

Report to Planning Committee

15 February 2022

| Application Reference | DC/21/66125 | |
|-------------------------|-----------------------------------------------|--|
| Application Received | 16 th 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 Subject to the application being heard at Full Council, and no objections from Highways, Pollution Control (Noise), and The Wildlife Trust for Birmingham and the Black Country, that 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 with mitigation measures;
- (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; and
- (xvii) 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 This application is being reported to your Planning Committee because the proposed use is a departure from the Council's Local Plan and objections have also been received.
- 4.2 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 go to Full 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 and erection of a landscaped acoustic bund (outline application). | Not determined |
| DC/21/65676 | Screening opinion for proposed industrial and | EIA not required 26/05/2021 |



















| warehouse units with | |
|------------------------------|--|
| associated access and works. | |
| | |

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;
- The proposed development will impact on the local environment, vii) 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
- The proposed development will potentially increase flooding in the X) 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:

- Public Health comments awaited. Members will be verbally (i) updated.
- The site is allocated for residential use. Despite this, the site (ii) 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 7.4) 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) Comments from the Council's Highways department will be verbally reported.
- (v) The Council's Public Health Team has raised no objections and suggested conditions such as vehicle charging points to lessen any impact.
- (vi) Before any development takes place, a detailed site investigation would need to occur, and mitigation measures agreed to ensure the users of the site and local residents remain safe.
- (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. Therefore, further comments from the wildlife trust are pending.
- (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 a 4.0m high 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 local 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

Further information has been requested and members will be verbally updated.

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 contaminates 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 Heath (Air Pollution and Noise)**

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

Additional information has been requested and sent to the Lead Local Flood Authority. This can be covered by the standard drainage and sustainable drainage system conditions.

10.10 Severn Trent

No objections subject to their standard conditions being attached to any approval.

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

Raise 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

Currently objects, and additional information has been submitted. 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 this is controlled by condition. A request was made to the trust without response. Whilst an ecological survey is conditioned, members will be verbally updated on any response received.

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 polices 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





















- 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 Local Plan (refer to viability issues below).
- 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 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.
- 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 policy EOS10 the design of industrial developments should be of a high standard and should consider the design principles set out in SAD policy EOS9 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 this 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 it 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 such a long time, and raises viability issues, that residential development is unlikely to come forward. 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 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.

13.7 Overbearing nature of proposal

See points 13.4-13.6 above.

13.8 Traffic generation

The Council's Highways team has requested additional information and members will be updated accordingly.

13.10 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 clean up the site and bring it back into use.

13.11 Noise and disturbance from the scheme

The Council's Public Health officers have raised no objections.

13.12 Nature conservation and loss of ecological habitats

See points 10.13 and 13.13.

13.13 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.

13.14 Flood risk

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

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however the site has been undeveloped for a significant amount of time, and Council resources impacted on by managing fly tipping on the site.

15 Implications

| Resources: When a planning application is refused the applicar | |
|----------------------------------------------------------------|---------------------------------------------------------|
| | 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 | The proposal would potential provide jobs for the local |
| | area as well as apprenticeships during the |
| | construction phase. |

16. **Appendices**

Site Plan

Context Plan

19-103-PA-01 A

19-103-PA-02 A

19-103-PA-03 A

19-103-PA-04 A

19-103-PA-05 A

19-103-PA-06 A

19-103-PA-07 A

19-103-PA-08 A

19-103-PA-09 A

19-103-PA-10 A

19-103-PA-11 A

19-103-PA-03 - 1















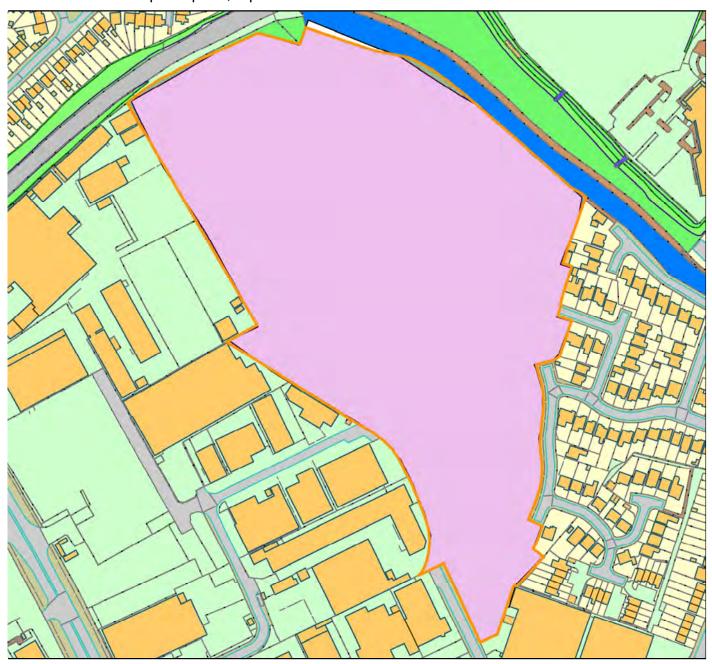


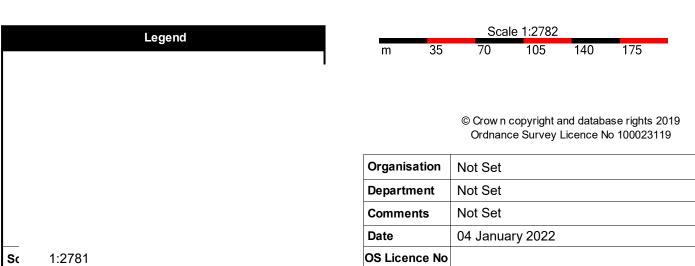


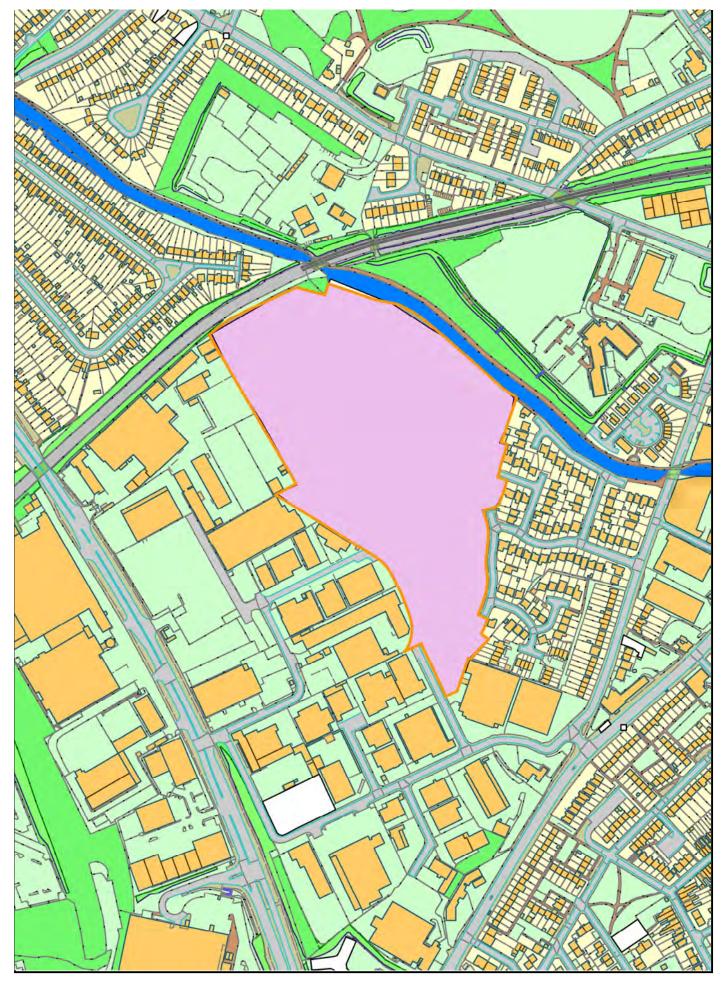




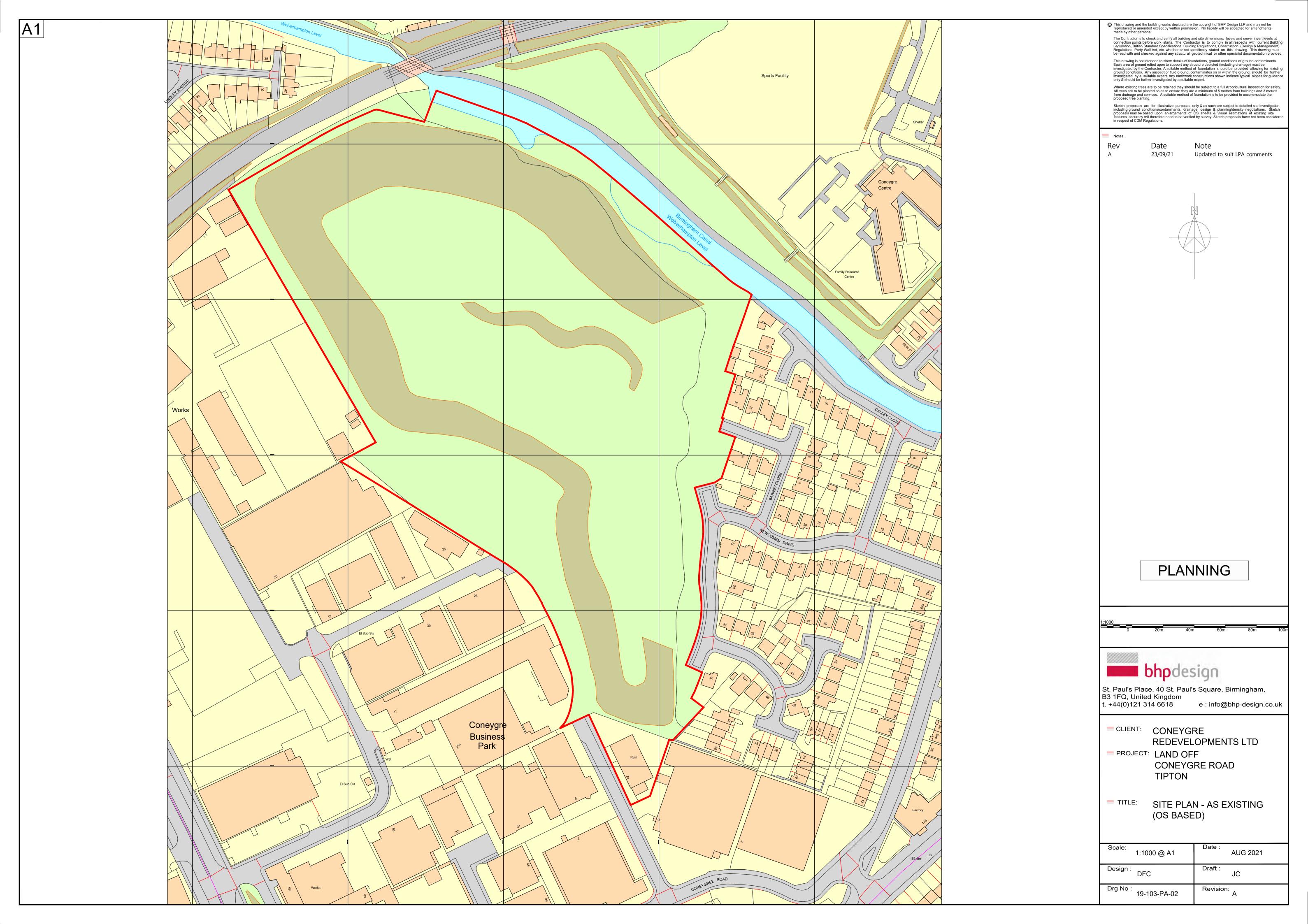
DC/21/66125 Newcomen Drive Open Space, Tipton

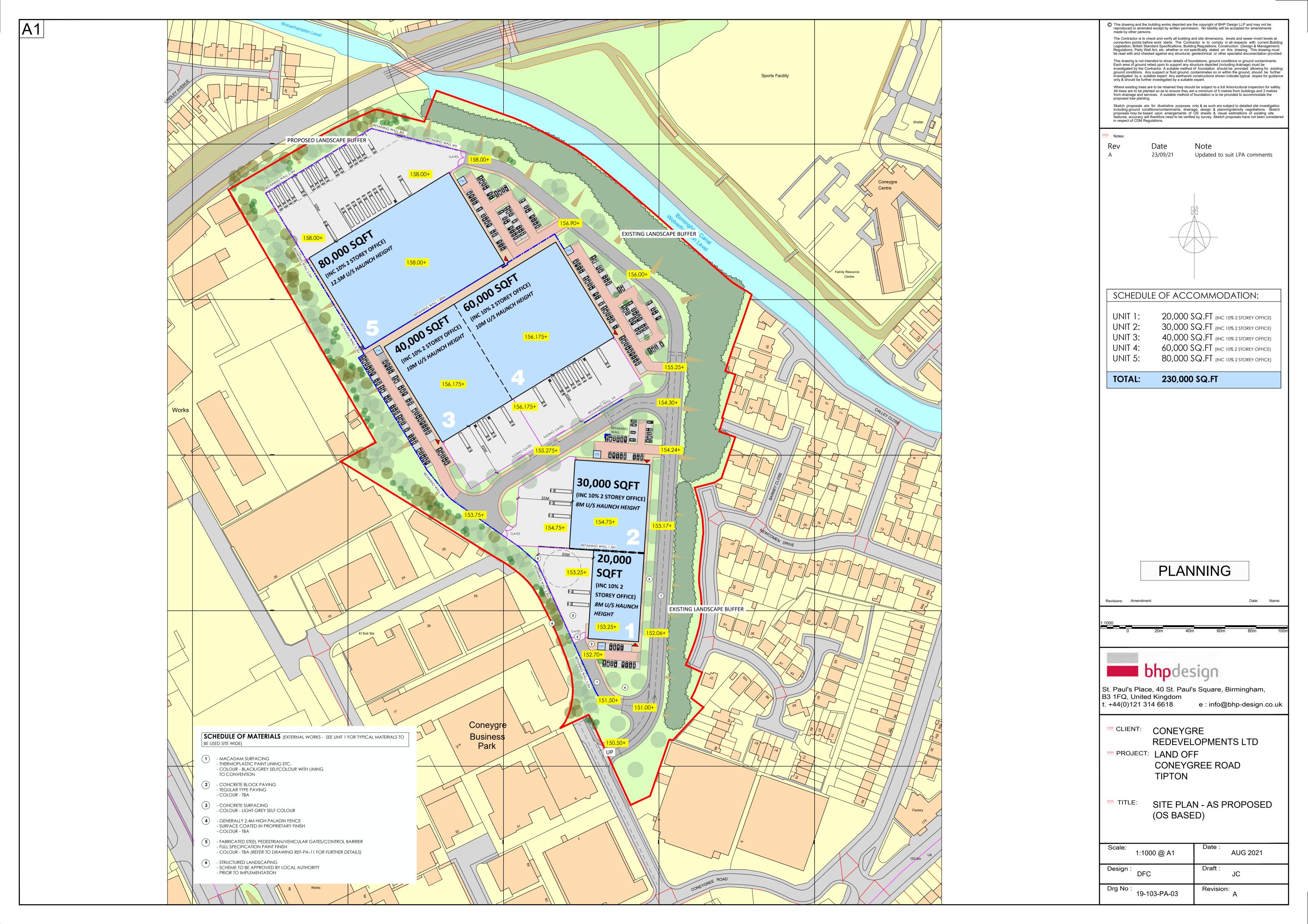


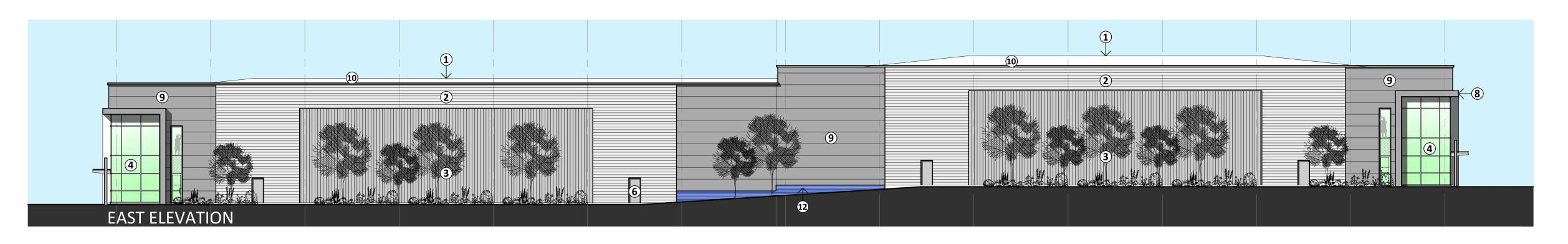


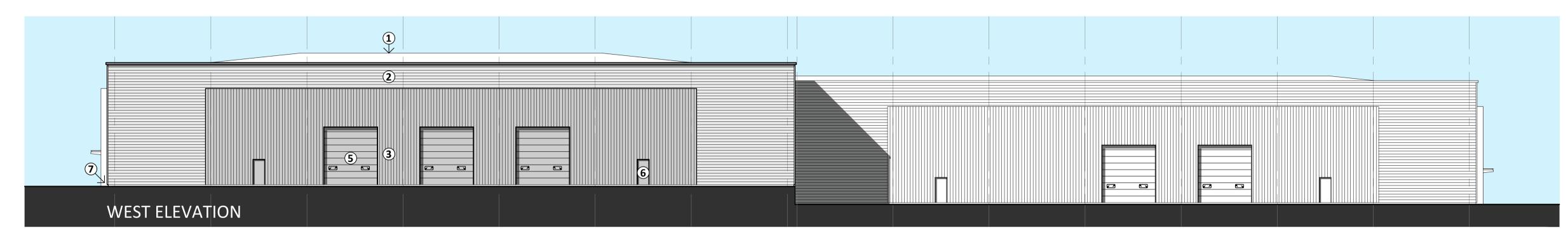






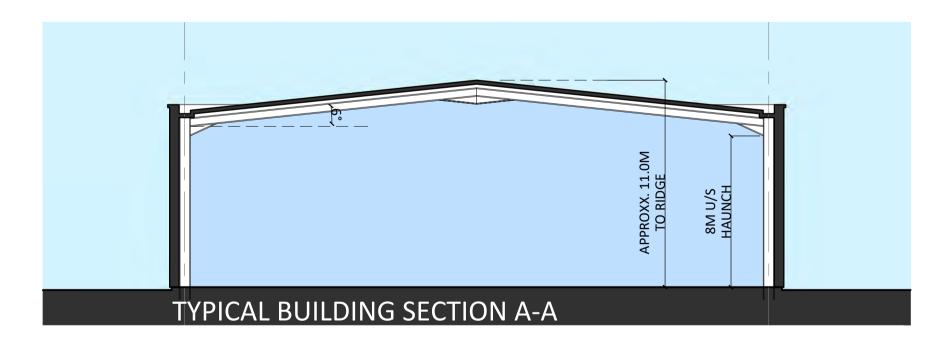


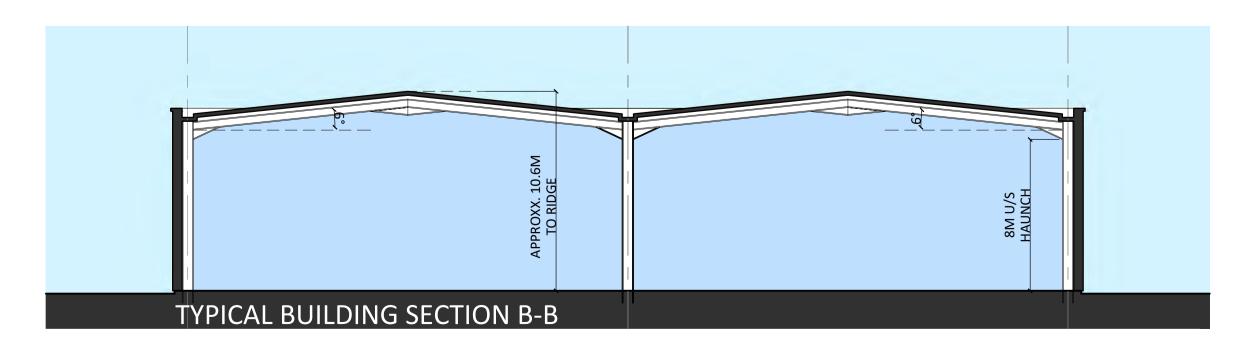












SCHEDULE OF BUILDING MATERIALS:

- (1) KINGSPAN KS1000 RW TRAPEZOIDAL PROFILE INSULATED ROOF PANELS OR SIMILAR APPROVED. COLOUR GOOSEWING GREY
- HALF ROUND PROFILE WALL CLADDING. COLOUR METALLIC SILVER (RAL 9006)
- METAL PROFILED WALL CLADDING. COLOUR BASALT GREY (RAL 7012)
- ALUMINIUM THERMALLY BROKEN CLEAR DOUBLE GLAZED DOORS & WINDOWS. COLOUR RAL 7016
- SECTIONAL DOORS. RAL 7016
- POWDERCOATED STEEL DOORS. COLOUR RAL 7016
- GALVANISED PFC GROUND BEAM. COLOUR TBC
- METTALINE FEATURE BEAM PROFILED EDGE TRIM. COLOUR ANTHRACITE (RAL 7016)
- MICRO RIB CLADDING HORIZONTALLY LAID. COLOUR ANTHRACITE (RAL 7016)
- ROOFLIGHTS (10%) NATURAL DAYLIGHT TO REACH CORNERS OF UNIT.
- STEEL FABRICATED ENTRANCE CANOPY WITH PLANAR GLASS ROOF FULL SPECIFICATION PAINT FINISH. COLOUR: WHITE
- (12) ENGINEERING BRICKWORK TO FORM BUILDING RETENTION. COLOUR BLUE

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Where existing trees are to be retained they should be subject to a full Arboricultural inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.

Rev Date

23/09/21 Updated to suit LPA comments

PLANNING





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Drg No : 19-103-PA-07

CONEYGRE REDEVELOPMENTS LTD

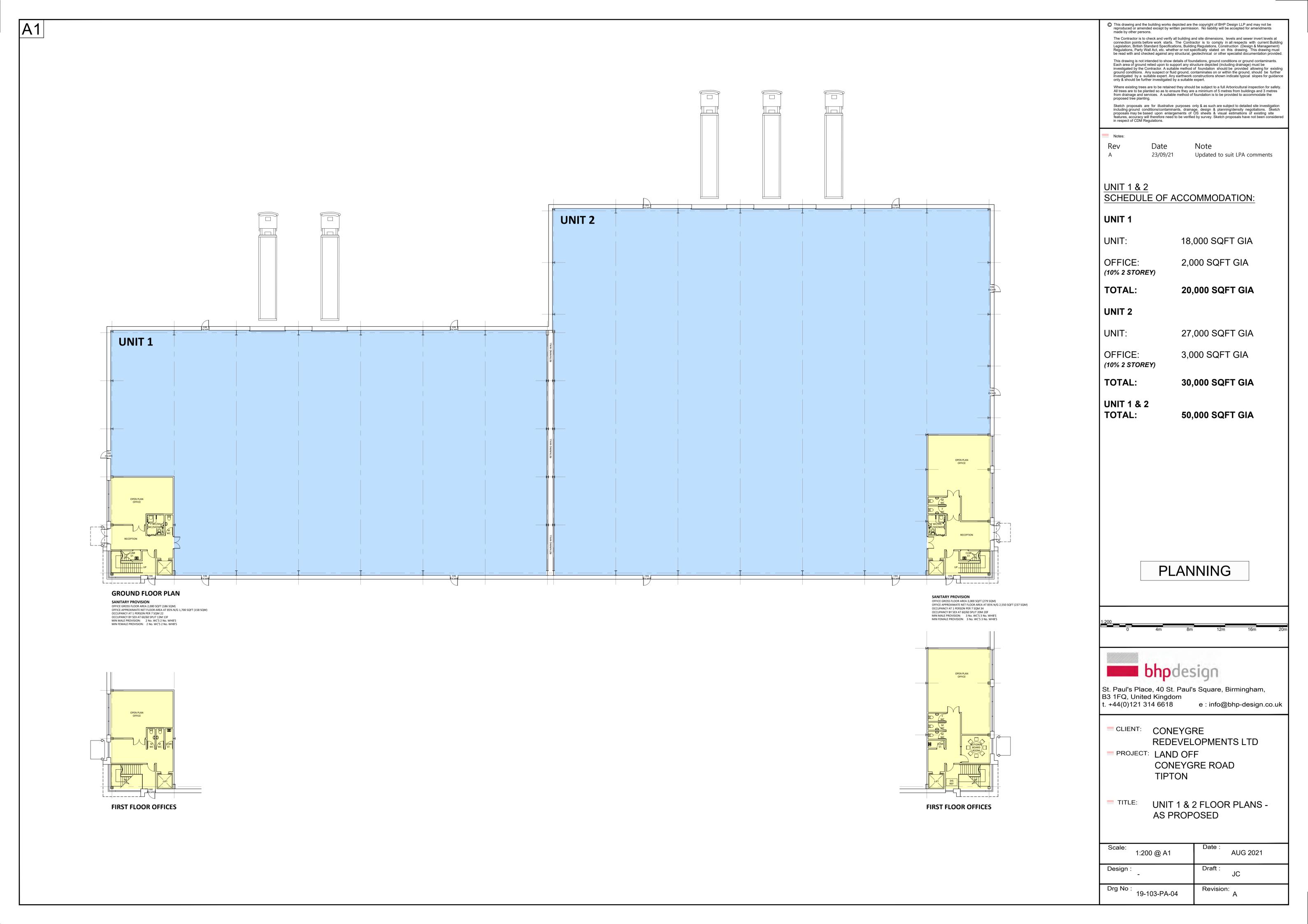
PROJECT: LAND OFF

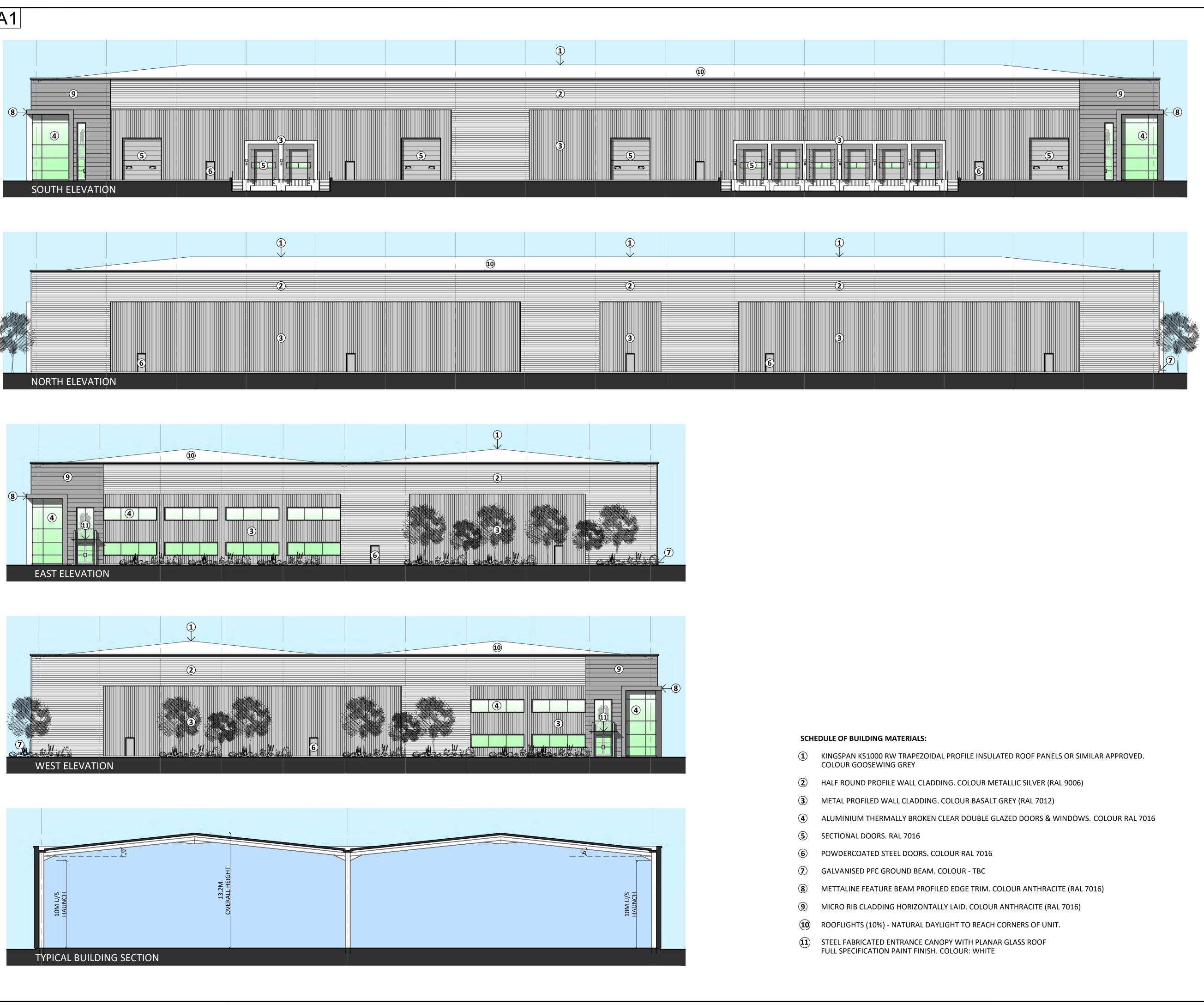
CONEYGRE ROAD TIPTON

UNIT 1 & 2 ELEVATIONS & SECTION - AS PROPOSED

1:200 @ A1 AUG 2021 Design :

Revision: A





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Date

Rev 23/09/21 Updated to suit LPA comments

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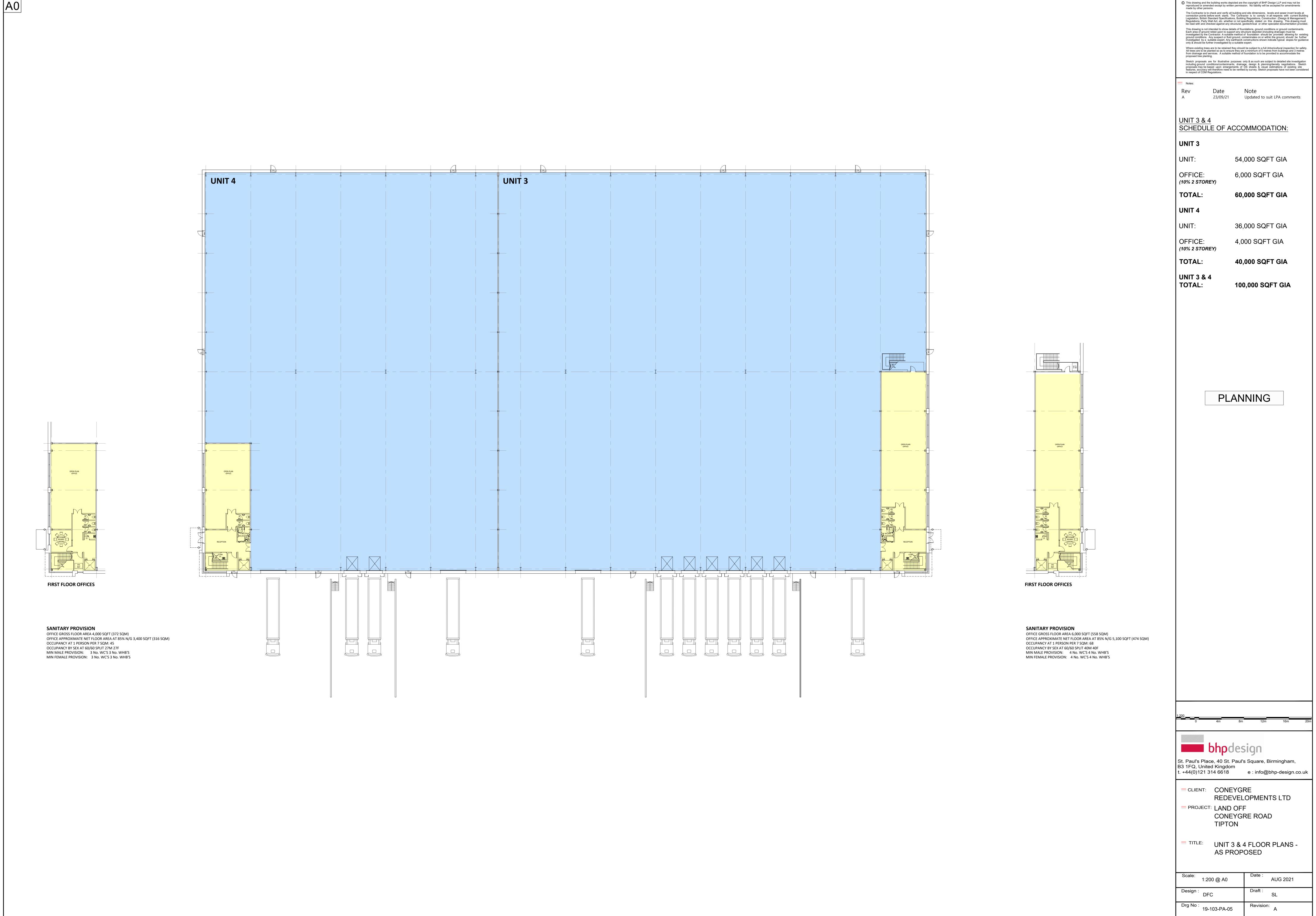
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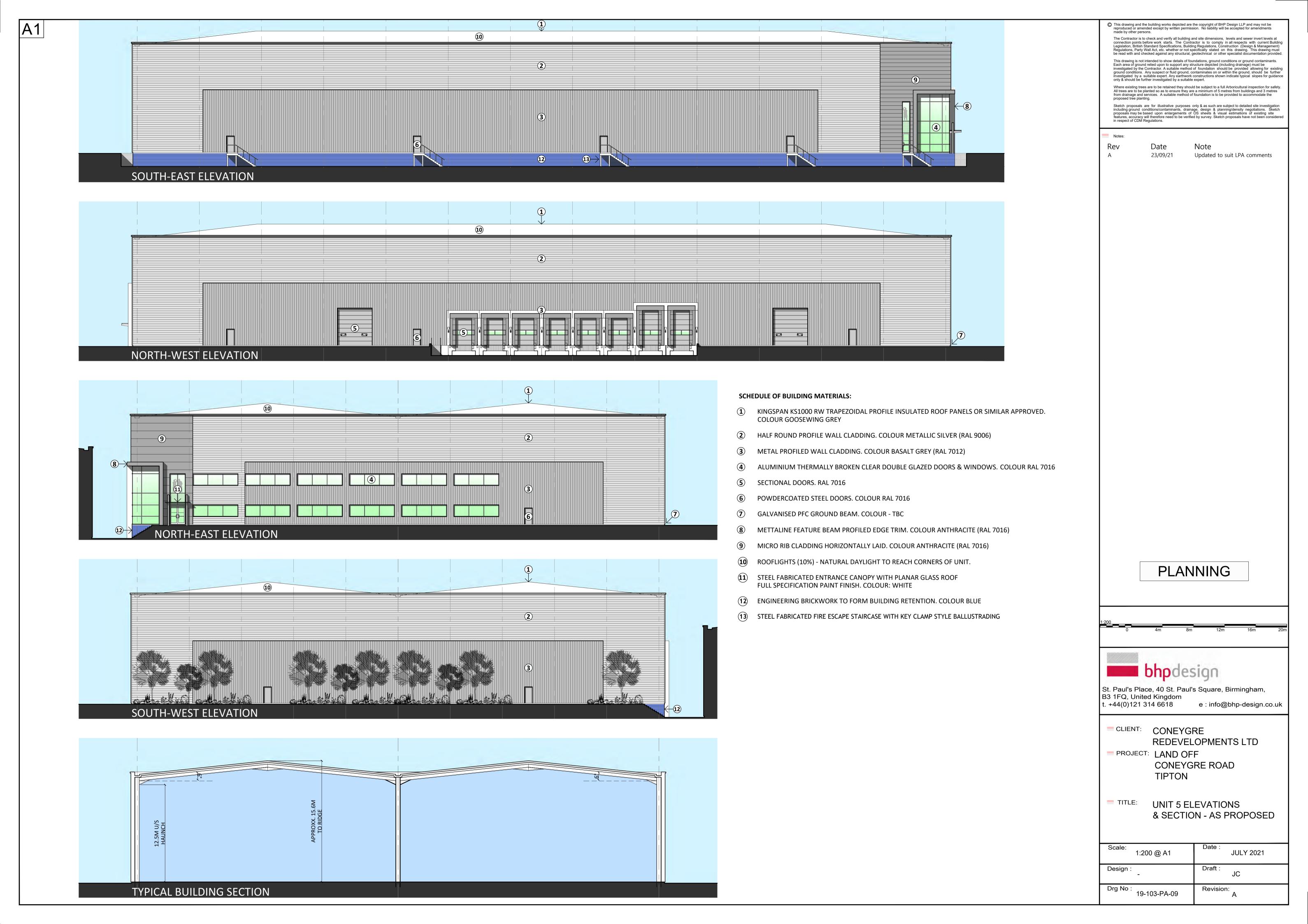
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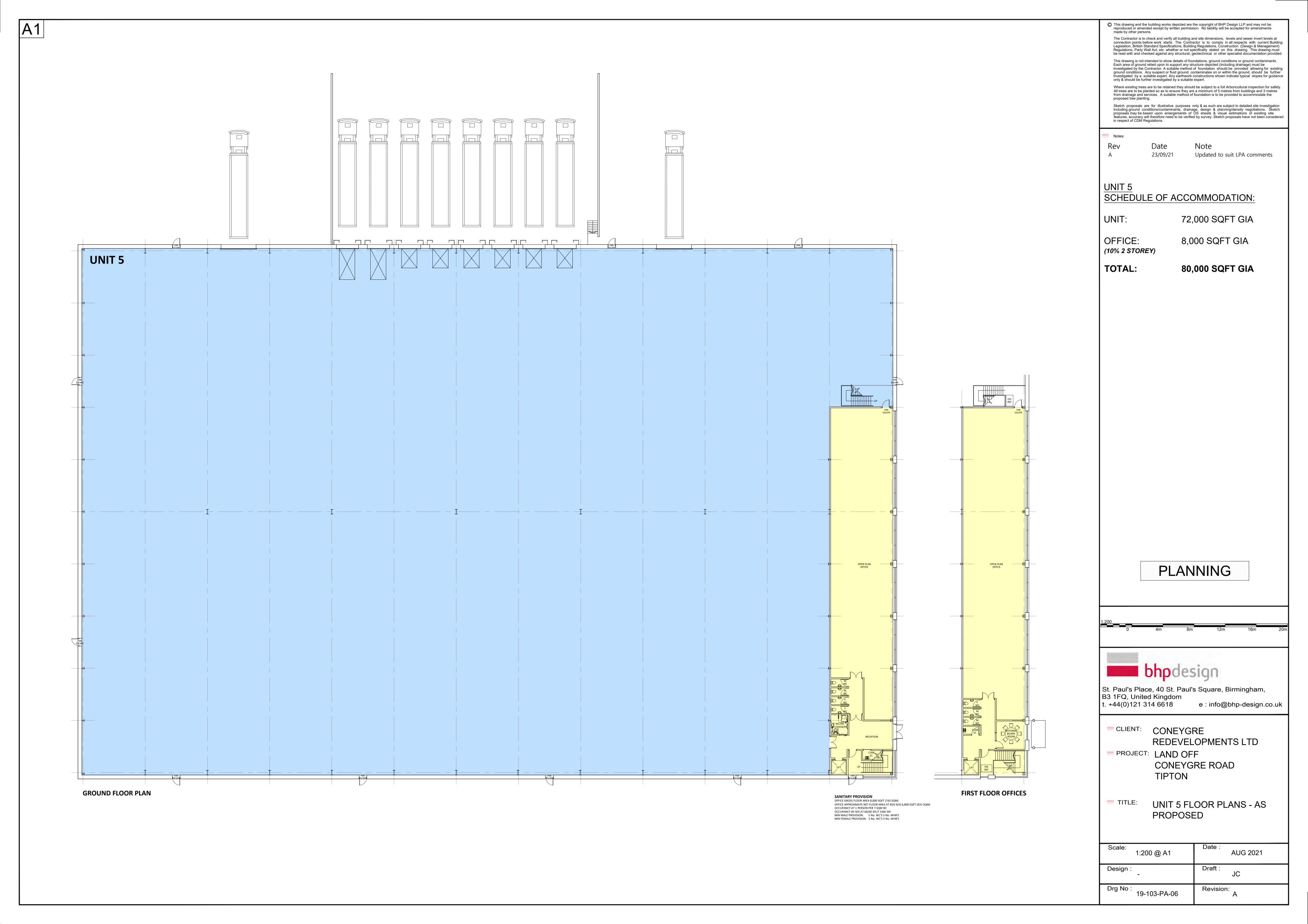
UNIT 3 & 4 ELEVATIONS &

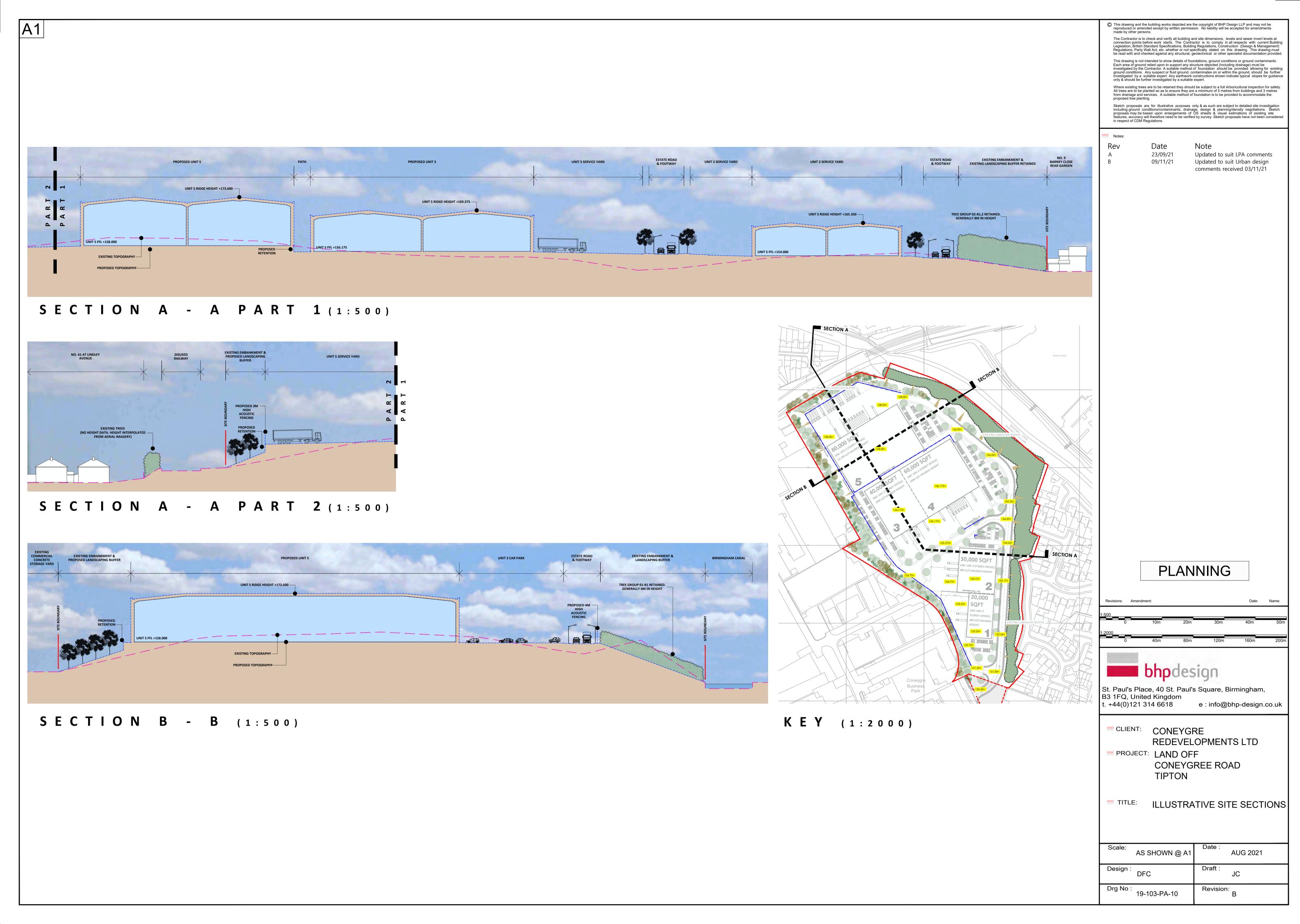
SECTION - AS PROPOSED

| Scale: 1:200 @ A1 | Date : AUG 2021 |
|-----------------------|--------------------|
| Design : - | Draft : SL |
| Drg No : 19-103-PA-08 | Revision: A |













ILLUSTRATIVE GROUND LEVEL CGI

PLANNING



CONEYGRE REDEVELOPMENTS LTD

■ PROJECT: LAND OFF CONEYGREE ROAD TIPTON

■ TITLE: GROUND LEVEL CGI

| Scale: NTS | Date : AUG 2021 |
|--------------------------|-----------------|
| Design: DFC | Drawn: WC |
| Drw No : 19-103-PA-14 | Revision: A |



Date 23/09/21 Updated to suit LPA comments

PLANNING



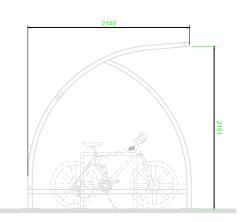
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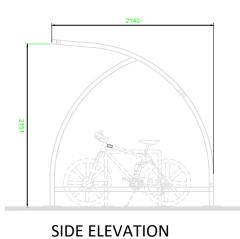
PROJECT: LAND OFF
CONEYGREE ROAD
TIPTON

TITLE: AERIAL CGI

Scale: 1:50 @ A3 AUG 2021 Design : DFC Drw No : 19-103-PA-12



SIDE ELEVATION



FRONT ELEVATION

| 1800 Crs | 1800 Crs |
|----------|----------|
| 1740 | 1740 |
| | |

REAR ELEVATION

CYCLE SHELTER SPECIFICATION.

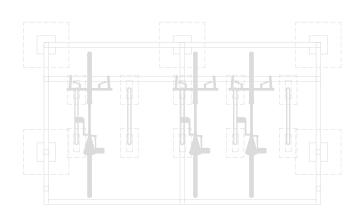
50X50 SHS FRAME WITH 50X50 SHS PURLINS & TRIMMERS. WELDED END FRAMES AND PURLIN SECTION MADE FROM HEAVY-DUTY BOX SECTION ASSEMBLED WITH ANTI-TAMPER HIGH STRENGTH BOLTS.

ALL COMPONENTS TO BE GALVANISED WITH POLYESTER POWDER COAT FINISH

COLOUR BLACK WITH STANDARD CLEAR P.E.T SHEET ROOF PANELS.

CYCLE SHELTER TO BE BROXAP BXMW/SEF/36

EACH SHELTER TO ACCOMMODATE 8 No. CYCLES.



PLAN

PROPOSED CYCLE SHELTER DETAILS







ILLUSTRATIVE PERSPECTIVES

PLANNING



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PROJECT: LAND OFF
CONEYGREE ROAD **TIPTON**

TYPICAL CYCLE SHELTER DETAILS

| Scale: 1:50 @ A3 | Date : AUG 2021 |
|-----------------------|-----------------|
| Design: DFC | Drawn: JC |
| Drw No : 19-103-PA-12 | Revision: A |