

Report to Planning Committee

26 July 2023

Application Deference	DC/22/67062	
Application Reference	DC/23/67863	
Application Received	10 January 2023	
Application Description	Proposed change of use from general industrial	
	to treatment, remediation and recovery facility	
	for contaminated soils, construction, demolition	
	and excavation of waste with 1 No. soil	
	treatment shed and 4 No. office/meeting	
	rooms, 1 No. mess drying room, toilet block,	
	store, weighbridge unit, picking station,	
	decontamination unit, clean material area and 2	
	No. holding tanks and covered post treatment	
	areas, oversized processing area, parking and	
	the creation of a new vehicular access -	
	Temporary planning permission for 5 years.	
Application Address	Land West Of	
	Bridge Street North	
	Smethwick	
	B66 2BJ	
Applicant	Soterion Limited	
Ward	Soho & Victoria	
Contact Officer	Mr Andrew Dean	
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1 Recommendations

- 1.1 That, subsequent to the Council granting an exception to the development plan, temporary planning permission is granted subject to conditions relating to:
 - i) 5 Year temp.
 - ii) Air quality assessment and mitigation measures.
 - iii) The submission of noise mitigation measures and calculations to demonstrate noise from the proposed use shall not exceed the background 60-minute LA90 by more than 5 dBA on any day including noise from the operation of the mobile crusher when it is used on site
 - iv) Noise management plan
 - v) Dust management plan implementation.
 - vi) All processing of contaminated materials with the exception of the handpicking asbestos station to be carried out within the existing building.
 - vii) There shall be no external storage above 4m in height measured from the natural ground level.
 - viii) External Materials.
 - ix) Electric vehicle charging points.
 - x) Hours of operation being 8.00 to 16.30 Monday to Friday, 8.00 to 13.30 Saturdays with no working on Sundays and Bank Holidays.
 - xi) Hours of operation of the crushing and screening operation.
 - xii) Vehicle parking and manoeuvring areas to be provided and retained.
 - xiii) Site entrance to installed in accordance with details shown on plan reference 06223-A-120 REV P0
 - xiv) Foul drainage
 - xv) Surface water drainage scheme.
 - xvi) Site investigation.
 - xvii) Cycle parking.
 - xviii) External lighting scheme.



















- xix) Boundary treatments.
- xx) Further retaining wall inspection.
- xxi) Low NOx boilers.

2 Reasons for Recommendations

- 2.1 The proposal, subject to a temporary consent and the conditions contained within the recommendation, raises no significant concerns from a policy, public health or highway perspective. The granting of a temporary approval would not prevent the site coming forward for residential development in the future which is the long-term aspiration for the site.
- 3 How does this deliver objectives of the Corporate Plan?



A strong and inclusive economy

4 Context

- 4.1 Before the last committee meeting, members visited the site and surrounding area.
- 4.2 The application is being reported to your Planning Committee because the site is part of a housing allocation in the development plan. As such, the proposal is a departure from the development plan and requires further approval of Full Council, should the Planning Committee resolve to approve this application. Furthermore, following an additional neighbour consultation, 14 objections to the application have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

Land at Bridge Street North



















5 Key Considerations

- 5.1 The site is allocated for housing in the Development Plan.
- 5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Design, appearance, materials and public visual amenity.
Access, highway safety, parking and servicing
Environmental concerns – Noise, air quality, pollution and general disturbance.

Ecology concerns – loss of wildlife, habitats and trees.

6. The Application Site

- 6.1 The application site is a former industrial premise sandwiched between two canals located on the western side of Bridge Street North. The application site is flanked by canal waterways on either side of the site, namely being the Birmingham New Main Line to the north and the Engine Arm to the South. The wider area is mixed use in nature with industrial premises being located on the opposite side of the Engine Arm canal and residential properties being located on the opposite side of the Birmingham New and Old mainline Canals. The nearest residential dwellings are a minimum of 100 metres from the application site and are separated from the site by the two canals and an area of open space containing vegetation. Residential canal moorings can be found further down the engine arm canal heading east.
- 6.2 The site has predominantly been cleared of all structures and buildings with one large warehouse remaining which measures approximately 2800m2. The remaining site is hardstanding.
- 6.3 The site is adjacent to and partly within the Smethwick Summit, Galton Valley, Smethwick Conservation Area. In close proximity to the rear of the site is also a scheduled ancient monument (Engine Arm Aqueduct).



















7. Planning History

7.1 A section of the site and the remaining warehouse received a 3-year temporary retrospective approval for receipt of, storage, sorting and separation of non-ferrous materials under application reference DC/08/50156. This was granted subject to conditions that the use should take place within the building and no materials should be stored in the rear yard. The rear of the site also received approval under application reference DC/97/33689 to be used for aluminium recycling.

7.2 Relevant planning applications are as follows:

		1
PD/22/02111	Proposed demolition of all	Demolition consent
	buildings with the	granted.
	exception of the hi-bay	29.04.2022
	warehouse.	
DC/14/57444	Demolition of two storey	Demolition consent
	brick building.	granted.
		16.10.2014
DC/14/57472	Proposed re-cladding of	Grant Permission
	unit.	subject to conditions.
		03.11.2014
DC/08/50156	Retrospective application	Grant Temporary
	for receipt of, storage,	Approval
	sorting and separation of	17.12.2008
	non-ferrous materials.	
DC/09/50964	Change of use to B2	Grant Permission.
	(General Industrial) use.	21.07.2009
DC/97/33689	Change of use of former	Grant Permission
	Raleigh Works & plastic	subject to conditions.
	injection moulding to	25.11.1997
	aluminium recycling and	
	alteration to make	
	provision for offices &	
	partial demolition to afford	
	lorry manoeuvring.	



















8. Application Details

- 8.1 The applicant is proposing to change of use of the existing site and warehouse from general industrial to treatment, remediation and recovery facility for contaminated soils, construction, demolition and excavation of waste with 1 No. soil treatment shed and 4 No. office/meeting rooms, 1 No. mess drying room, toilet block, store, weighbridge unit, picking station, decontamination unit, clean material area and 2 No. holding tanks and covered post treatment areas, oversized processing area, parking and the creation of a new vehicular access. The applicant is seeking a temporary planning permission for 5 years, as the long-term ambition for the site is for a residential use.
- 8.2 The application states that waste brought onto the site would be contaminated with asbestos, hydrocarbon and diesel. The contaminated waste would be deposited in the bays within the existing warehouse building. The bioremediation process would be carried out within the warehouse building with asbestos picking occurring immediately adjacent to the building at the covered picking station. Post remediated waste would be stored in storage bays waiting for exportation to be used on construction sites. Concrete and stone from the contaminated soil would be stored at the rear of the site where it would be crushed when required to be used for hardcore. The applicant has indicated this would be approximately every 3 to 4 months.
- 8.3 The proposed building providing the site office and staff facilities would be temporary in nature similar in appearance to portacabin/container buildings. The decontamination unit would measure 3.65m by 1.8m with an overall height of 2.45m. The weighbridge office would measure 2.45m by 2.3m with an overall height of 2.45m. The site office would measure 9.75m by 2.5m with an overall height of 2.45m. The store would measure 6m by 2.5m with an overall height of 2.45m. The mess room/drying room would measure 9.75m by 2.5m with an overall height of 2.45m. The four covered post treatment bays would measure 40m by 7.5m with an overall height of 5m.





















- 8.4 An amended plan has been received to alter the proposed site entrance from a bell mouth to a dropped kerb.
- 8.5 Since the application submission, the applicant implemented some works on site which has resulted in complaints from residential properties located on the Brindley II residential development site, these related to dust generation and noise. The applicant has confirmed these works have now ceased and the soil/ material being stored on the site is non-hazardous. To prevent further complaints the applicant has stated the below mitigation measures are being used; -
 - Covering of soil stockpiles outside of main building (See BSN 1 attached).
 - 2. Daily use of water bowser and misting system (twice an hour / everyday).
 - 3. Use of jet wash for additional dust suppression.
 - 4. Hire of road sweeper to keep haul road and local roads clean.

9. Publicity

9.1 The application has been publicised by neighbour notification letter, site noise and press notice, with 14 letters of objection being received.

9.2 **Objections**

Objections have been received on the following grounds:

- i) Noise and disturbance with work starting pre 7am.
- ii) The works on site are creating large amounts of dirt/ dust which blow over the canal to the residential dwellings on the Brindley II residential development. No information has been provided as to what contamination the current mound of soil on the site contains. This raises health concerns for residents.
- iii) Wildlife concerns in terms of dust and water run off from the site entering the canal wildlife corridor.
- iv) The site should be regenerated for residential development.



















- v) The view of the site at present is poor with a half covered soil mound.
- vi) Highway matters including increased vehicle movements.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Planning Policy

No objection. In order for a residential scheme to be realised, in line with the designation, comprehensive redevelopment would be required. As this has not been forthcoming and considering the active nature of the wider industrial area, an industrial/employment use would be the most appropriate type of development in this location at this time.

10.2 Highways

No objection subject to a condition for the parking and manoeuvring area shown on the submitted layout to be provided and retained. An amended plan has been submitted to alter the proposed entrance from a bell mouth to a dropped kerb. Highways have raised no objections to this amendment.

10.3 Pollution Control (Air Quality)

No objection subject to conditions for the submission of an air quality assessment including mitigation measures to reduce impact on nearby businesses and residential properties, electric vehicle charging points, and operation hours including a restriction on the crushing and screening operation.





















10.4 Pollution Control (Contaminated Land)

No objection subject to the submission of a detailed site investigation report being submitted and approved.

10.5 **Pollution Control (Air Pollution and Noise)**

Following the submission of an amended noise risk assessment to include residential canal moorings in close proximity to the site, Public Health have stated there is still a possibility that the noise rating level at the nearest sensitive properties could exceed the background by 5dB when the operation commences. However, the following conditions have been recommended to deal with any residual concerns around noise;-

- The rating level of all operational noise, when measured as a 60minute LAeq between the hours of 07:00 and 23:00, shall not exceed the background 60-minute LA90 by more than 5 dBA on any day. This should include the noise from the operation of the mobile crusher when it is used on site.
- All measurements are to be taken in accordance with BS4142:2014+A1(2019) at the nearest noise sensitive premises.
- The applicant instructs a competent consultant to design mitigation measures and provide calculations to demonstrate compliance with the above condition. This is to be approved by the Local Authority before the operations commence.
- The applicant has requested working hours of 07.30 to 17.00 Monday to Friday. I would recommend that working hours are restricted to 08.00 to 16.30 hours as per the working hours used in the noise assessment. I would stipulate that only maintenance is carried out on Saturdays with working hours restricted to 08.00 -13.30 hours. The applicant has requested that operations commence at 07.30 hours on Saturday.





















- There shall be no working on Sundays and Bank Holidays.
- It is recommended the applicant submits for prior approval by the local planning authority a noise management plan to control noise emissions from all operations and use of plant and equipment on site.
- All processing of materials (with the exception of the asbestos picking activities) are to be carried out in the existing building on site.

Public Health have also recommended that the operator comply with any, noise, dust and odour management plans required by the Environment Agency.

10.6 Conservation Officer

No objection.

10.7 Lead Local Flood Authority

Comments received regarding the requirement of a surface water drainage scheme. This has been included within the recommendation

10.8 **Severn Trent**

No objection subject to the standard drainage condition.

10.9 Canal and River Trust

Following the last committee meeting, the Canal and River Trust have submitted additional comments highlighting insufficient information has been submitted and the proposed conditions are not sufficient to address the following matters; -

 Land Stability adjacent to the waterway network including an assessment of the stability and condition of a large brick retaining



















- wall to support the proposed use, associated vehicle activity, built form or parking bays.
- ii) Pollution Control Measures in relation to the protection of the water environment.
- iii) Impact of the proposal on biodiversity and impact on the character and appearance of the waterway corridor.
- iv) Assessment of the opportunities arising from the proposal for the promotion of connectivity and sustainable travel using the waterway network.

In response to the above points; -

- i) Following additional comments, the matter of the retaining wall has been re-visited. An initial report by the applicant on the retaining wall concluded "The ivy and other growth should be carefully removed from the wall and a further structural inspection of the wall completed, in order to advise on further investigations required to inform remedial work solutions". Whilst the redline boundary for the site is set back and excludes the retaining wall and the submitted plans show no structures would be erected in close proximity to the structure, no physical barrier exists to prevent vehicles driving and parking on top of the wall. On this basis, the Local Planning Authority are of the opinion that it is not unreasonable to include a condition for a further inspection of the wall to be undertaken to ensure no impact on the canal environment/network occurs.
- ii) Drainage matters have been included within the recommended conditions including a surface water drainage scheme. The applicant requires a permit from the Environment Agency due to the nature of the use which includes matters such as drainage, dust control and how the material will be treated/stored etc. The permit application states that waste will be transferred to the asbestos picking station via covered conveyor where it will be wetted down using a spray bar to prevent any fugitive releases of dust. Picked asbestos will be placed into bags inside the picking station and transferred to an enclosed skip so that the bags are not



















- exposed to the outside environment. Picked asbestos will be placed into skips which will contain double bag liners in accordance with health and safety requirements. Once double bagged, the asbestos will be locked securely in an onsite skip and will be bulked prior to transport off site for disposal to landfill, which normally takes approximately 15 days. If the committee are minded to approve this application, the site would be permitted and regulated by the Environment Agency.
- iii) In terms of biodiversity and enhancement of the waterway, it should be noted this is an existing industrial site which is characterised by a concrete slab covering the entire site to be retained by the applicant as well as an existing large warehouse style building. These matters would be addressed when the long terms ambition for the site to be used for residential comes forward. However, a condition for an external lighting scheme has been included within the recommendation to prevent light pollution on the adjacent canals. The applicant is applying for a temporary permission only and treatment would take place in a covered environment.
- iv) Sustainable travel via the waterway network has not been requested by transportation or policy colleagues and the applicant has indicated the proposed use would have 10 full time employees. As part of this application a condition for secure cycle parking within the development has been included and Bridge Street North is also a 9-minute walk from Rolfe Street train station with links to Birmingham, Oldbury and Wolverhampton.

The Trust's requested informatives would also be included on the decision notice should the planning committee grant approval of this application.

10.10 Health and Safety Executive

No objection.



















10.11 Environment Agency

No response has been received, albeit we are aware that they have undertaken their own permit assessment of the site as indicated above.

10.11 Urban Design

Highlights the long-term ambition for the site is residential. Suggested conditions relating to boundary treatments and soft landscaping to limit impact on the canal.

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.

The Framework promotes sustainable transport options for development proposal and paragraph 111 states that developments should 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. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

EMP1 – Providing for Economic Growth

TRAN2 – Managing Transport Impacts of New Development

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV1 - Nature Conservation.

ENV4 - Canals

ENV3 – Design Quality

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

ENV8 - Air Quality





















SAD EMP 4 – Relationship between Industry and Sensitive Uses SAD EOS9 – Urban Design Principles SAD EOS10 – Design Quality & Environmental Standards

- 12.2 The site is allocated for residential development in the Development Plan.
- 12.3 Policy EMP1 seeks to ensure a sufficient stock of employment land to meet demand and support the growth and diversification of the economy. Although the site is allocated for housing in the long term, the proposal complies with this policy by providing industrial employment within the borough.
- 12.4 TRAN1 and TRAN2 seeks to resist development proposals that are likely to have significant transport implications, unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes. As part of this application a condition for secure cycle parking within the development has been included within the recommendation. Bridge Street North is also a 9-minute walk from Rolfe Street train station with links to Birmingham, Oldbury and Wolverhampton.
- 12.5 Both ENV3 and SAD EOS9 policies refer to appropriate design, given the temporary nature of the proposed use and industrial nature of the surrounding area, I am satisfied the proposed structures are appropriate in scale, design and appearance.
- 12.6 Policy SAD EMP4 refers to industrial development in relation to residential properties. The policy seeks any harmful effects of the proposal to be mitigated. In this instance public health have raised no objections to the application subject to the conditions contained within the recommendation. On this basis I am satisfied residential amenity can protected.
- 12.7 ENV5 seeks the incorporation of suitable drainage systems to assist with reducing the impact of flood and surface water run-off. A condition for a surface was drainage system to be submitted and approved has been included within the recommendation.





















- 12.8 ENV8 refers to mitigation measures to offset air quality issues, in this instance a condition for electric vehicle charging points has been included within the recommendation.
- 12.9 SAD EOS10 requires the design of industrial development should be of a high standard and should take into account the design principles set out in Policy SAD EOS 9.
- 12.10 ENV1 highlights development within the Black Country should safeguard nature conservation inside and outside its boundaries. The proposed use would take place within the existing building on the site with an asbestos picking station also being covered. Treated material would then be stored in covered bays with asbestos being double bagged and stored within a locked skip for collection. The use of the site would require an Environmental Agency Permit who would also regulate the site reviewing matters such as dust generation. Conditions for drainage and external lighting have been included within the recommendation. Given the proposed activities and the current use of the land it is considered that there would have a neutral impact on wildlife.
- 12.11 ENV4 seeks to safeguard the operation of a navigable and functional waterway. A condition has been included within the recommendation for a further retaining wall inspection to be undertaken.

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 site is allocated for housing in the development plan. In order for a residential scheme to be realised, in line with the designation, a comprehensive redevelopment would be required. As this has not been



















forthcoming and considering the active nature of the wider industrial area, an industrial/employment use would be the most appropriate type of development in this location at this time. The granting of a temporary approval would not prevent the site coming forward for housing in the future.

13.3 Design, appearance, materials and public visual amenity.

Taking into consideration the temporary nature of the proposed use, coupled by the fact the surrounding area is industrialised in nature, I am satisfied the appearance of the temporary structures would be acceptable. To limit impact on the canal, a condition for details of the external materials to be used for the post treatment bays has been included within the recommendation, as well as boundary treatment details.

13.4 Access, highway safety, parking, servicing and traffic generation

The Head of Highways has reviewed the application and raised no objections subject to a condition for the parking and manoeuvring areas to be installed and retained in accordance with the submitted site layout plan. The submitted transport assessment highlights the proposed use is forecast to generate a reduction of 18 two-way vehicle trips during the AM peak, and 5 two-way trips during the PM peak, in comparison to the extant use. HGV style vehicles are common in this area given the industrial nature of the surrounding uses.

13.5 Environmental concerns – Noise, air quality, dust, pollution and general disturbance.

I am aware residents have been subject to dust and noise disturbance whilst some works were taking place on the site without planning approval. However, the site was not operating in accordance with the details provided in this application (use of the existing building, outside soil to be stored in covered bays and mitigation measures stated above to be implemented). I am satisfied the dust and noise concerns would be



















addressed with the site operating in accordance with the submitted plans as well as applying the dust mitigation and monitoring measures to be regulated by the Environment Agency and conditions proposed by public health which are detailed below.

Public Health have reviewed the proposal and raised no objections subject to the conditions contained within the recommendation. This includes a condition for all processing of materials are to be carried out in covered areas as well as noise mitigation measures and hours of working. On this basis I am satisfied the amenity of neighbouring properties can be protected from noise, disturbance and air quality. Please note, should the Planning Committee resolve to grant approval of this application, the operation of the site would be regulated under an Environment Agency permit which includes matters such as dust control. The applicant has provided the dust management plan submitted to the environment agency as part of their permit application. The submitted dust management plan highlights dust monitoring would be undertaken in accordance with the permit. The following mitigation measures would be used to limit dust creation (see below).

Dust monitored at the site boundary will be maintained within the limits of 200 mg m² day-1 for PM10 as is consistent with Environment Agency Guidance note M17.

Visual monitoring of dust will be undertaken throughout the sites operating hours. The following observations would result in action being taken:

- None observed No action
- Slight Dust Review working method, alter working method or areas being worked
- Moderate Dust Temporarily suspend works, change working method or areas being worked
- Severe Halt operations immediately.

Mitigation Measures



















- Dampening down of waste soils prior to material transfers.
- Abatement systems utilising HEPA filters on storage and treatment bays.
- HEPA filtration on the asbestos picking station.
- Employment of good housekeeping techniques including road sweeping.
- Planned preventative maintenance.
- Enclosed conveyors.
- Routine inspections.
- Monitoring of point source and fugitive releases.
- Integrated Management System and procedures.

13.6. Ecology concerns

Public Health have reviewed the application and raised no objections subject to conditions contained within the recommendation. Concerns raised by residents regarding dust contamination of the surrounding canals can safely be dealt with via the mitigation measures submitted to the Environmental Agency as part of the applicants permit application as well as conditions recommended by Public Health. Treated material (with the exception of oversized waste (concrete) would also be stored in covered bays with remediation and asbestos picking taking place within the existing building and a covered collection area. Dust generation will be monitored at the application site boundary to ensure compliance with the Environment Agency limits. I am therefore satisfied dust pollution of the surrounding area can safely be controlled to limit any impact. Failure to comply with the dust management plan would see the Environment Agency take formal enforcement action. Conditions for a surface water drainage scheme have also been submitted to ensure no surface water enters the surrounding canal network as well as an external lighting scheme to prevent light pollution to the canal corridor.



















14. Conclusion

On balance despite the application being a departure from the development plan, other material considerations outweigh the allocation in the short term and there are no other significant material considerations which warrant refusal that could not be controlled by conditions and the environment agency permit.

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 polices and there are no material considerations that would justify refusal of the application for a temporary period only.

16 Implications

Resources:	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.
Legal and	This application is submitted under the Town and
Governance:	Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal
	and therefore an equality impact assessment has not
	been carried out.
Health and	None.
Wellbeing:	
Social Value	None.
Climate	Sandwell Council supports the transition to a low
Change	carbon future, in a way that takes full account of the
	need to adapt to and mitigate climate change.
	Proposals that help to shape places in ways that
	contribute to radical reductions in greenhouse gas
	emissions, minimise vulnerability and improve
	resilience; encourage the reuse of existing resources,
	including the conversion of existing buildings; and



















support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Context plan

Location plan - 1

Proposed site plan - 102201/P100 REV A (A1)

Soil treatment shed floor plan - 102201/P200 (A1)

Proposed site accommodation - 102201/P300 (A1)

Proposed post remediation bays - 102201/P400 (A1)

Picking station elevations – 2

Site Access Plan - 06223 A 120 REV P0



















Site Location Plan - Land West of Bridge Street North











