as additional requirements of the Canal and River Trust);
- (vii) Travel Plan implementation;
- (viii) Low NOx boilers;
- (ix) Ground contamination and gas monitoring watching brief;
- (x) Coal mining investigation and mitigation measures;
- (xi) Risk assessment and method statement (Canal and River Trust);
- (xii) Drainage and SUDS;
- (xiii) CCTV;
- (xiv) Details of proposed external lighting;
- (xv) Desk top based archaeological survey;
- (xvi) Ecological survey and mitigation measures;
- (xvii) Noise mitigation measures;
- (xviii) Jobs and apprentices;
- (xix) Parking laid out, provision and retention;
- (xx) Culvert investigation/diversion/protection; and
- (xxi) 10% renewable energy provision.

2 Reasons for Recommendations

- 2.1 The proposal brings forward a site that has remained undeveloped for a good number of years and which has been used for fly tipping in the past. The proposal would create jobs and bring investment into the local area.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------

4 Context

- 4.1 Members have previously visited the site and at your meeting in March the application was deferred for further information and discussions. A



revised noise report has been submitted and members will be verbally updated.

- 4.2 This application is being reported to Planning Committee because the proposed use is a departure from the council's development plan and objections have also been received.
- 4.3 To assist members with site context, links to several Google Map images are provided below:

[Aerial View](#)

[Street View](#)

[View from Newcomen Drive](#)

5 Key Considerations

- 5.1 The site is allocated for housing and if members were to approve the application, it would have to be considered by Council for ratification.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Planning history (including appeal decisions)
Loss of light and/or outlook
Overshadowing
Public visual amenity
Overbearing nature of proposal
Traffic generation
Contamination by a previous use
Noise and disturbance from the scheme
Nature conservation and loss of ecological habitats
Loss of trees



Flood risk

6. The Application Site

6.1 The application site is an area of green space sandwiched between industrial units to the west and residential properties to the east. Access to the site would remain as it is now, through Coneygree Road.

7. Planning History

7.1 The site has a history of applications being approved; from residential uses to industrial purposes. However, the land has been vacant for a significant period with no development taking place on the site.

7.2 The relevant planning applications are as follows:

DA/18345	Infilling of site to plans R/C/BQ/1 & 2.	Grant permission subject to conditions 14/02/1985
BCS0315	Residential development, landscaping and woodland planting and relocated and improved football pitch and clubroom.	Grant Outline Permission with Conditions 07/10/1988
BCS0585	Residential development, landscaping and woodland planting; relocated and improved football pitch and clubroom.	Grant Conditional Reserved Matters 19/06/1989



BCS0827	General industrial and associated open storage/car parking.	Non-Determination 25/11/1992
BCS0828	General industrial and associated open storage/car parking.	Non-Determination 25/11/1992
BCS3553	Recycling and waste transfer station	Withdrawn 23/03/1998
DC/08/49278	Demolition of industrial units to enable vehicular access into the site, regrading of the site and stabilisation of the old mine workings, residential development of up to 300 dwellings comprising access alterations onto Coneygre Road and Burnt Tree Road and erection of a landscaped acoustic bund (outline application).	Appeal Allowed 23/04/2009
DC/12/54472	Renewal of extant planning permission DC/08/49278: Demolition of industrial units to enable vehicular access into the site, re-grading of the site and stabilisation of the old mine workings, residential development of up to 300 dwellings comprising access alterations onto Coneygre Road and Burnt Tree Road	Not determined



	and erection of a landscaped acoustic bund (outline application).	
DC/21/65676	Screening opinion for proposed industrial and warehouse units with associated access and works.	EIA not required 26/05/2021

7.3 The council has also dealt with two enforcement cases on the site regarding issues with the boundary wall and untidy land (GS/13/9065 and GS/19/10965 respectively). Whilst those issues have been addressed, a further complaint (case GS/21/11567) has recently been received for untidy land.

8. Application Details

8.1 The applicant proposes to create a new service road from the existing industrial estate, creating five new industrial/warehousing units, (use classes B2/ B8) together with associated access, servicing, parking and landscaping.

8.2 Units 1 and 2 (nearest to the residential units in Newcomen Drive at 47m) would be 11m high, whereas Unit 5 would stand at 15.6m high and be over 90m from the nearest property in Lindley Avenue.

8.3 Access to and operation of the units would be 24/7. In total 270 parking spaces will be available and space for 27 cycles.



9. Publicity

9.1 The application has been publicised by 71 neighbour notification letters, site notice and press notice. A total of eight objections have been received along with a 155-signature petition against the proposal.

9.2 Objections

Objections have been received on the following grounds:

- i) Concerns over noise given the proximity of the development to residential units, combined with the new metro line bordering the site;
- ii) The proposal is allocated for residential use and not industrial;
- iii) Light pollution from the proposed development would disturb residents' sleep during the night;
- iv) The development would increase traffic in the local area;
- v) The development would increase pollution in the area;
- vi) Concerns over potential poisonous gases on site given the use was a former tar pit;
- vii) The proposed development will impact on the local environment, forcing existing wildlife to move from the site whilst the site is treated and developed and further removal of greenery in Tipton;
- viii) Not all residents in the area have been notified of the application;
- ix) The introduction of a walkway from Newcomen Drive may introduce security issues to local residents and increase anti-social behaviour and criminal offences; and



- x) The proposed development will potentially increase flooding in the area.

Immaterial objections have been raised including promises from developers (of Newcomen Drive housing estate) that nothing will be built on this land when the residents brought the houses on Newcomen Drive, and that the development will impact on the resale value of residential properties.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) A revised noise report has been provided and Members will be verbally updated following updated comments from Public Health (noise) officers.
- (ii) The site is allocated for residential use. Despite this, the site remains undeveloped with no indication that the land will come forward for residential use. Given the on-going complaints received over the condition of the site (point 7.3) the scheme would provide jobs and investment into the area.
- (iii) The proposed development is a significant distance away from residential properties and bound by mature vegetation. Whilst it is extremely unlikely that residents would be disturbed by light pollution, a condition can be attached to any approval ensuring details of a lighting scheme.
- (iv) The Council's Highways Department has raised no objections.
- (v) The council's Public Health (air quality) team has raised no objections and suggested conditions such as vehicle charging points to lessen any impact.
- (vi) See point 10.4 below.

