



REPORT TO PLANNING COMMITTEE

10th June 2020

Application Reference	DC/19/63745
Application Received	22 nd November 2019
Application Description	Proposed new unit and open storage bays.
Application Address	Princes Foundry Bradleys Lane Tipton DY4 9EZ
Applicant	Mr John Cullen Richards and Jerrom Limited Princes Foundry Bradleys Lane Tipton DY4 9EZ
Ward	Princes End
Contribution towards Vision 2030:	 
Contact Officer(s)	Douglas Eardley 0121 5694892 douglas_eardley@sandwell.gov.uk

RECOMMENDATION

Subject to the application being referred to Full Council as a departure from the adopted development plan, approval is recommended subject to the following conditions: -

- (i) External materials;
- (ii) Site investigation and remediation;
- (iii) Development carried out in accordance with Operational Statement;
- (iv) Hard and soft landscaping; and
- (v) Boundary treatment details.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because the proposal is on a site allocated as Housing in the Sandwell Site

Allocations and Delivery Development Plan Document; and therefore, represents a departure from the development plan. Also, Councillor Stephen Jones has requested that the application be determined at Planning Committee, as there is public opposition to the proposal/concerns from pollution. Furthermore, the proposal has generated 6 objections.

- 1.1 To assist members with site context, a link to google maps is provided below:

[Princes Foundry, Bradleys Lane, Tipton, DY4 9EZ](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The Site is allocated for Housing in the adopted development Plans.
- 2.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Local Plan
Noise
Pollution/environmental concerns
Overdevelopment of the site

3. THE APPLICATION SITE

- 3.1 The application relates to an existing scrap metal yard on the north-eastern side of Bradleys Lane, Tipton. The site is predominantly bounded by industry to the north (Applicants site), east and south, with open space to the west; with residential properties/school (Wallbrook Primary School) situated further west of the application site.

4. PLANNING HISTORY

- 4.1 Relevant planning applications are as follows: -

DC/06/46420	Portal framed & clad structure to part encase new smelting/foundry plant with new stack & stand alone filter plant.	Approved 23.11.2006
DC/03/41695	Proposed erection of boundary fence.	Refused 25.02.2004
DC/00/37025	Proposed new access and retention/improvement of boundary fencing.	Approved 19.12.2000

DC/32033	New fencing.	Approved 23.02.1996
DC/29407	Application for a Certificate of Lawfulness for an existing use for the dismantling of scrap car and lorry engines and the recovery of aluminium from the dismantled parts using sloping hearth furnaces.	Approved 11.10.1993
DC/06235	Raising of 3 chimneys from 40ft to 60ft.	Approved 11.01.1978

5. APPLICATION DETAILS

- 5.1 The Applicant proposes to construct a new unit to house existing plant securely; the dimensions of which would measure 12.2 metres deep by 30.2 metres wide by 6.8 metres high from ground floor level to the height of the sloping roof. The Applicant also proposes 8 open storage bays for segregation of ferrous and non-ferrous materials; the maximum height of each storage bay would be 4.5 metres high from ground floor level.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification, press and site notice. Six objections have been received.

6.2 Objections

Objections have been received on the following grounds: -

- (i) Pollution/Environmental concerns
- (ii) Noise
- (iii) Overdevelopment of the site
- (iv) Contrary to Policy

Immaterial objections have also been received on the basis that the proposal could affect their property value.

6.3 Responses to objections

I respond to the objector's comments in turn;

- (i) The Environment Agency and Public Health (Air Pollution and Noise) both have no objection to the proposal. The Applicant has confirmed within their submitted Operational Statement that the

proposal would not increase existing operations on site. It is considered that the proposal would improve the current situation of open storage on site by ensuring the segregation and storage of the ferrous and non-ferrous materials within the proposed storage bays and would also enable existing plant to be housed securely in the new unit. When these points are coupled together, it is considered that there would not be justifiable planning grounds to warrant refusal of this application in this instance on pollution/environmental grounds.

- (ii) The Environment Agency and Public Health (Air Pollution and Noise) have no objection to the proposal. As indicated above the submitted Operational Statement has confirmed that the proposal would not increase existing operations. Notwithstanding this it is recommended that the proposal is carried out in accordance with the submitted Operational Statement. Given the above, it is considered that the proposal would improve the site as it currently stands and would result in noise reduction of activities by providing acoustic shielding through the proposed new unit and open storage bays.
- (iii) The dimensions of the proposed new unit and open storage bays are considered acceptable in relation to the size of the site, surroundings and the process they are related to; and would accord with the provisions of Policies ENV3, SAD EOS9 and SAD EOS10.
- (iv) Planning Policy have no objection to the proposal. It is noted that the proposal is on a site allocated as Housing in the Sandwell Site Allocations and Delivery Development Plan Document; and therefore, represents a departure from the development plan. However, Planning Policy have no issue with the proposal and the Housing allocation on the site, as firstly, the proposed development involves the upgrading of the existing waste site, which could help improve operational efficiency and help increase throughput capacity; and secondly, there is a shortage of available employment sites to relocate the company to.

7. STATUTORY CONSULTATION

7.1 Planning Policy – No objection.

7.2 Highways – No objection.

7.4 Public Health (Contaminated Land) – No objection, subject to imposition of a condition relating to site investigation and remediation.

7.5 Public Health (Air Pollution and Noise) – No objection.

7.6 Environment Agency – No objection.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

9. LOCAL PLANNING POLICY

- 9.1 The following policies of the Council's Local Plan are relevant: -

HOU1: Delivering Sustainable Housing Growth

DEL2: Managing the Balance between Employment Land and Housing

ENV3: Design Quality

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

ENV8: Air Quality

WM2: Protecting and Enhancing Existing Waste Management Capacity

WM4: Locational Considerations for New Waste Management Facilities

SAD H1: Housing Allocations

SAD EOS9: Urban Design Principles

SAD EOS10: Design Quality & Environmental Standards

- 9.2 Policies ENV3, SAD EOS9 and SAD EOS10 refer to well-designed schemes that provide quality proposals. In the main, the proposal is considered to be acceptable subject to conditions relating to external materials and boundary treatment details.
- 9.3 Following on from the above, it is considered that the proposal would be compliant with the provisions of policy ENV5 and the proposal is considered acceptable subject to conditions relating to hard and soft landscaping details.
- 9.4 In regard to policy ENV8, the Environment Agency, Head of Public Health and Planning Policy has no objection to the proposal. Furthermore the proposal would be improving operations on site, hence it is considered that the proposal would be compliant with the provisions of policy ENV8.
- 9.5 As the proposed development is for the redevelopment of an existing waste facility, policy WM2 is applicable. Under this policy, the guidance states that the upgrading of an existing waste site will be supported in principle subject to locational guidance in policy WM4. The redevelopment of site could be considered as an improvement to the design and layout of the site and would help to maintain or increase the through capacity of waste. It is also recognised that there is a shortage of new employment sites for these facilities to relocate to.

- 9.6 The site of the proposed development is situated in a wider area that is allocated as a housing allocation on the SAD Policies Map, policies HOU1 and SAD H1 would be applicable; Planning Policy has no objection to the proposal.
- 9.7 DEL2 is also applicable and guidance under this states that areas identified for new housing will be positively planned for by resisting new development that may restrict the development of the area for new housing. This site, is an existing waste site which is seeking to improve its operations. Furthermore there are limited available employment sites within the borough where the company could relocate to; therefore, the provisions of this policy could not be imposed in this instance.

10. MATERIAL CONSIDERATIONS

- 10.1 The material considerations relating to Government Policy (NPPF) and proposals within the local plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:

10.2 Noise

There are no objections from the Environment Agency and Head of Public Health. It is considered that the proposal would improve the site as it currently stands and would contribute to noise reduction of activities by providing acoustic shielding.

10.3 Pollution/environmental concerns

The Environment Agency and Head of Public Health (Air Pollution and Noise) both have no objection to the proposal. The Applicant has confirmed within their submitted Operational Statement that the proposal would not increase existing operations on site. It is considered that the proposal would improve the current situation of open storage on site by ensuring the segregation and storage of the ferrous and non-ferrous materials within the proposed storage bays and would also enable existing plant to be housed securely in the new unit.

10.4 Overdevelopment of the site

The dimensions of the proposed unit and storage bays are considered acceptable in relation to the size of the site and the process they are related to; and would also accord with the provisions of Policies ENV3, SAD EOS9 and SAD EOS10.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 The proposal supports Ambitions 9 and 10 of the Sandwell Vision 2030: -
- 11.2 Ambition 9 – Sandwell has become a location of choice for industries of the future where the local economy and high performing companies continue to grow.
- 11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 It is considered that the proposal could be accommodated in this area without having a significant impact upon the amenities of the neighbouring properties; and would also improve the overall operation of the existing site. The proposal would be policy compliant and is considered to be acceptable and is recommended for approval subject to conditions.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 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.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

- 14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

- 15.1 There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

- 16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

- 17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Local Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There will be no impact.

21. APPENDICES:

Site Plan

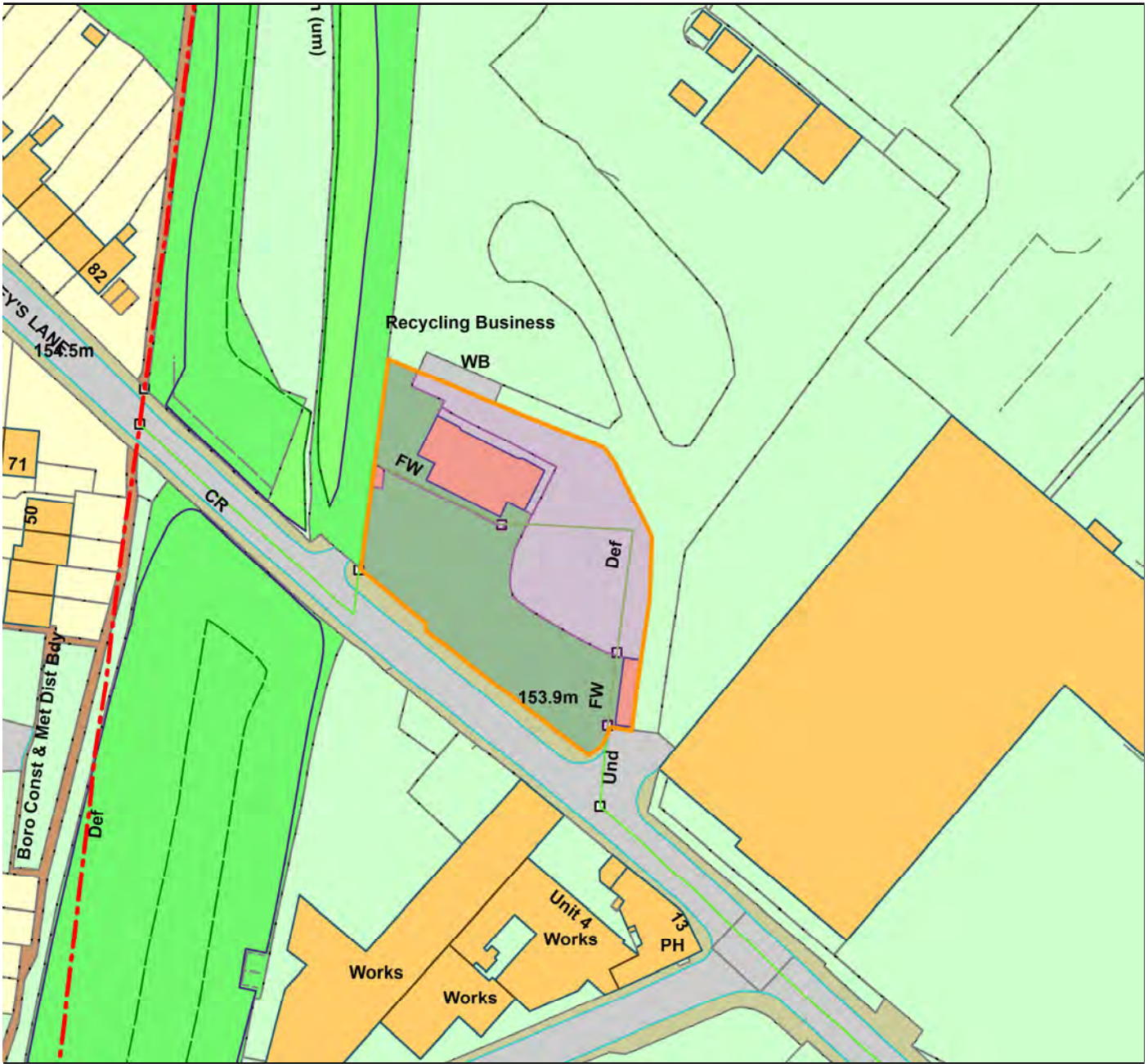
Context Plan

Location Plan

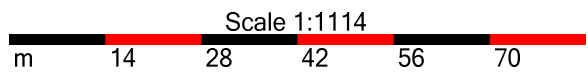
Plan No. 1954-1

Plan No. 1954-2A

DC/19/63745
Princes Foundry, Bradleys Lane, Tipton

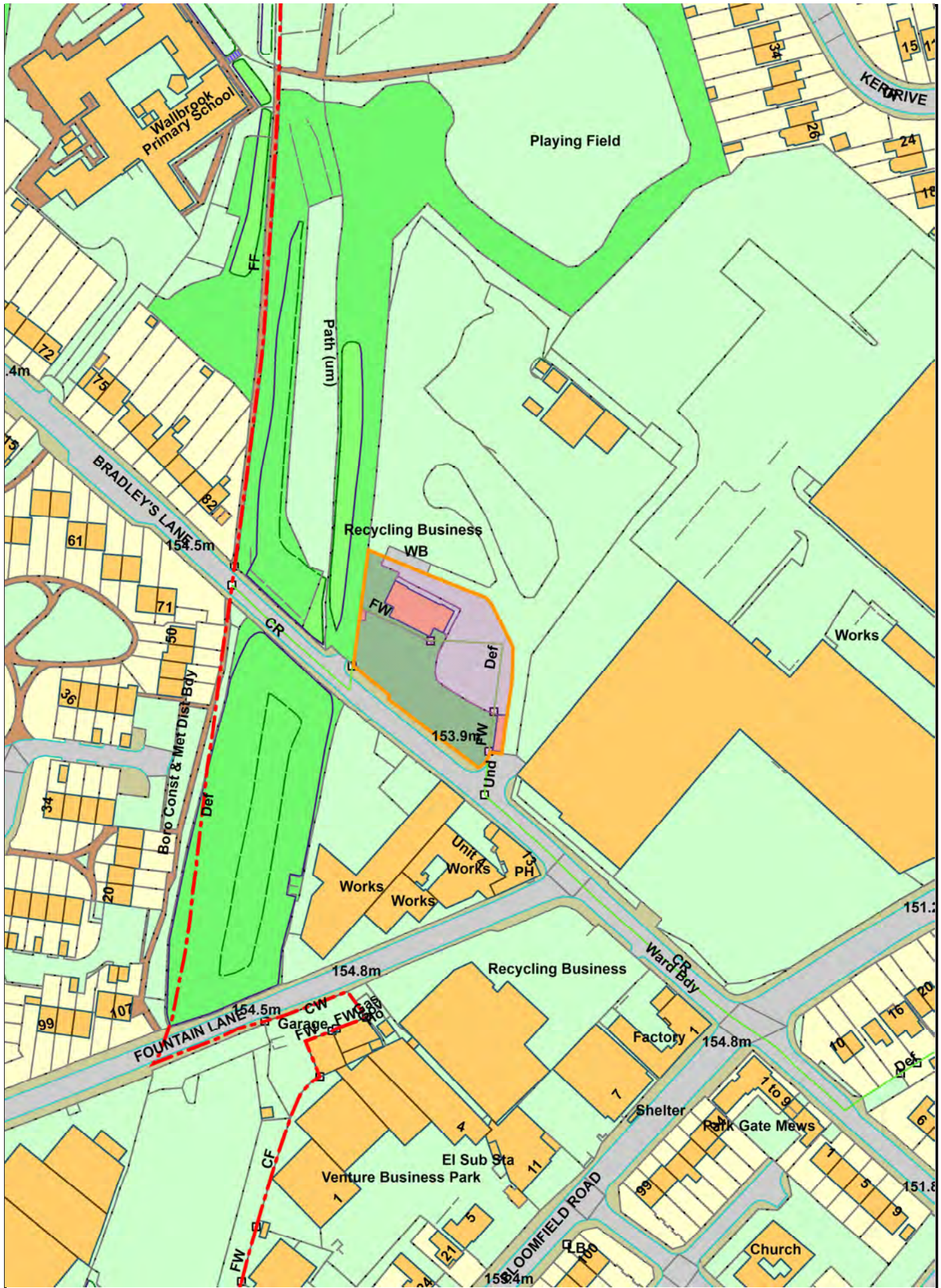


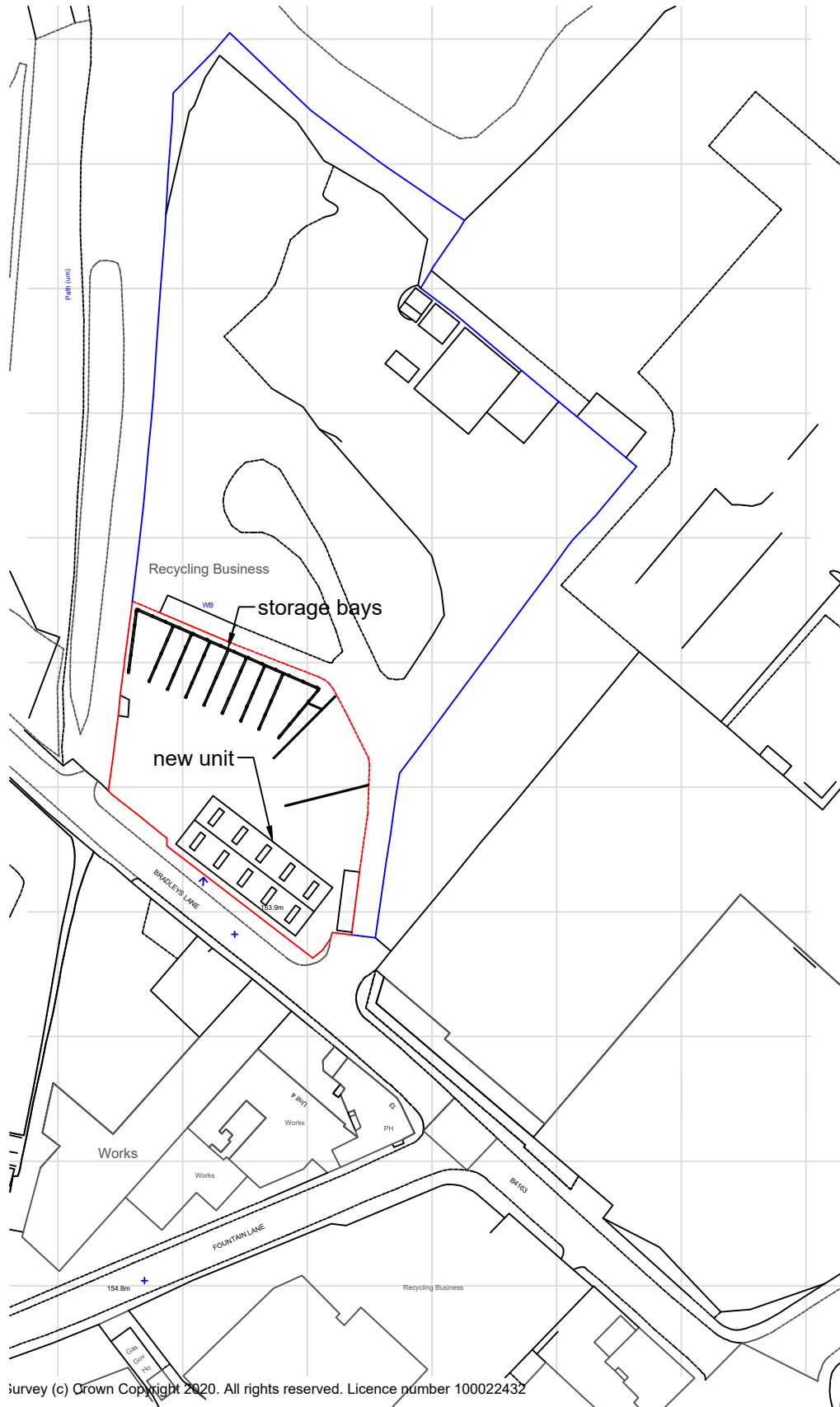
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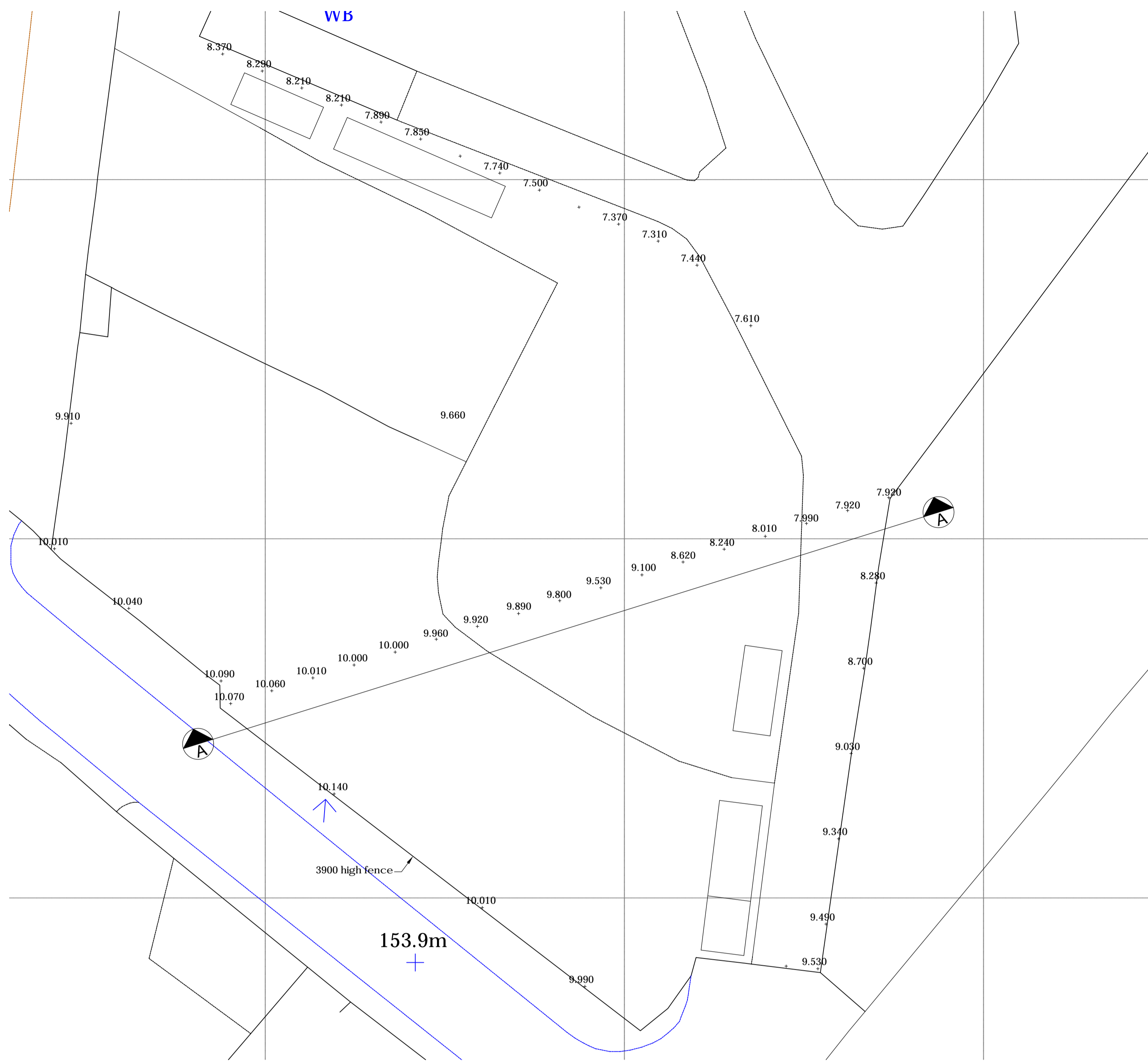
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Department	Not Set
Comments	Not Set
Date	21 May 2020



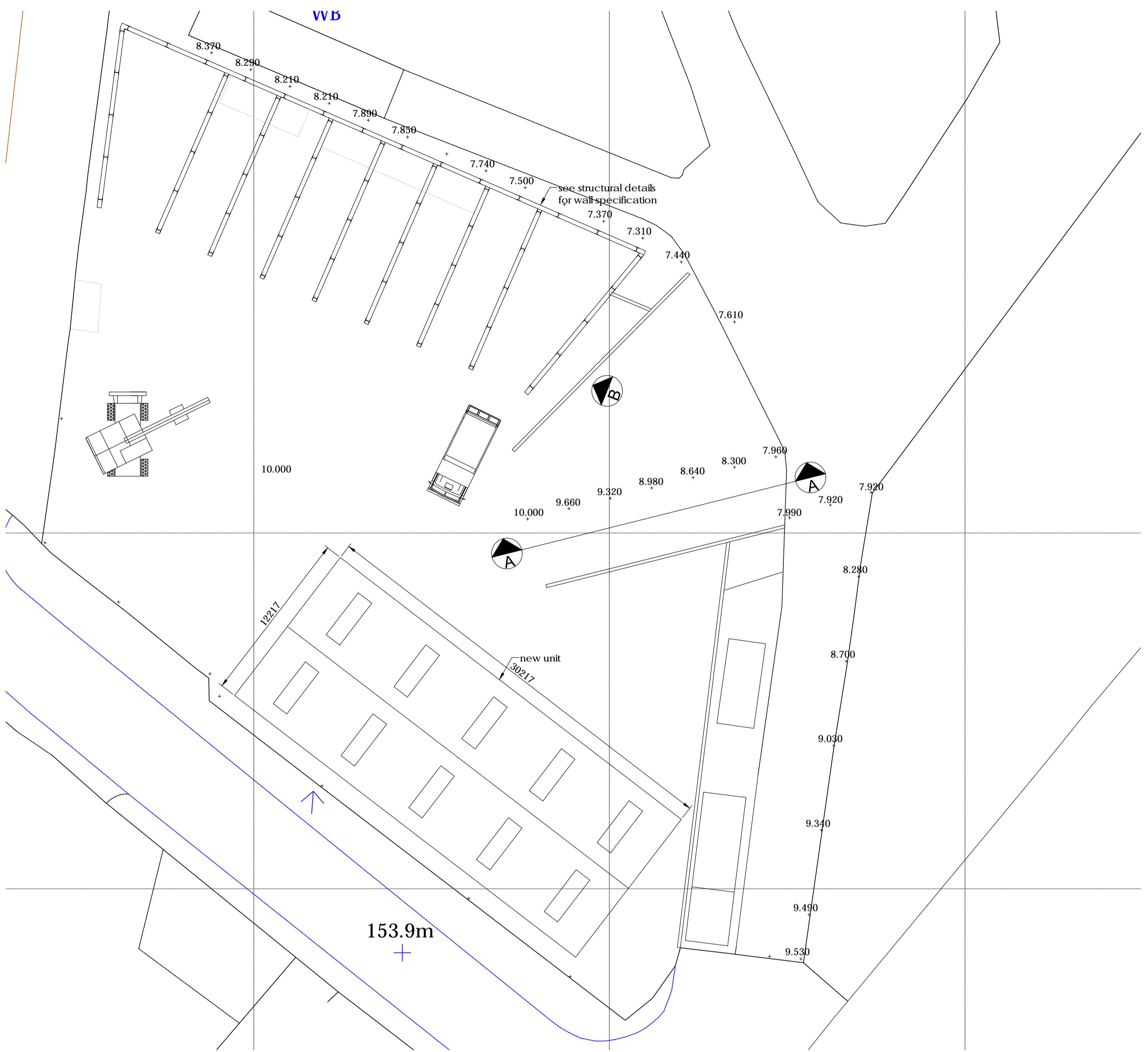


location plan 1:1250

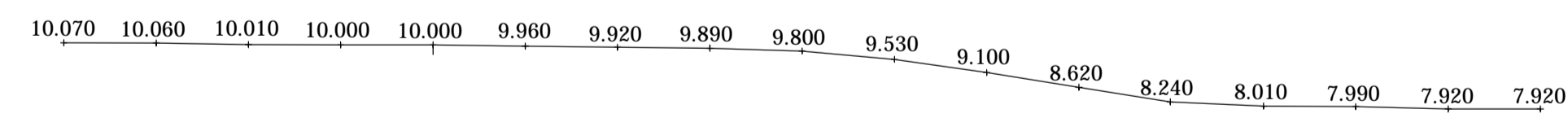
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DRAWING No. Richards and Jerrom DY4 9EZ LOCATION PLAN		REV. A	



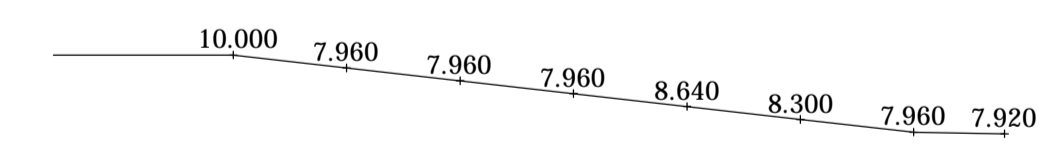
existing site plan 1:200



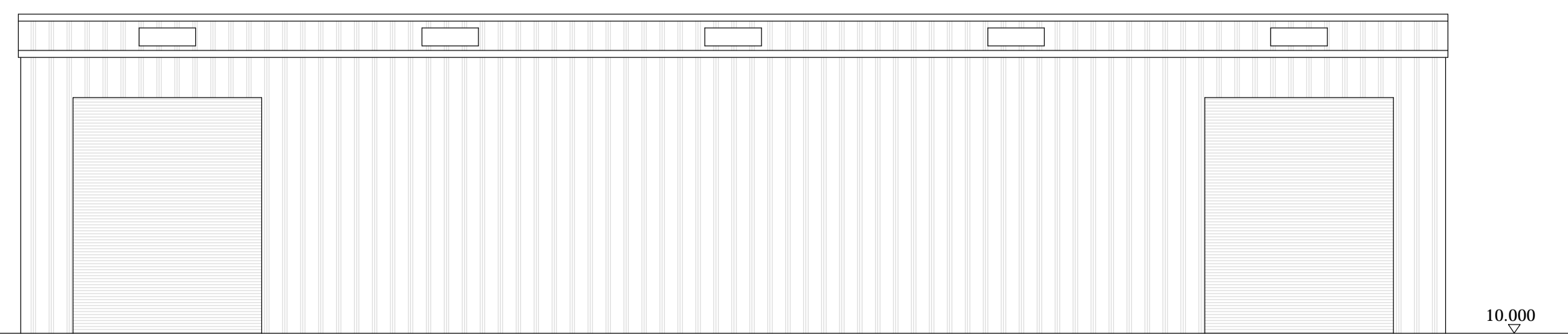
proposed site plan 1:200



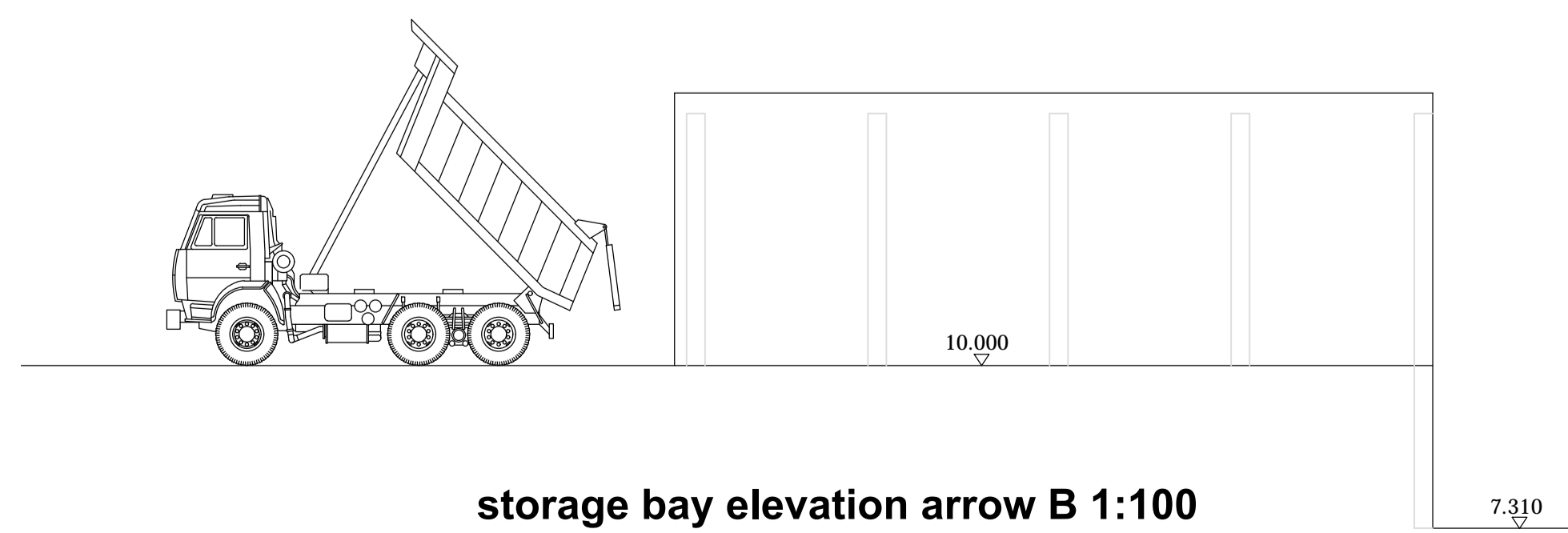
site section AA 1:200



site section AA 1:200



front elevation of proposed unit 1:100



storage bay elevation arrow B 1:100

Job: Retaining wall & new unit
 Richards & Jerrom
 Bradleys Lane
 Tipton
 DY4 9EZ

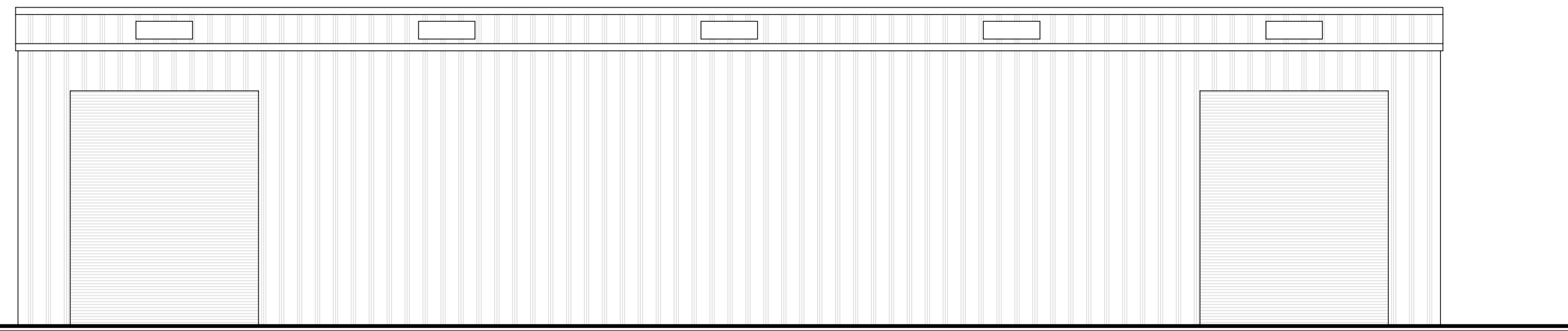
Client: Richards & Jerrom

Title: site plans

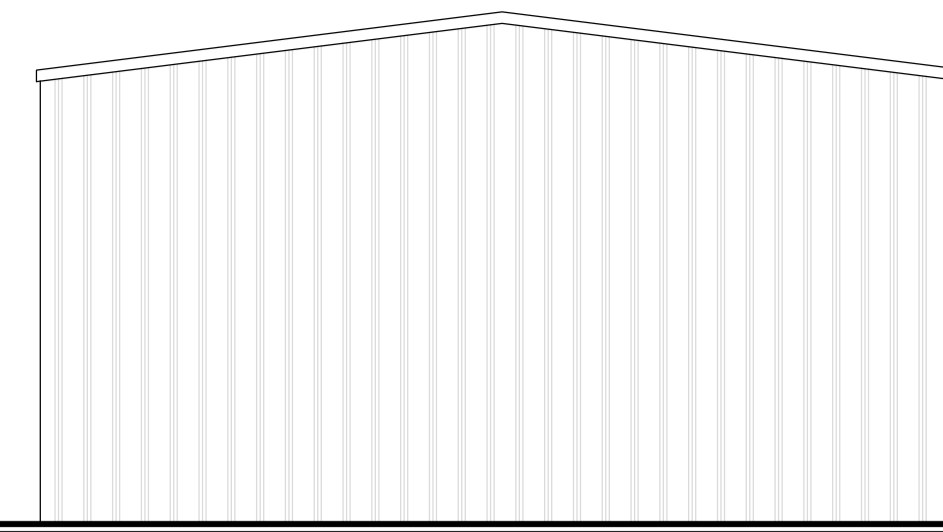
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 Date: October 2019

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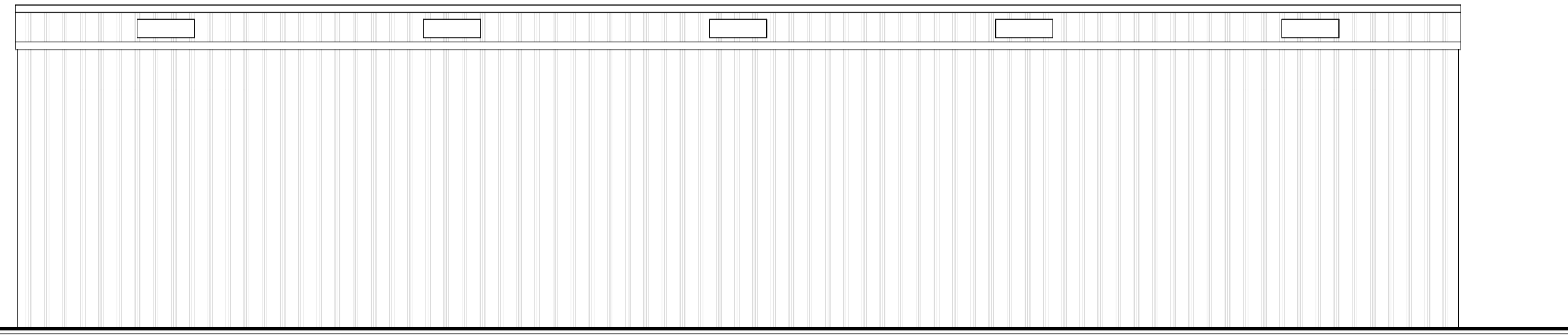
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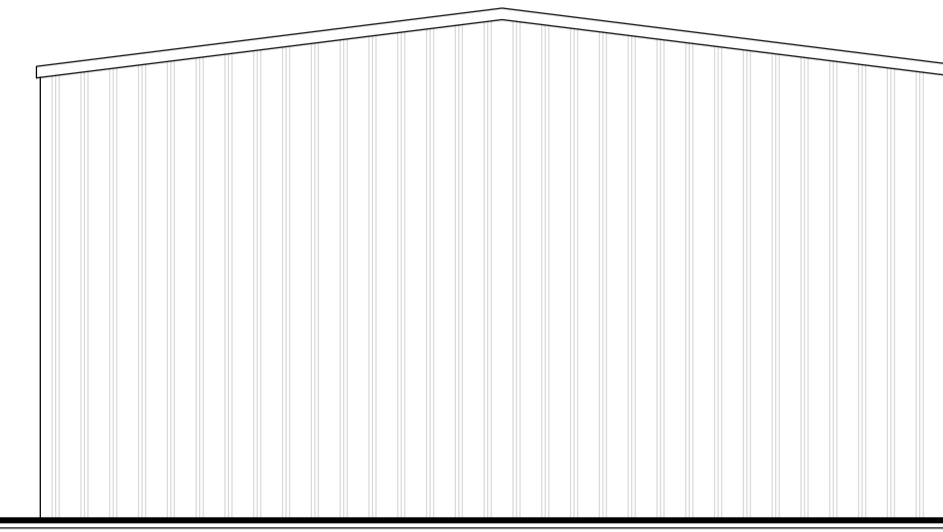
front elevation of proposed unit 1:100



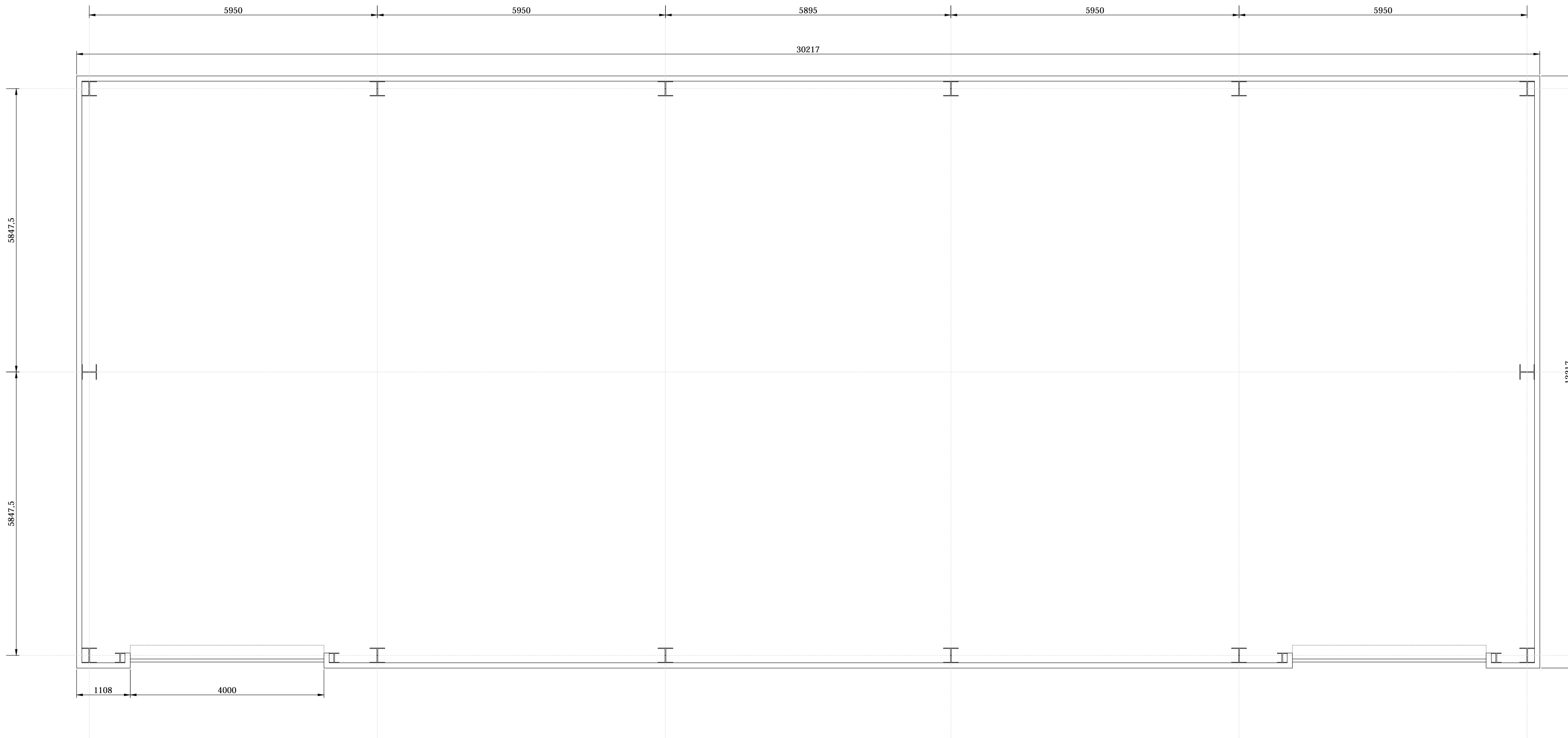
side elevation of proposed unit 1:100



rear elevation of proposed unit 1:100



side elevation of proposed unit 1:100



ground floor plan 1:50

Job: Retaining wall & new unit
 Richards & Jerrom
 Bradleys Lane
 Tipton
 DY4 9EZ

Client: Richards & Jerrom

Title: site plans & garage

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Drawing No. 1954-2a