

- (vii) The existing vegetation on the boundary of the site would remain and additional planting provided. However, it is important that during the construction phase, wildlife disturbance is kept to a minimum. This can be managed as part of the construction management plan which forms part of the recommended conditions along with a proposed s106 in relation to measures to protect ecology.
- (viii) 71 individual addresses were sent a letter, as well as site notices posted, and the application publicised in the local newspaper.
- (ix) No walkway is proposed, and in between the development and the landscaping border with Newcomen Drive will be an acoustic fence providing additional security and screening.
- (x) Issues over drainage and sustainable drainage systems can be addressed via condition.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

The site of the proposed development is allocated for housing; therefore, the proposed industrial development would be a departure from the development plan allocation, under Black Country Core Strategy (BCCS) policies DEL2, EMP1 and EMP4 (see 12.1).

According to policy EMP4 of the BCCS, the council should have a supply of 70 hectares of readily available employment land. The council has a short fall and the proposed development would go some way help fill this gap.

Taking the above into account there are no policy issues with the proposed industrial/warehouse development of the site, and no objections to the departure.



## 10.2 Highways

The highways team do not object to the proposal but recommended a condition is attached for the layout for parking and manoeuvring to be implemented prior to occupation and to be retained as such.

## 10.3 Public Health (Air Quality)

No objections have been received and it is recommended that conditions are attached to any approval that include electric vehicle charging points, a dust management plan (part of the construction management plan) to protect local residents during the construction phase of the development, as well as the implementation of the submitted travel plan, and the installation of low NOx boilers.

## 10.4 Public Health (Contaminated Land)

Contamination reports have been submitted as part of the application which conclude that a watching brief is required by a competent person and if contaminants are found, these are reported to Public Health along with the proposed mitigation measures. Further gas monitoring is also required on site and can be conditioned accordingly.

## 10.5 Public Health (Air Pollution and Noise)

The conclusion of the noise assessment predicted that for units 1-4, the cumulative impacts (including vehicle movements) would result in noise levels of +2dB in the day time and -1dB at night. For unit 5 it is 0dB above background and -3dB at night. This also assumed that each unit would not exceed their maximum noise output levels used in the assessment as stated above.

Additional mitigation measures will be required if a noise rating level of -5dB at the nearest sensitive properties is to be achieved in respect of all activities on site.



It is recommended that the updated noise assessment is based on a reasonable worst case scenario as otherwise the council cannot be satisfied that the development will not have a significant observed adverse effect on residents.

Therefore, further information was been requested. This information has now been provided and is with colleagues to review. Members will be verbally updated.

#### 10.6 **Urban Design**

No objection to the proposal.

#### 10.7 **West Midlands Police**

No objections have been received, however recommend conditions that cover security measures like CCTV and external lighting.

#### 10.8 **Network Rail**

No objection.

#### 10.9 **Lead local flood authority**

It is recommended that the standard drainage and sustainable drainage system conditions are attached to any approval.

#### 10.10 **Severn Trent**

See point 10.9

#### 10.11 **The Coal Authority**



Additional information has been received and the Coal Authority raises no objection subject to suitable site investigation and remediation measures.

## 10.12 The Canal and River Trust

Raises no objections to the development but wish to protect their asset. Therefore, have requested a condition regarding a risk assessment and method statement being submit to and approved that would include vibration monitoring. Other conditions include, landscaping, drainage, contamination, unexpected contamination, construction management plan, details of external lighting, archaeology, and an informative placed on any approval with contact details of who the developer should contact from the trust. The majority of the above can be incorporated into the council's standard conditions.

## 10.13 The Wildlife Trust for Birmingham and the Black Country

Further investigations are required, however due to the time of the year, and various issues on the site, i.e. Japanese Knotweed, the applicant has requested these investigations are controlled by condition. Whilst this in theory is acceptable, the applicant is aware that any mitigation measures that fall within the build zone of the development may mean the scheme cannot be built as proposed, and as a result a further application would need to be submitted to reflect the changes needed.

The applicant has also agreed to a Section 106 in terms of protecting measures for the sites ecology.

## 11. National Planning Policy

11.1 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.



## 12. Local Planning Policy

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

ENV3: Design Quality

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

ENV7: Renewable Energy

ENV8: Air Quality

TRAN2: Managing Transport Impacts of New Development

DEL2: Managing the Balance between Employment Land and Housing

EMP1: Providing for Economic Growth and Jobs

EMP4: Canals

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

SAD EOS10: Design Quality and Environmental Standards

12.2 The site of the proposed development is allocated for residential use, therefore SAD policy H1 is applicable. However, no residential uses are proposed, and the development is classed as a departure from the development plan.

12.3 BCCS policy DEL2 states that proposals for new employment development in areas of housing growth will be resisted where it is not consistent with housing led regeneration of the area. It has been over ten years since the adoption of the BCCS and the site remains undeveloped for housing and is unlikely to come forward due to viability issues (contaminated land mitigation measures).

12.4 BCCS policy EMP1 aims to provide land for at least 75,000 industrial and warehouse jobs in the Black Country by 2026. For this, there needs to be a ready supply of available land at any one time. Under BCCS Policy EMP4, Sandwell should have 70ha of available employment land available at any one time (the council currently has 23ha). The borough has been well under this level of provision since the adoption of the BCCS in 2011, therefore the proposed industrial development of the site would



be welcome as this would bring forward new industrial development that would add to the existing stock of employment land.

- 12.5 Under SAD EOS 10 the design of industrial developments should be of a high standard and should consider the design principles set out in SAD EOS 9 and will be required to pay particular attention to materials and landscaping, pollution and noise control, environmental impact on the site and surrounding area, including wildlife habitats.
- 12.6 Part of the site forms part of a wider wildlife corridor, therefore BCCS policy ENV1 is applicable, guidance set out in this policy states that the movement of wildlife within the Black Country through linear habitat such as wildlife corridors are not impeded by development. When a full planning application is submitted adequate information must be submitted setting out proposed mitigation measures, so that the movement of wildlife through the site is not adversely affected by the development.
- 12.7 Another part of the site is bordered by the Birmingham Canal, therefore BCCS policy ENV4 is applicable, under this policy all development proposals likely to affect the canal network; must protect and enhance its nature conservation value, protect its visual amenity.
- 12.8 The proposed development will have to give regard to both BCCS policy ENV5 relating to the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface water run-off.
- 12.9 As the development will be for over 1,000 sqm of new industrial space, BCCS policy ENV7 will be applicable. The guidance under this policy states all industrial developments of 1,000 sqm or more must incorporate the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand.
- 12.10 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD.



## 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 Proposals in the Development Plan

The proposal is contrary to the council's development plan; however, the site has remained vacant for a long time, raises viability issues and residential development is unlikely to come forward in the long-term. The proposed development would create jobs in the local area and regenerate the site.

### 13.3 Planning history

The site has significant planning history and recent enforcement complaints over the untidy condition of the site. This new development should address these issues.

### 13.4 Loss of light and/or outlook

It is not anticipated that the proposed development would cause any significant loss of light and/or outlook issues to the occupiers of nearby residents given the separation distances (being at least 45m to the nearest residential property) and the mature vegetation on the boundary.

### 13.5 Overshadowing

For the reasons mentioned in 13.4 above, I do not foresee any overshadowing of residential properties.

### 13.6 Public visual amenity

Given the mature vegetation, the development is unlikely to be seen from nearby residential properties on Newcomen Drive. Those properties



on Lindley Avenue, to the north of the site, will be over 90m away from the nearest proposed building, and will be bound by a new landscaping buffer.

### 13.7 **Overbearing nature of proposal**

See points 13.4-13.6 above.

### 13.8 **Traffic generation**

The council's Highways team has raised no objections.

### 13.9 **Contamination by a previous use**

The combination of the existing contamination of the land and mine shafts is one of the barriers why this site has never been developed previously. However, the applicant is preparing to remediate the site and bring it back into use.

### 13.10 **Noise and disturbance from the scheme**

See point 10.5 above.

### 13.11 **Nature conservation and loss of ecological habitats**

See points 10.13 and 13.12.

### 13.12 **Loss of trees**

The existing vegetation on the boundary of the site is to remain with additional planting to increase the overall landscaping of the site.

### 13.13 **Flood risk**

This can be controlled via condition to prevent any localised flooding.

