

Report to Planning Committee

11 May 2022

Application Reference	DC/21/65853	
Application Received	16 September 2021	
Application Description	Part demolition of existing buildings and	
	proposed change of use from foundry to scrap	
	metal recycling centre, comprising of new	
	building and installation of sheer, pre-shredder,	
	shredder and downstreamer and boundary	
	treatment.	
Application Address	Ervin Amasteel	
	George Henry Road	
	Tipton	
	DY4 7BZ	
Applicant	Mr Stuart Naylor	
Ward	Wednesbury South	
Contact Officer	Anjan Dey	
	anjan_dey@sandwell.gov.uk	

1 Recommendations

- 1.1 That, subsequent to ratification by Council of the departure from 'employment use', planning permission is granted subject to the following conditions relating to:
 - (i) External materials as per submission;



















- (ii) Surface water and drainage details to be submitted relating to flood risk:
- (iii) Submission of method statement relating to dust suppression;
- (iv) Implementation of approved noise mitigation measures;
- (v) Implementation of approved walls and boundary treatments;
- (vi) Electric vehicle charging points;
- (vii) Cycle parking;
- (viii) Ground contamination and gas monitoring with mitigation measures:
- (ix) Drainage and SUDS;
- (x) 10% renewable energy provision;
- (xi) Method statement relating to apprenticeships and job creation; and
- (xii) Restriction on hours of operation 07:30 to 17:30 (Monday to Friday) and 08:00 to 13:30 (Saturdays), with no operation on Sundays or public holidays.

2 Reasons for Recommendations

- 2.1 The proposal would result in the development of a previously used industrial site that is currently vacant. The proposal is compatible with adjacent uses and 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 as it has generated three material objections and is a departure from the development plan. The land is allocated for employment uses (Class E, B2 and B8; the proposed is a waste use (sui generis).



















4.2 To assist members with site context, links to a Google Map image, showing a nearby residential property as a point of reference, is provided below:

Ervin Armasteel, George Henry Road, Tipton.

5 Key Considerations

5.1 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the development plan
Loss of light/outlook
Traffic generation
Contamination by a previous use
Noise and disturbance from the scheme
Flood risk

6. The Application Site

6.1 The application site is a vacant foundry site that is 33,907 square metres in area and is located on the eastern side of George Henry Road, Tipton. The site is in an established area of industrial and commercial units with wider area to the east of the site characterised by residential properties.

7. Planning History

- 7.1 The site has a history of applications being approved, although there is no recent planning history for the site.
- 7.2 The relevant planning applications are as follows:

BCS1123	Proposed dust and filter plant,	Grant permission
	for dust and fume collection.	subject to
		conditions



















		24/10/1990
BCS3097	Extension to existing open	Grant Permission
	fronted scrap store for	
	maintenance. Alterations to	23/06/1995
	roller shutter positions	

7.3 The council has also dealt with an enforcement case (ENF/15/9700, ENA0092) on land adjacent to the site regarding issues (smells, hygiene) relating to an unauthorised toilet cleaning business (Midland Toilet Hire). Although the application site adjoins this area of land it is a separate site with a previous industrial use.

8. Application Details

- 8.1 The applicant proposes to demolish some of the existing buildings on site to facilitate a change of use to scrap metal recycling centre. A new building is proposed along with the installation of sheer, pre-shredder and down streamer. New boundary treatments at proposed at the eastern part of the site at the rear; specifically, a 12 metre high retaining wall (steel sheeting) and a 4 metre high timber fence at the farthest point.
- 8.2 The light fraction building would be at the rear of the site with dimensions measuring 26m deep by 14m wide by 15 metres high to the height of the dual pitched roof. It would be located around 90 metres from the rear of the nearest residential properties along Wolsley Road.
- 8.3 A total of 97 staff would be employed at the facility and hours of business would be 07:30 to 17:30 Monday to Friday and 08:00 to 13:30 on Saturdays with no operations on Sundays or public holidays.



















8.4 Existing access/egress from George Henry Road is to be used and a total of 22 car parking spaces are to be provided with manoeuvring areas for associated vehicles.

9. Publicity

9.1 The application has been publicised by 45 neighbour notification letters site notice and press notice. A total of five objections have been received; four neighbour objections and one from adjacent business.

9.2 **Objections**

Objections have been received on the following grounds:

- i) Concerns over noise given the proximity of the development to residential properties, and that existing noise disturbance may be exacerbated;
- ii) The development would increase pollution in the area (dust, etc.);
- iii) The use would increase traffic in the local area;
- iv) Concerns relating to the possible removal of trees at the rear of the site that provide natural screening from residential dwellings along Wolseley Road; and
- v) Possible impact on light of the rear boundary wall (overshadowing).

Immaterial objections have been raised regarding disturbance to foundations of buildings within the ownership of the neighbouring business (Speedy Assets Ltd). It understood that the agent and applicant have been in direct contact with representatives of the neighbouring business to discuss their various concerns relating to the operation of the site.

9.3 Responses to objections

I respond to the objector's comments in turn:



















- At the time of writing, Public Health (Air Pollution & Noise) are (i) considering further information regarding noise mitigation, but it does not appear the issues are insurmountable; especially taking account of the established industrial use. The use would also be subject to a restriction on hours of opening.
- (ii) Public Health (Air Quality) has no objections to the proposal. It is expected that any adverse impact from dust associated with the use can be mitigated through good working practices and adherence to the conditions contained in the Environmental Permit for the site. Notwithstanding this, it is recommended that a method statement for the control of dust is submitted to the planning authority prior to the commencement of development. Approved control measures shall be implemented and retained thereafter.
- (iii) Highways have no objections to the proposal. Site plans have been updated to show vehicle tracking and parking provision is considered acceptable.
- (iv) The agent has confirmed that tree screening to the east, west and southern boundaries will remain as existing. The only vegetation to removed has been self-seeded vegetation at the north of the site, and to the low slope of the embankment to allow for walls to be erected.
- (v) It is my view that the proposed new boundary walls, as well the new building, would not result in any loss of light to the nearest residential properties which are nearly 90 metres away. Section plans show that the site is at significantly lower levels to the nearest residential properties to the east. In view of this, light and outlook is not considered to be an issue and Urban Design comments concur with this.

10. **Consultee responses**





















10.1 Planning and Transportation Policy

The site of the proposed development is allocated for high quality employment uses normally office and industrial/storage uses (Class E, B2 and B8). Planning policy has stated that a 'sui generis' use would be best suited to a Local Employment Area, however, the agent has demonstrated that a suitably sized site is not available in any Local Employment Areas due to a shortage of such sites. Policy has accepted evidence of this and raise no objection to the principle of the use at this location.

The proposal appears to meet with many of the requirements of Policy WM4 (Local Considerations for Waste Management Facilities) in that it is a brownfield site, and could address potential harmful impacts such as noise and visual impact. The use is also considered broadly compatible with surrounding industrial uses; it would support local businesses and would contribute to economic growth and jobs.

Taking the above into account there are no significant policy issues with the proposed use of the site for waste recycling, and no objections to the departure.

10.2 **Highways**

No objections subject to the imposition of relevant conditions.

10.3 Public Health (Air Quality)

No objections have been received and it is recommended that a condition is attached to any approval regarding a method statement relating to dust management plan to protect local businesses and residents.

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)

As discussed above, further information is currently being considered. Committee will be advised of final comments either in advance of the meeting or verbally at the meeting. A restriction on hours of business is also advised by condition.

10.6 **Urban Design**

No objection to the proposal.

10.8 Employment and Skills Team

Before development is commenced a method statement should be submitted to the planning authority setting out job and apprenticeship opportunities which may arise during the development process and when the business commences operations.

10.7 Lead local flood authority

Additional information had been requested and sent to the lead local flood authority. Consequently, the flood authority has recommended a condition related to final surface water and drainage design.

10.8 **Severn Trent**

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

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

TRAN4: Creating Coherent Net for Cyc and Wal

WM4: Local Considerations for Waste Management Facilities

EMP1: Providing for Economic Growth and Jobs

EMP2: Actual & Potential Strategic High Quality Employment Areas

EMP3: Local Quality Employment Areas

EMP5: Improving Access to the Labour Market

SAD DC6: Land Affected By Contaminants/Constraints

SAD EMP2: Training and Recruitment

SAD EMP4: Relationship Industry/Sensitive Uses

SAD EOS 9: Urban Design Principles

SAD EOS 10: Design Quality & Environmental Standard

- 12.2 The site of the proposed development is allocated for potential High Quality Employment Land that seeks Class E, B2 and B8 uses in such locations. Therefore, BCCS policy EMP2 (Actual & Potential Strategic High Quality Employment Areas) is applicable, and the development is classed as a departure from the development plan (refer to viability issues below), but complies with policy WM4.
- 12.3 The proposed re-cycling use is best suited to Local Employments Areas and BCCS policy EMP3 (Local Quality Employment Areas) is applicable. However, the agent has successfully demonstrated that there is a



















- shortage of such sites throughout the borough particularly given the size of the site required.
- 12.4 Under SAD policy EOS 10 the design of industrial-type buildings should be of a high standard and should consider the design principles set out in ENV3 and SAD policy 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.
- 12.5 SAD policy ENV4 (Relationship between Industry & Sensitive Uses) requires adverse effects on sensitive uses such as residential to be mitigated to an acceptable level. In this instance, given the separation distances and proposed mitigation it is considered acceptable (pending final Public Health comments).
- 12.6 The proposal appears to meet many of the requirements of BCCS Policy WM4 (Locational Considerations for New Waste Management Facilities) in that it proposes to utilise previously developed land and addresses potential harmful effects such as noise, visual impact and water quality (SUDs etc.) Furthermore, it is broadly compatible with other industrial uses in the area, supports economic growth and would result in job creation. Policy WM4 supports such an open-air re-cycling use, however some of the associated activities are to be contained within an insulated building which will help to reduce adverse impacts.
- 12.7 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. These details are acceptable to the LLFA and final design will be conditioned.
- 12.8 As the proposed use will be over 1,000 sqm in area, BCCS policy ENV7 will be applicable. The guidance under this policy states all new 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. This can be achieved via a fabric first approach but will be conditioned accordingly.
- 12.9 The proposed development would have to give regard to the guidance contained in BCCS policy ENV8 and the Air Quality SPD. Electric vehicle charging points, along with dust suppression have been recommended as conditions.
- 12.10 Highways has no significant concerns regarding traffic generation (TRAN2). Cycle parking can be ensured by condition (TRAN4).
- 12.11 Contamination can be addressed by condition (SAD DC6).
- 12.12 Employment opportunities can be ensured by condition (EMP5 and SAD EMP2).

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 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 difference in levels/natural screening at the rear of the site.

13.3 Traffic generation

The council's Highways team has no objections.



















Contamination by a previous use 13.4

Can be addressed by condition.

13.5 Noise and disturbance from the scheme

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

13.6 Flood risk

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

Alternative Options 14

14.1 Refusal of the application is an option if there are material planning reasons for doing so. Given that no significant objections are raised to the proposal, it is considered that refusal of the application would not be easily defensible at appeal.

15 **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	The proposal would potential provide jobs for the local	
	area as well as apprenticeships during the	
	construction phase.	





















16. Appendices

Location Plan

Amended Existing Block Plan - 102 Rev C

Amended Proposed Block Plan - 106 Rev B

Demolition Plan - 104

Demolition Plan - 105

Proposed Layout – 107

Proposed Elevations – 108

Proposed General Layout - 109

Proposed General Layout - 110

Proposed General Layout - 111

Proposed General Layout – 112





















DC/21/65853 Ervin Amasteel, George Henry Road, Tipton

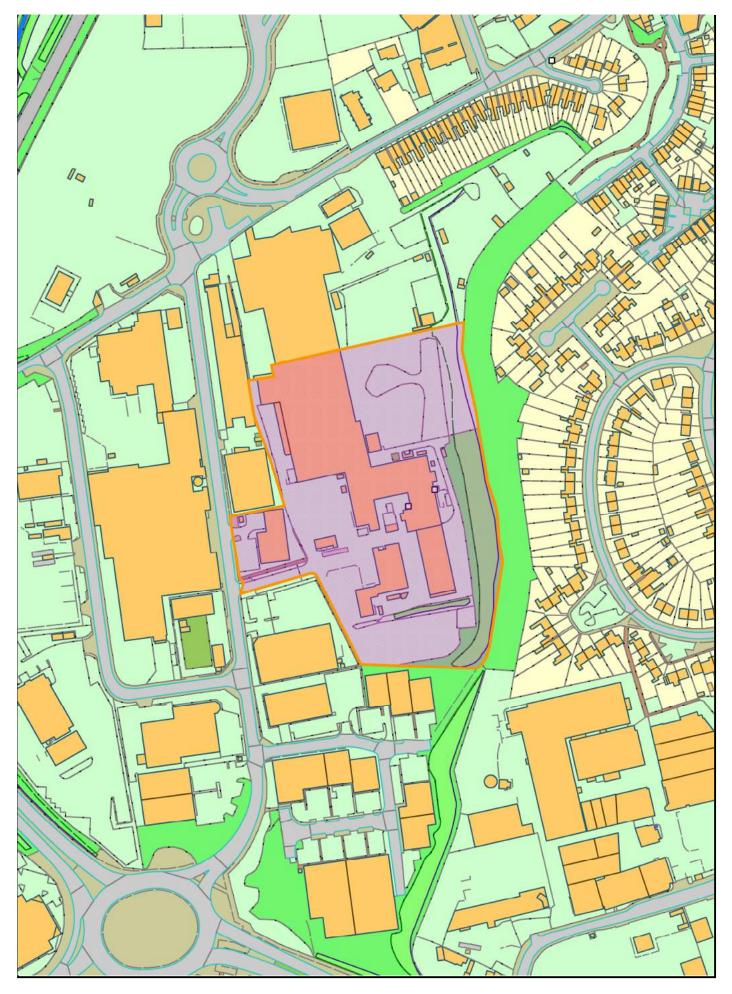


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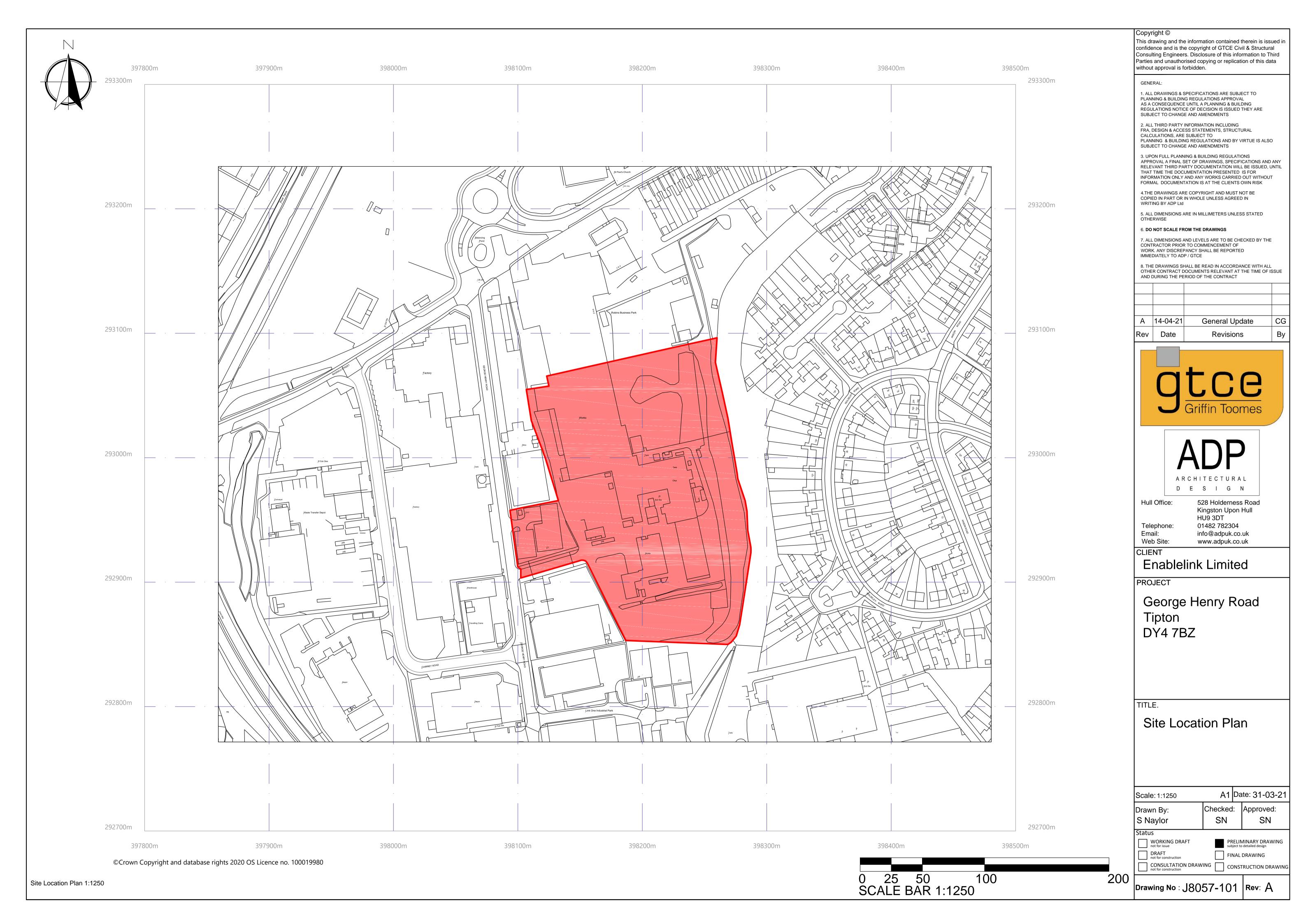
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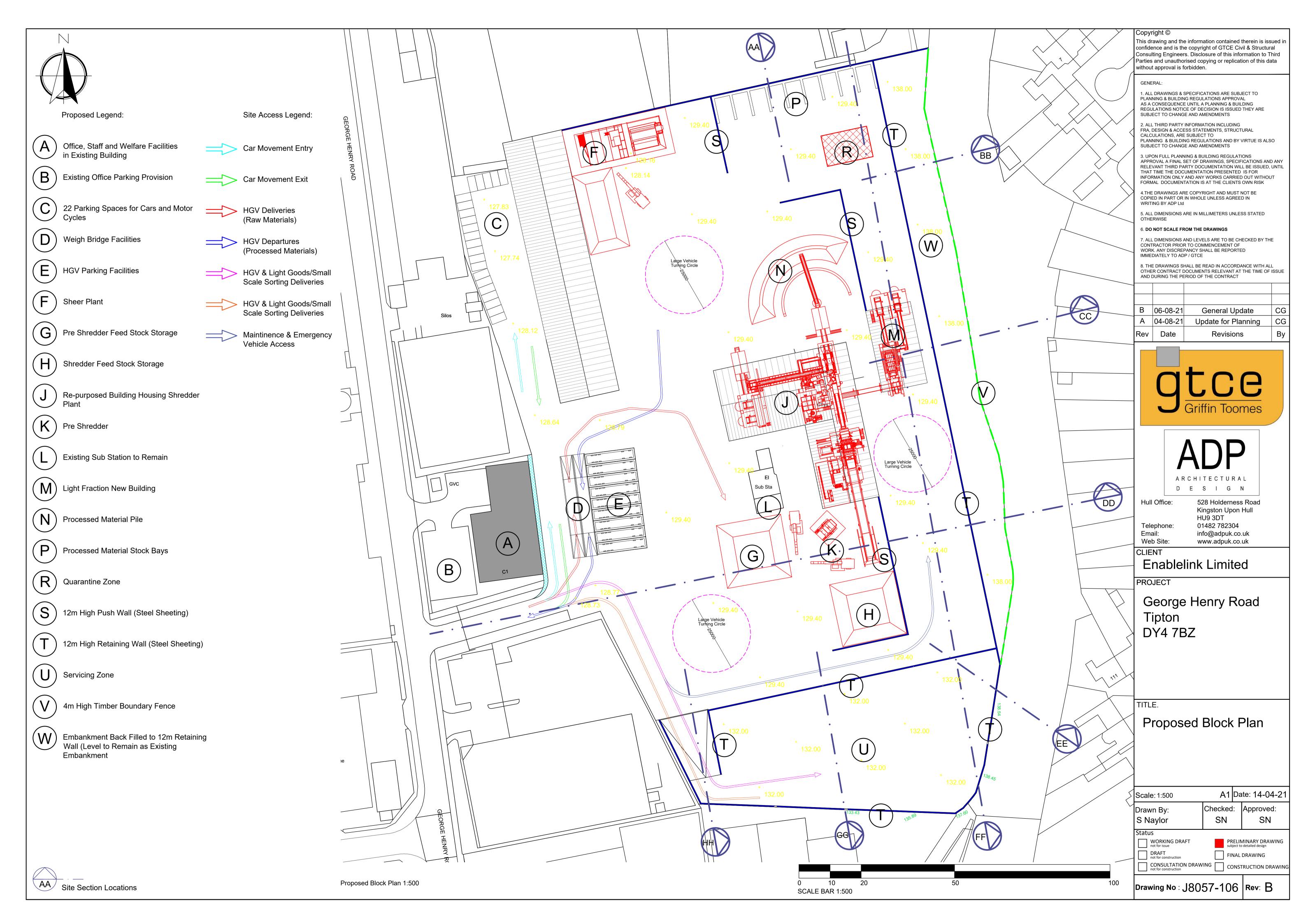


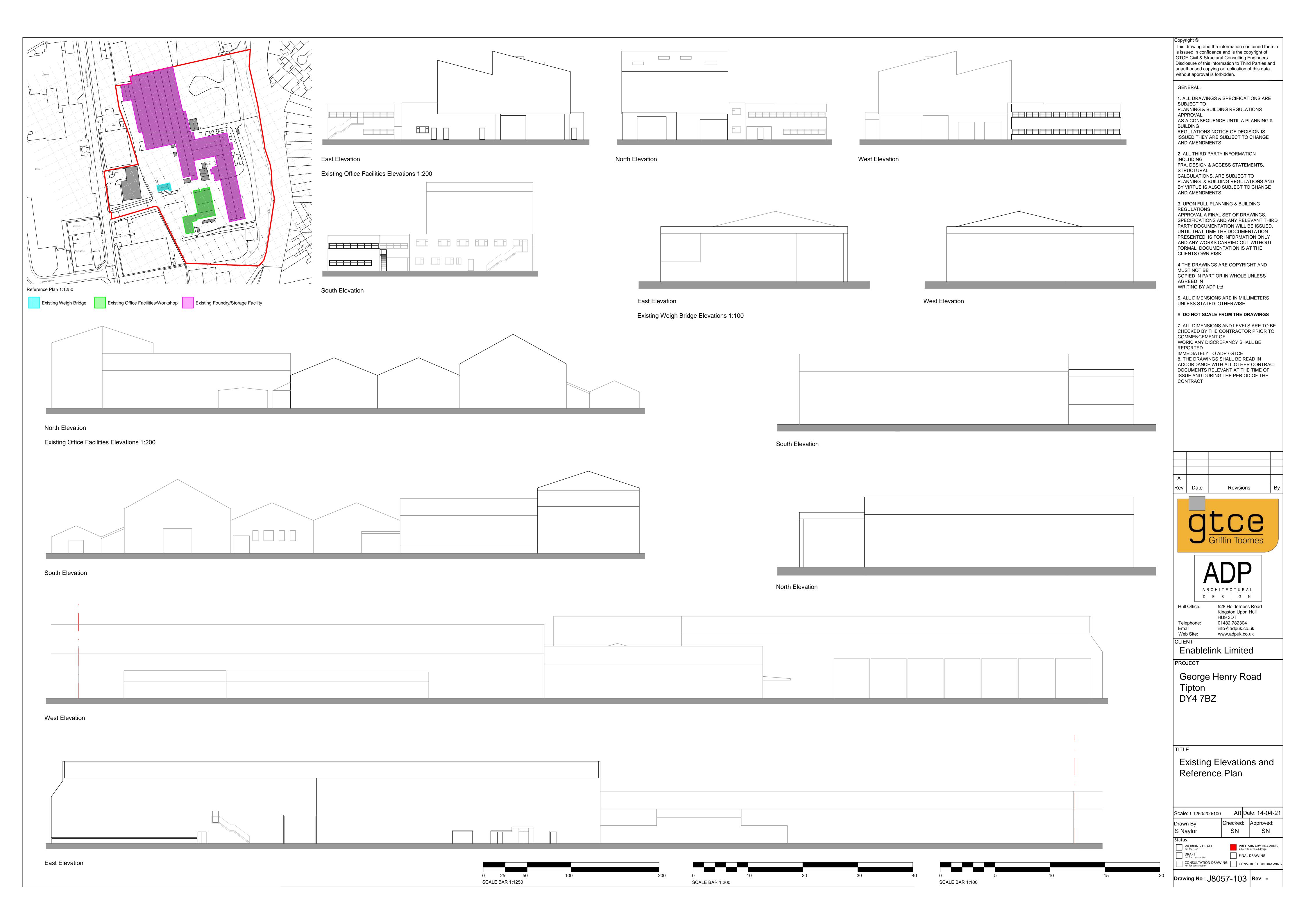


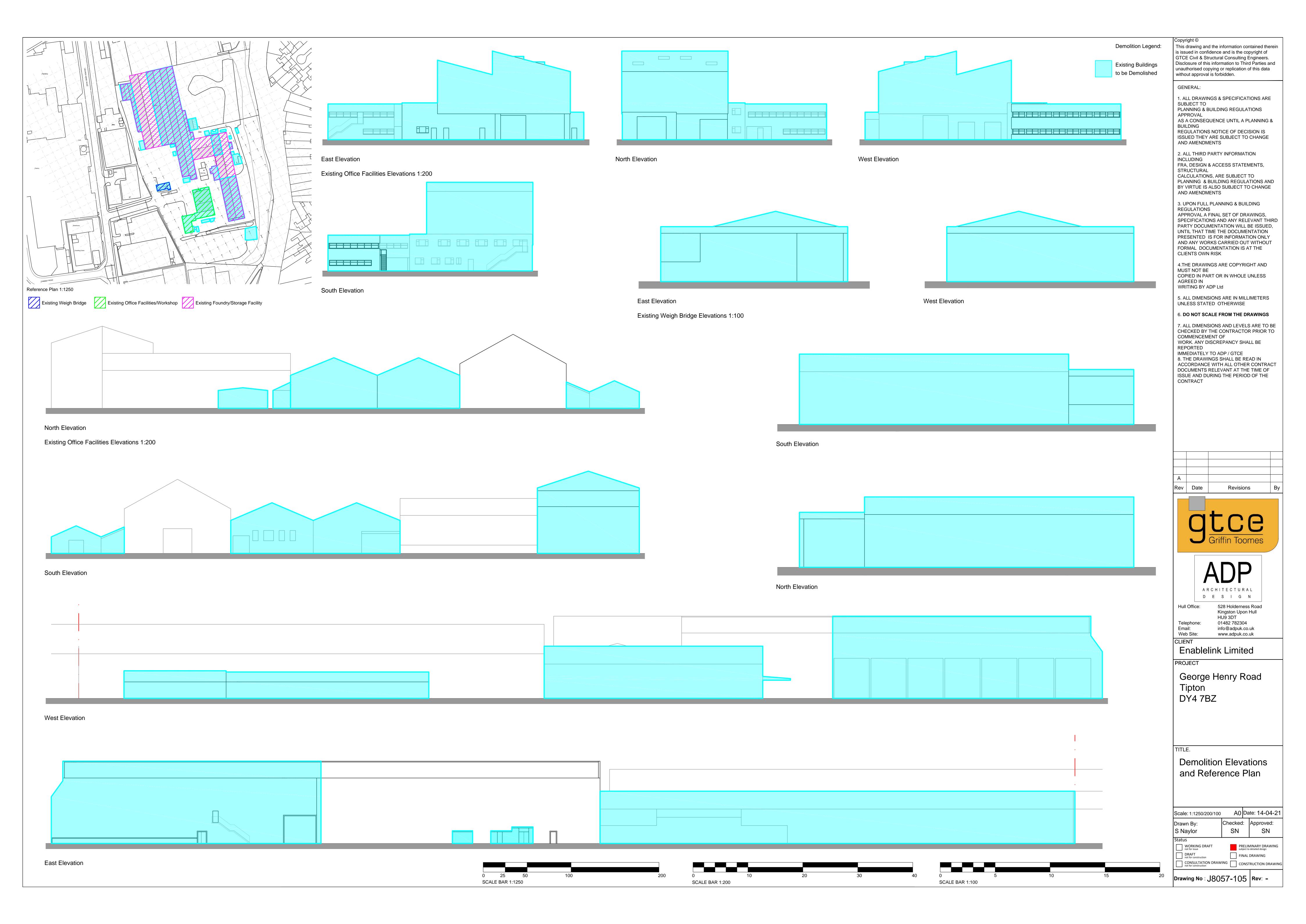


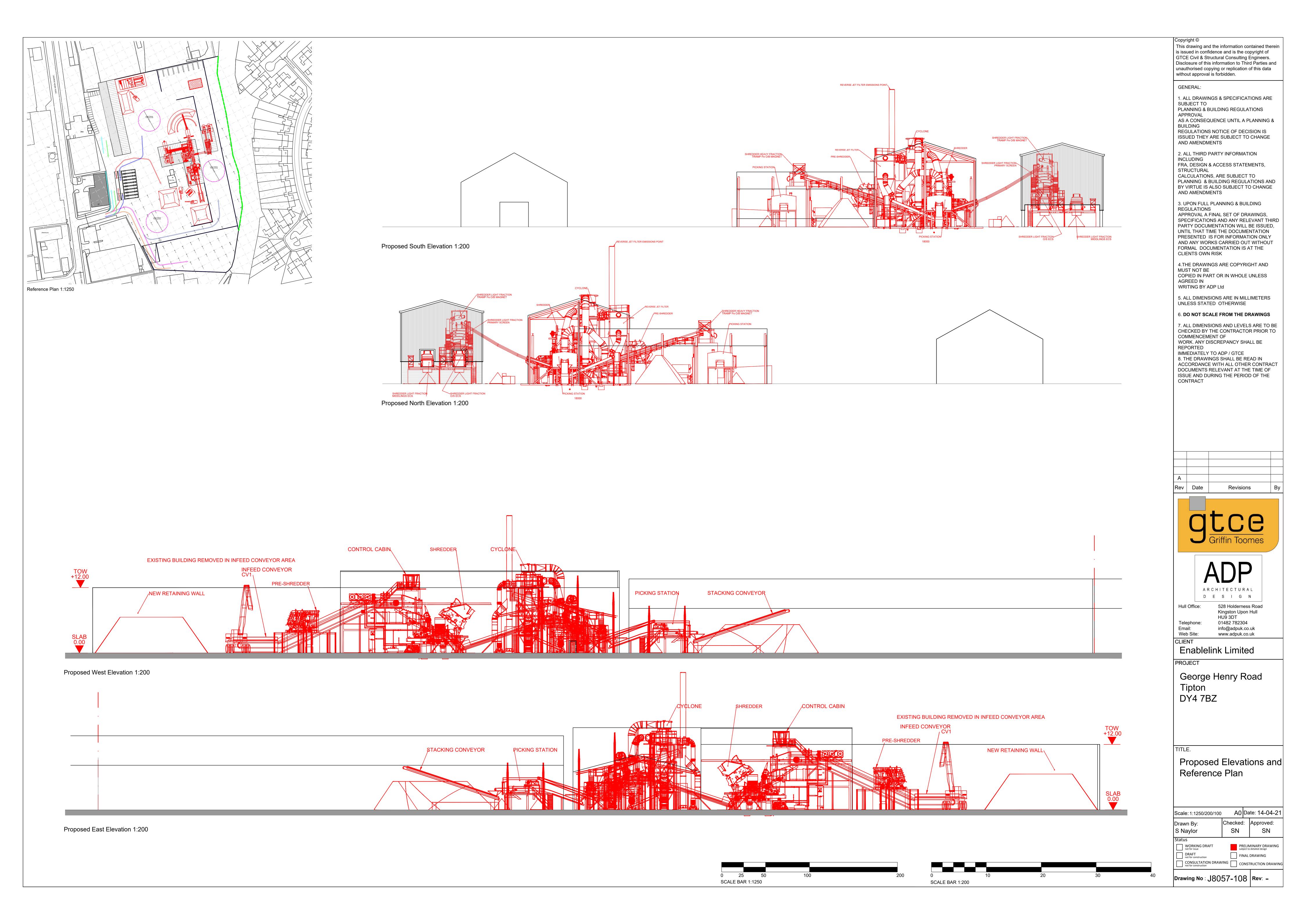


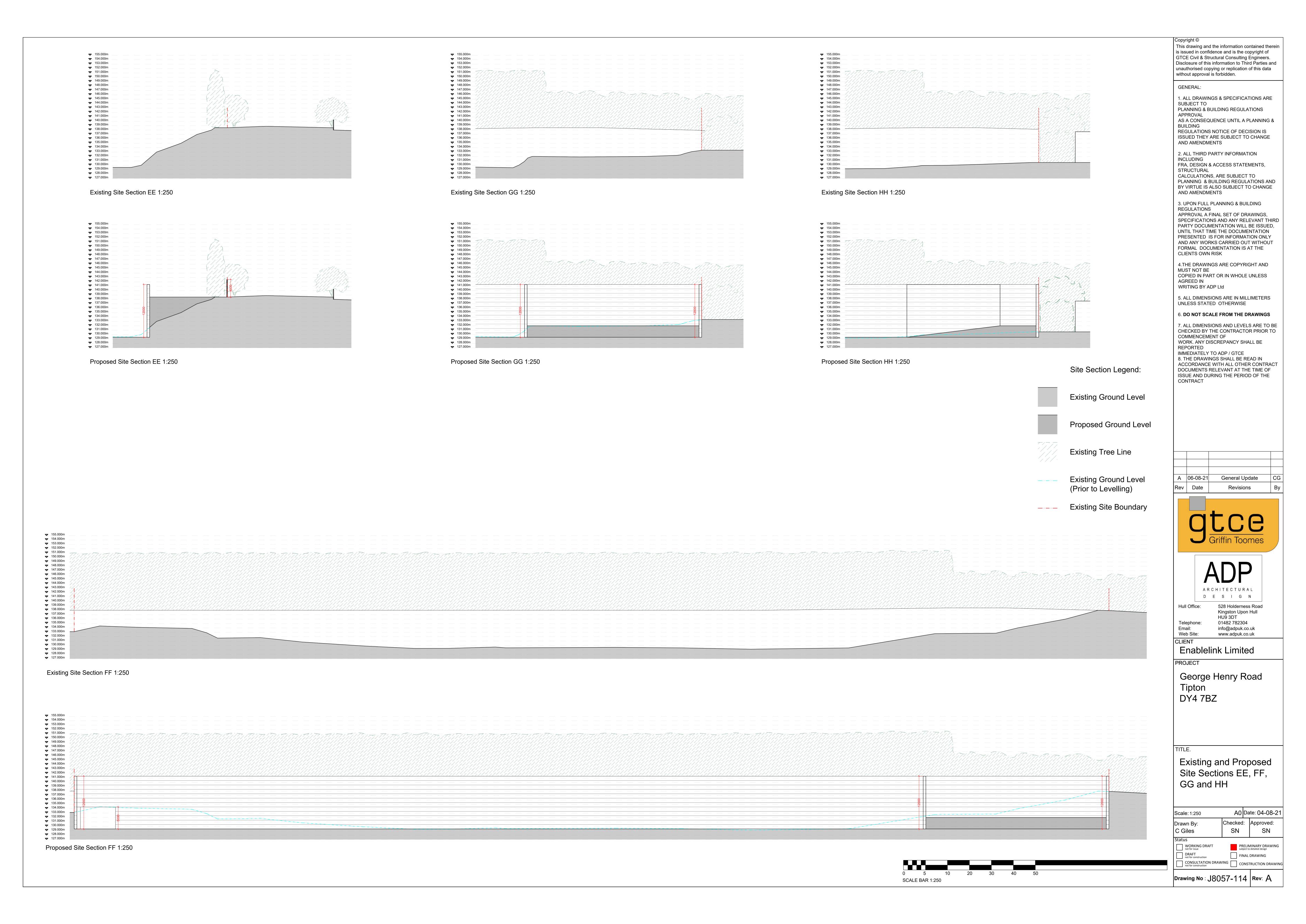




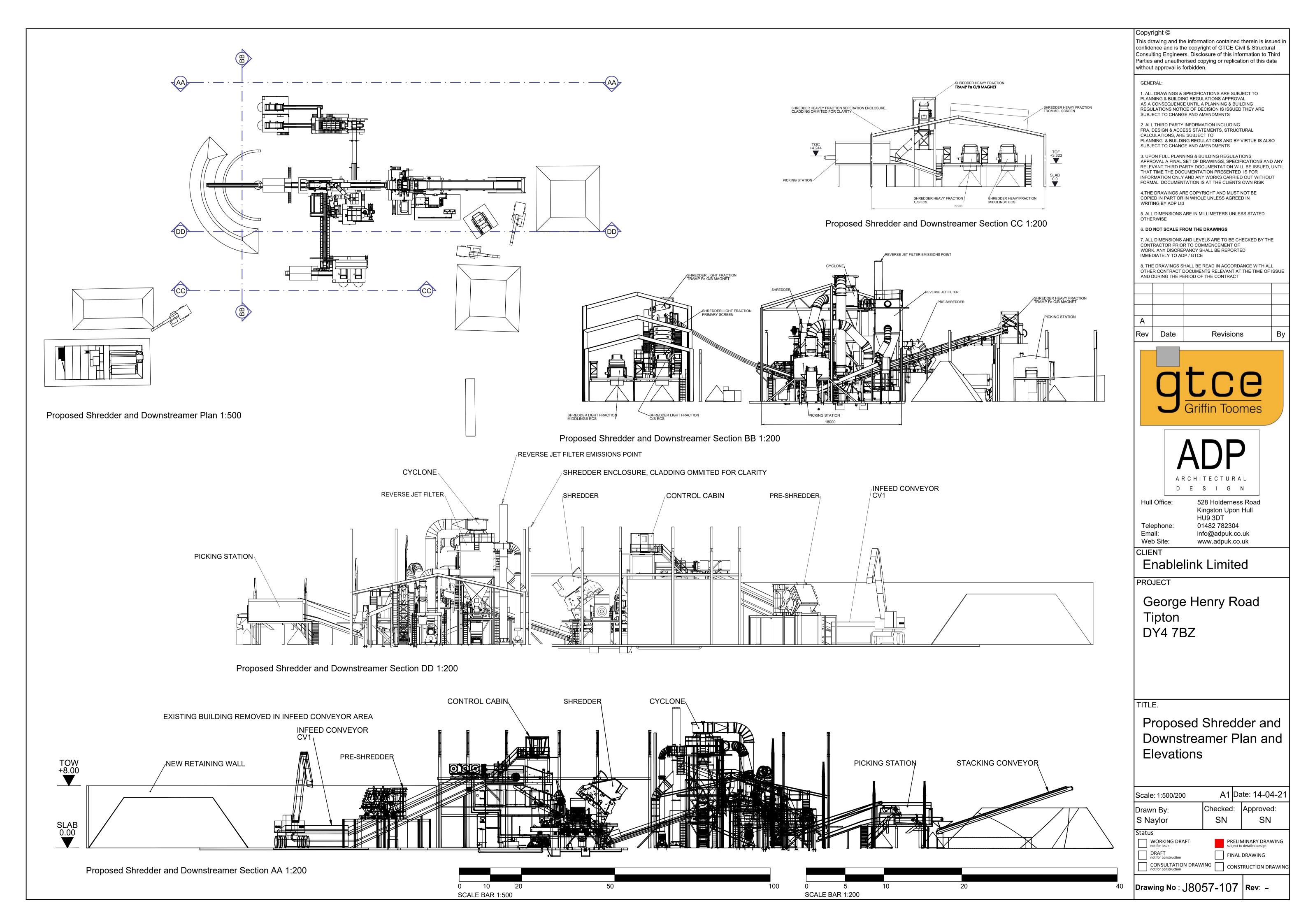


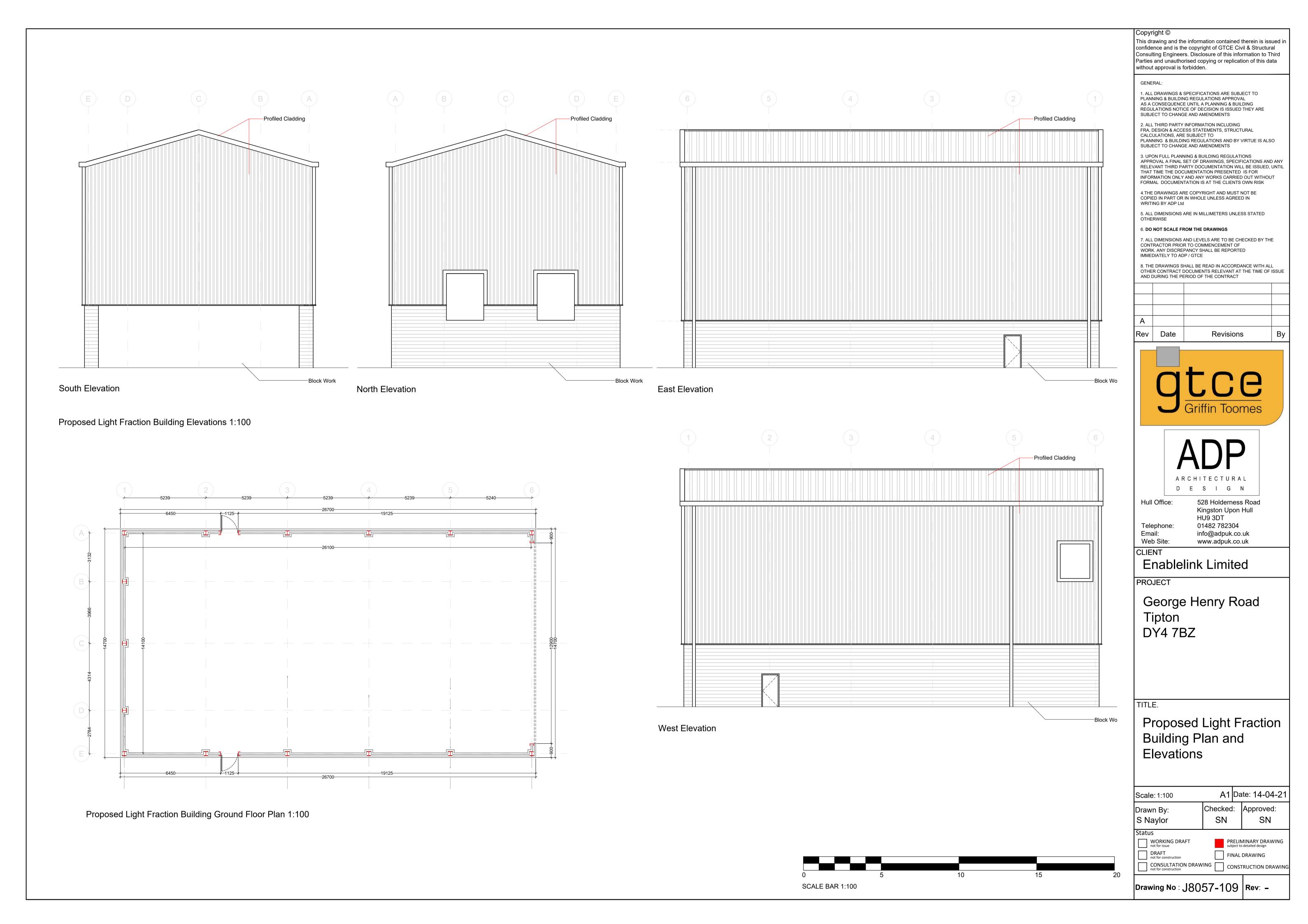


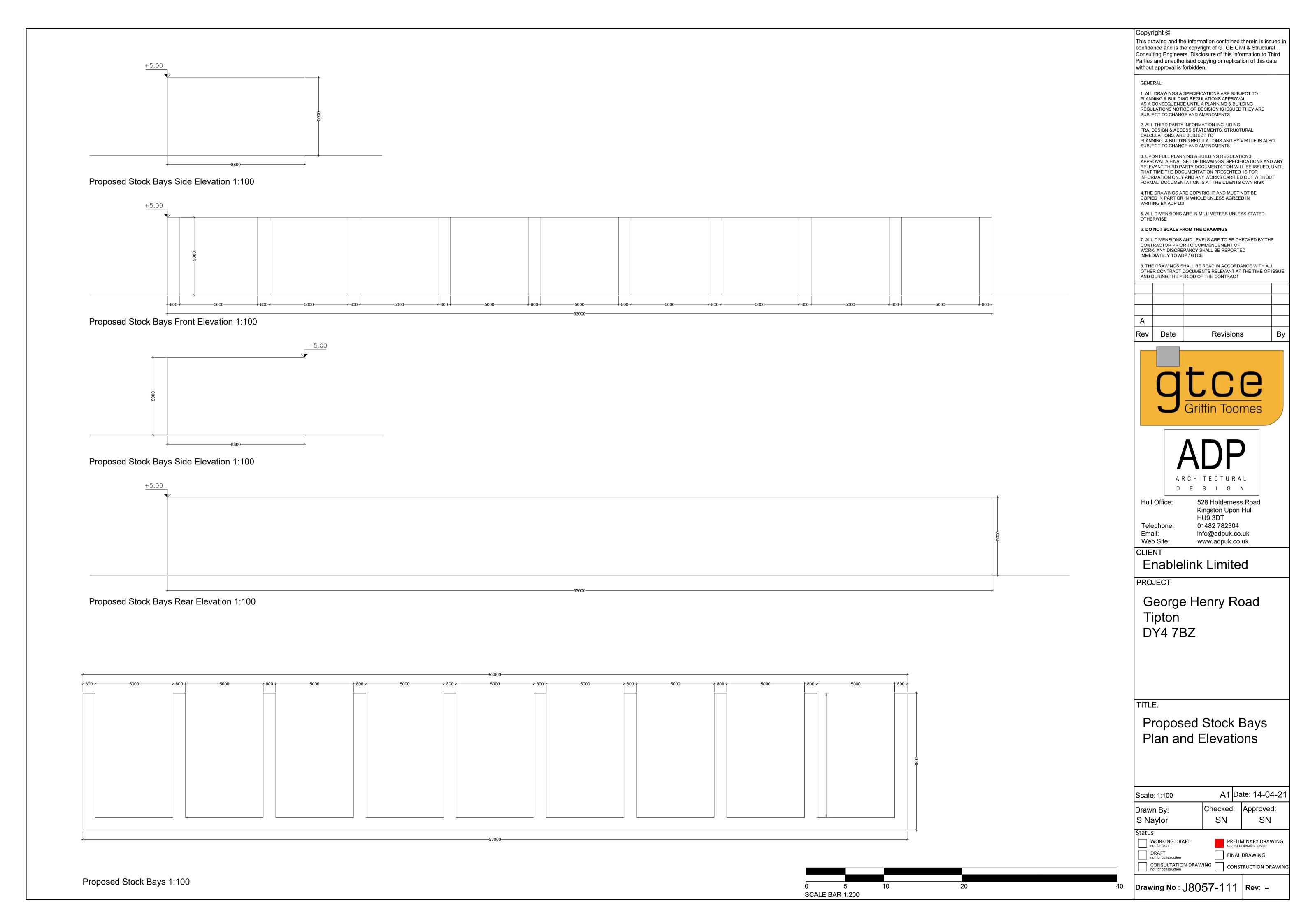


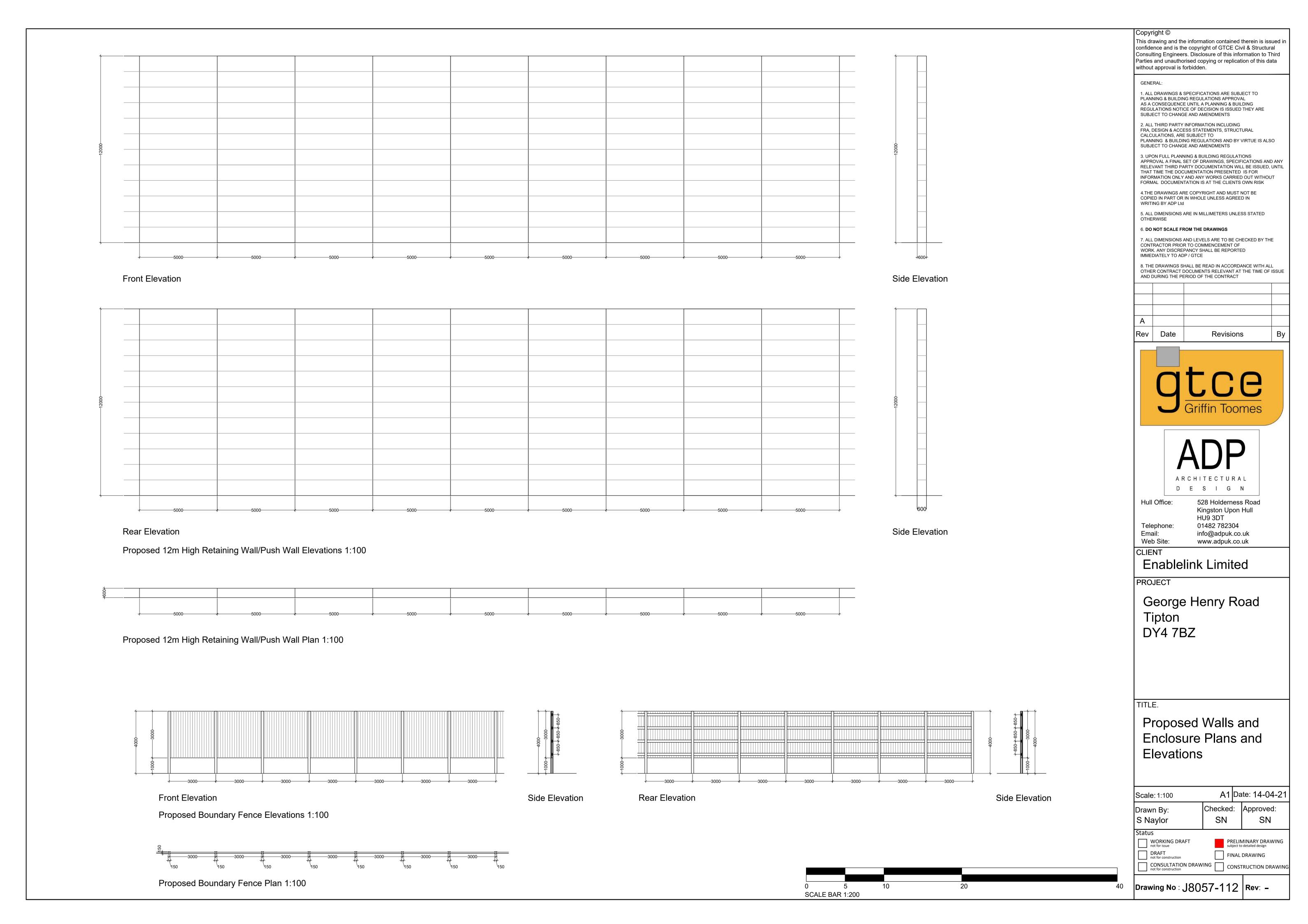














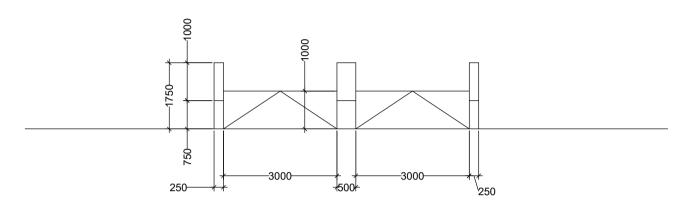
Proposed Weigh Bridge Side Elevation 1:100



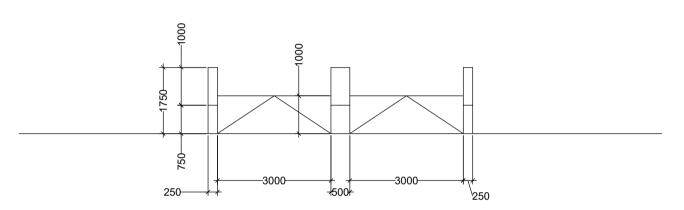
Proposed Weigh Bridge Side Elevation 1:100



Proposed Weigh Bridge Plan 1:100



Proposed Weigh Bridge Front Elevation 1:100



Proposed Weigh Bridge Rear Elevation 1:100

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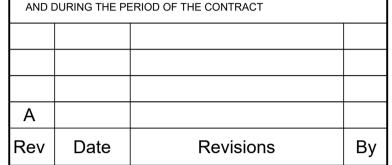
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PROJECT

George Henry Road Tipton DY4 7BZ

Proposed Weigh Bridge Plan and Elevations

A1 Date: 14-04-21 Scale: 1:100 Checked: Approved: Drawn By: S Naylor SN

WORKING DRAFT not for issue DRAFT not for construction

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