

Report to Planning Committee

10 May 2023

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 andrew_dean@sandwell.gov.uk



1 Recommendations

1.1 That, subsequent to ratification by Full Council of the departure from housing use, temporary planning permission is granted subject to conditions relating to:

- i) 5 Year temp.
- ii) Air quality assessment and mitigation measures.
- iii) Revised noise assessment and mitigation measures.
- iv) Noise management plan
- v) Dust management plan to incorporate all processes that could give rise to dust.
- 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.
- xi) Hours of operation of the crushing and screening operation.
- xii) Vehicle parking and manoeuvring areas to be provided and retained.
- xiii) Foul drainage
- xiv) Surface water drainage scheme.
- xv) Site investigation.
- xvi) Cycle parking.
- xvii) External lighting scheme.
- xviii) Boundary treatments.
- xix) 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 housing in the future.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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4 Context

4.1 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.

4.2 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

Noise and disturbance.



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:

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

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 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 5 metres.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, site noise and press notice, without response.



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.

10.3 Public Health (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, the submission of a dust management plan and operation hours including a restriction on the crushing and screening operation.

10.4 Public Health (Contaminated Land)

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

10.5 Public Health (Air Pollution and Noise)

No objection subject to the submission of a revised noise risk assessment to take into consideration residential boat moorings on the Engine Arm canal and the design of mitigation measures to reduce noise disturbance. Further conditions relating to hours of operation, a noise management plan and all processing of contaminated materials with the



exception of the handpicking asbestos station are to be carried out within the existing building.

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**

Comments received highlighting the importance of the location in terms of the canal network. Additional information concerning impact on the structural stability of the waterway and drainage matters, protection of the water environment, protection and enhancement of biodiversity and impact on the character of the waterway corridor, sustainable travel and impact on moorings during construction and operation. Conditions contained within the recommendation would address drainage and noise. 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 to be retained by the applicant. 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. In terms of the structural stability of the large retaining wall to the north of the site, the applicant has submitted a visual assessment report regarding the condition of the wall. However, the majority of the wall is covered with vegetation which would need to be removed in order to make a full assessment. The wall itself falls outside of the application redline boundary and an area on top of the wall is also outside of the application boundary, the applicant has indicated that the wall and land are within the ownership of the Canal and River Trust. I am therefore of the opinion this would be a civil matter between the Canal and River Trust



and the applicant and a condition for further assessment would be unnecessarily onerous on the applicant considering the wall is outside of the redline boundary and under the ownership of the Canal and River Trust.

10.10 Health and Safety Executive – No objection.

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.

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

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 of 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 be 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 water 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.

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. 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.

13.5 Noise and disturbance.

Public Health have reviewed the proposal and raised no objections subject to the conditions contained within the recommendation. This includes the submission of a revised noise risk assessment to take into consideration residential boat moorings on the Engine Arm canal and the design of mitigation measures to reduce noise disturbance. Further conditions relating to hours of operation, a noise management plan, dust management plan and all processing of contaminated materials with the exception of the handpicking asbestos station to be carried out within the existing building. On this basis I am satisfied the amenity of neighbouring properties can be protected from noise and disturbance. 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.

14 Alternative Options

14.1 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.

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 Governance:	This application is submitted under the Town and 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 Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low 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.

16. Appendices

Location plan - 1

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

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

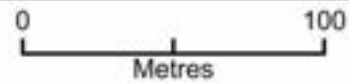
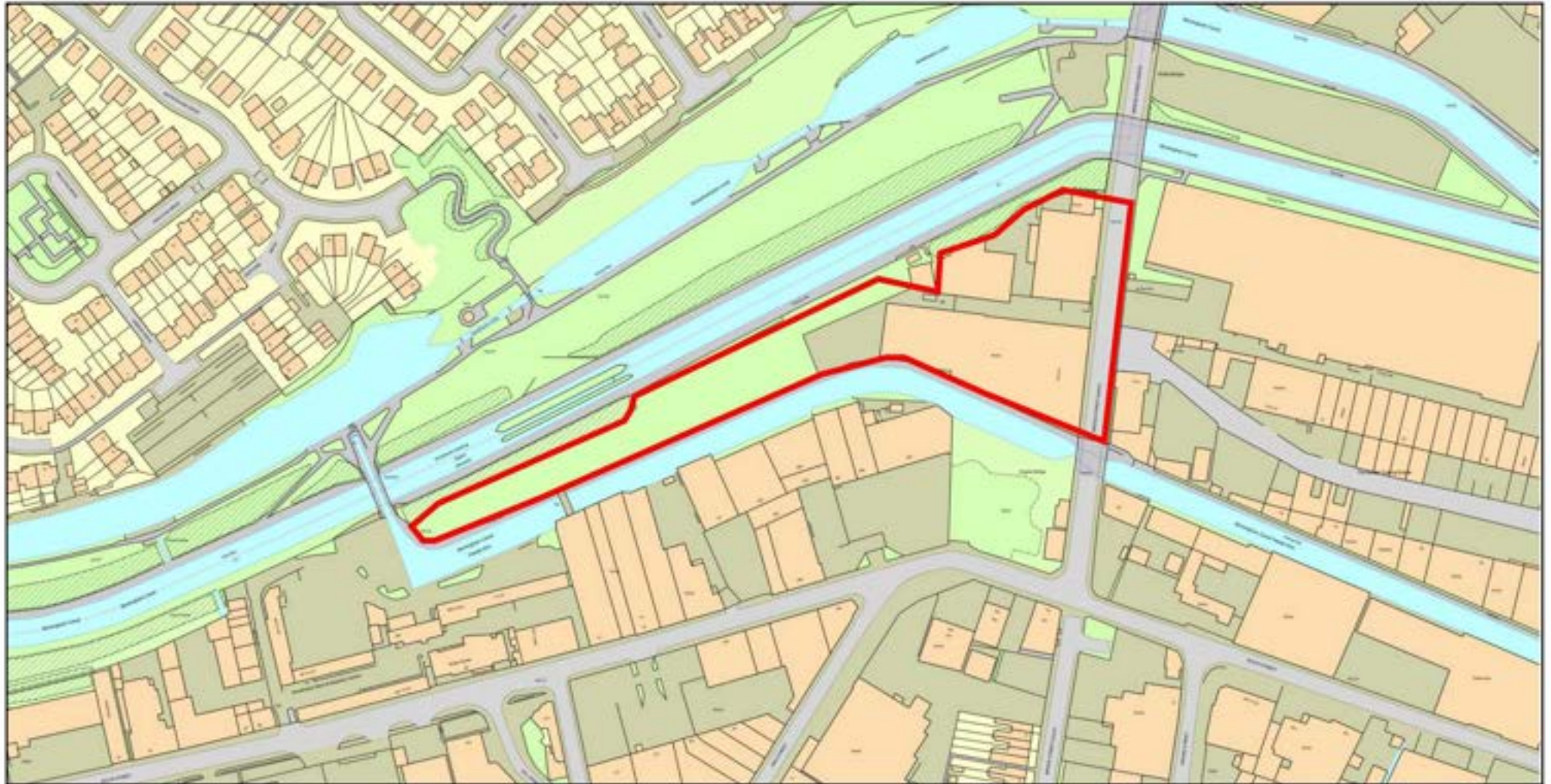
Proposed site accommodation - 102201/P300 (A1)

Proposed post remediation bays - 102201/P400 (A1)

Picking station elevations - 2



Site Location Plan - Land West of Bridge Street North



Plan Produced for:



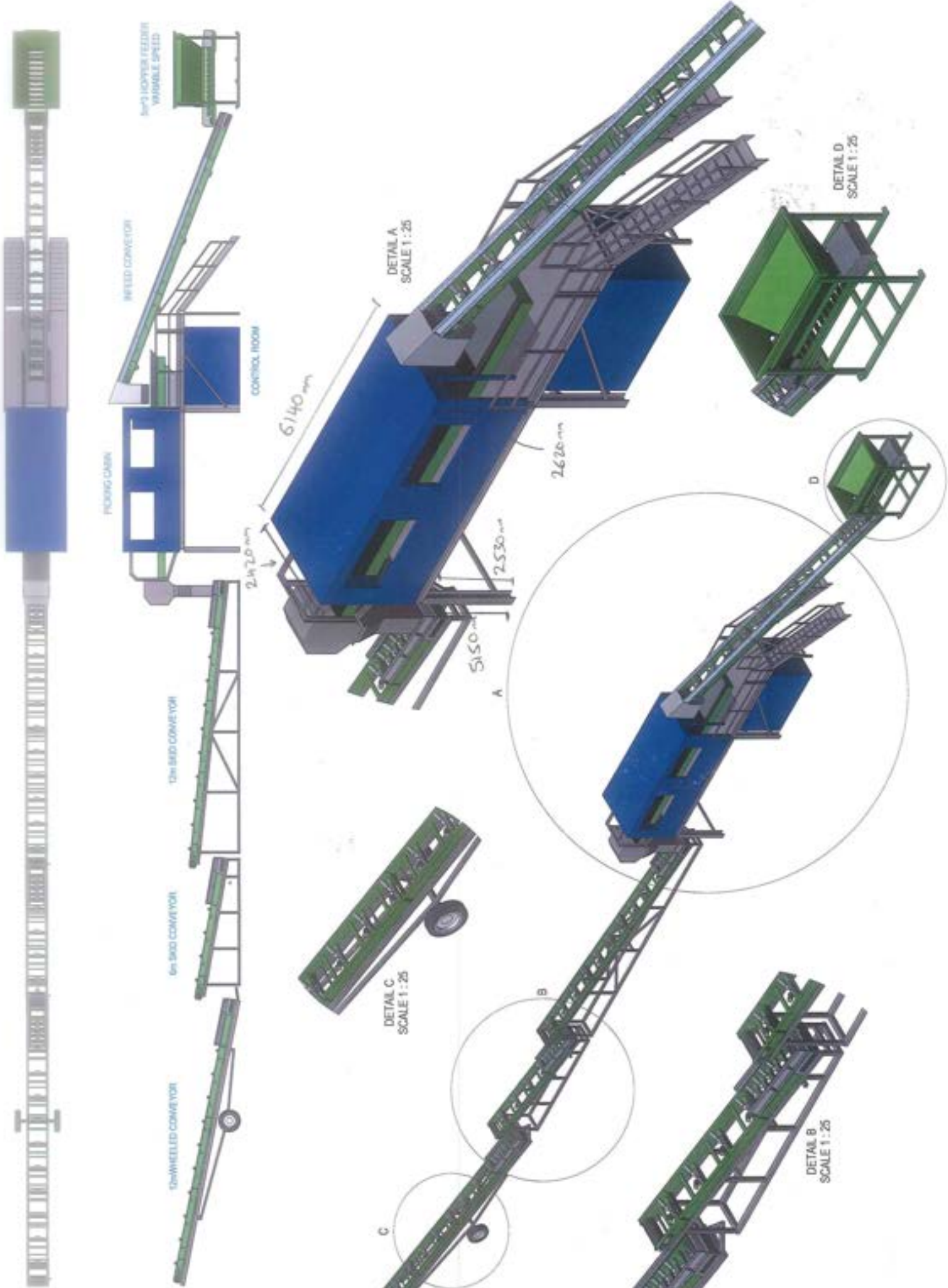
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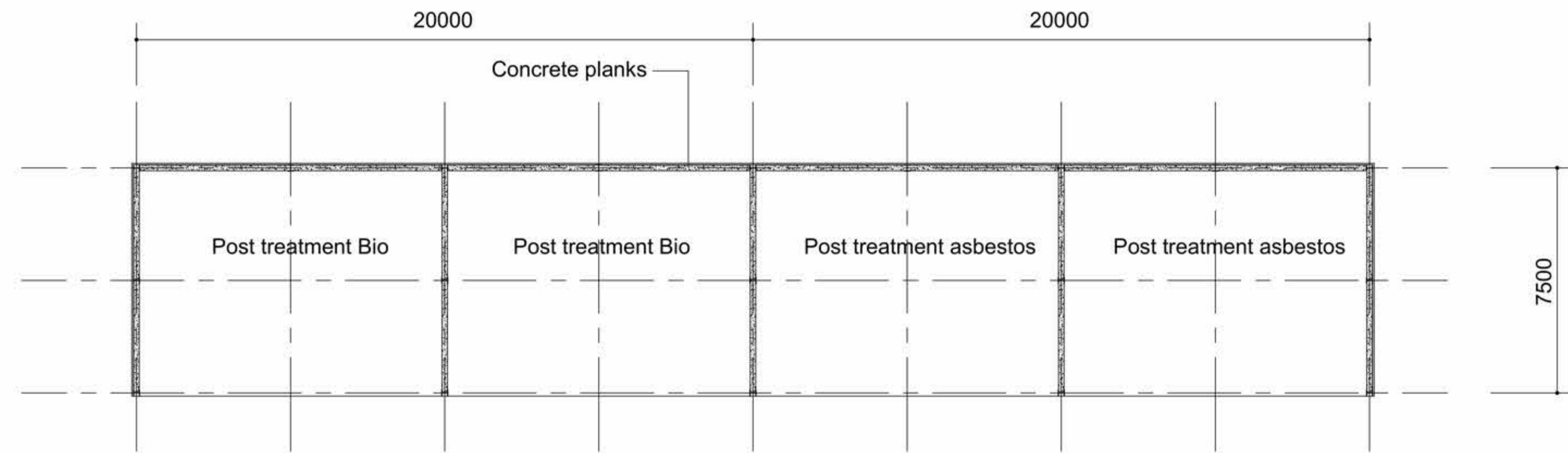




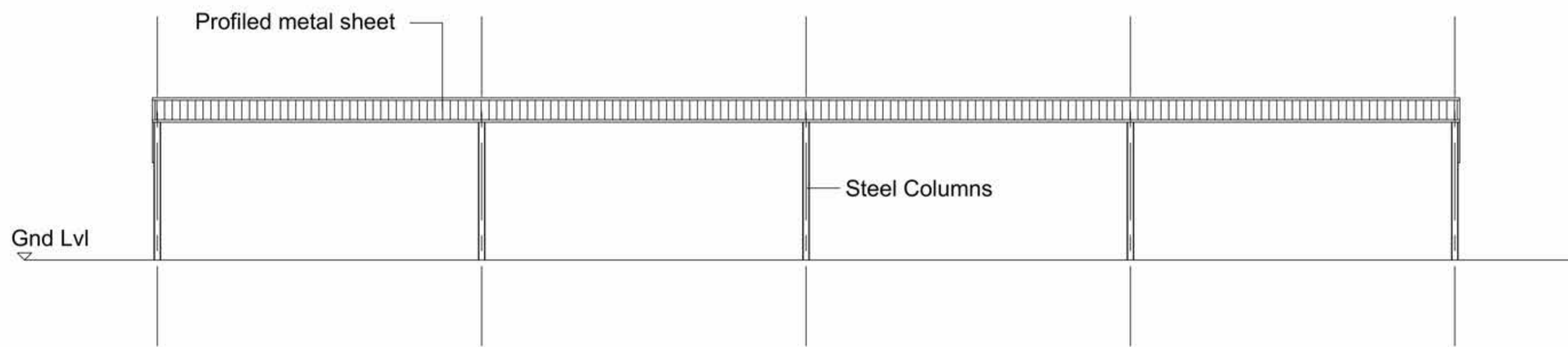


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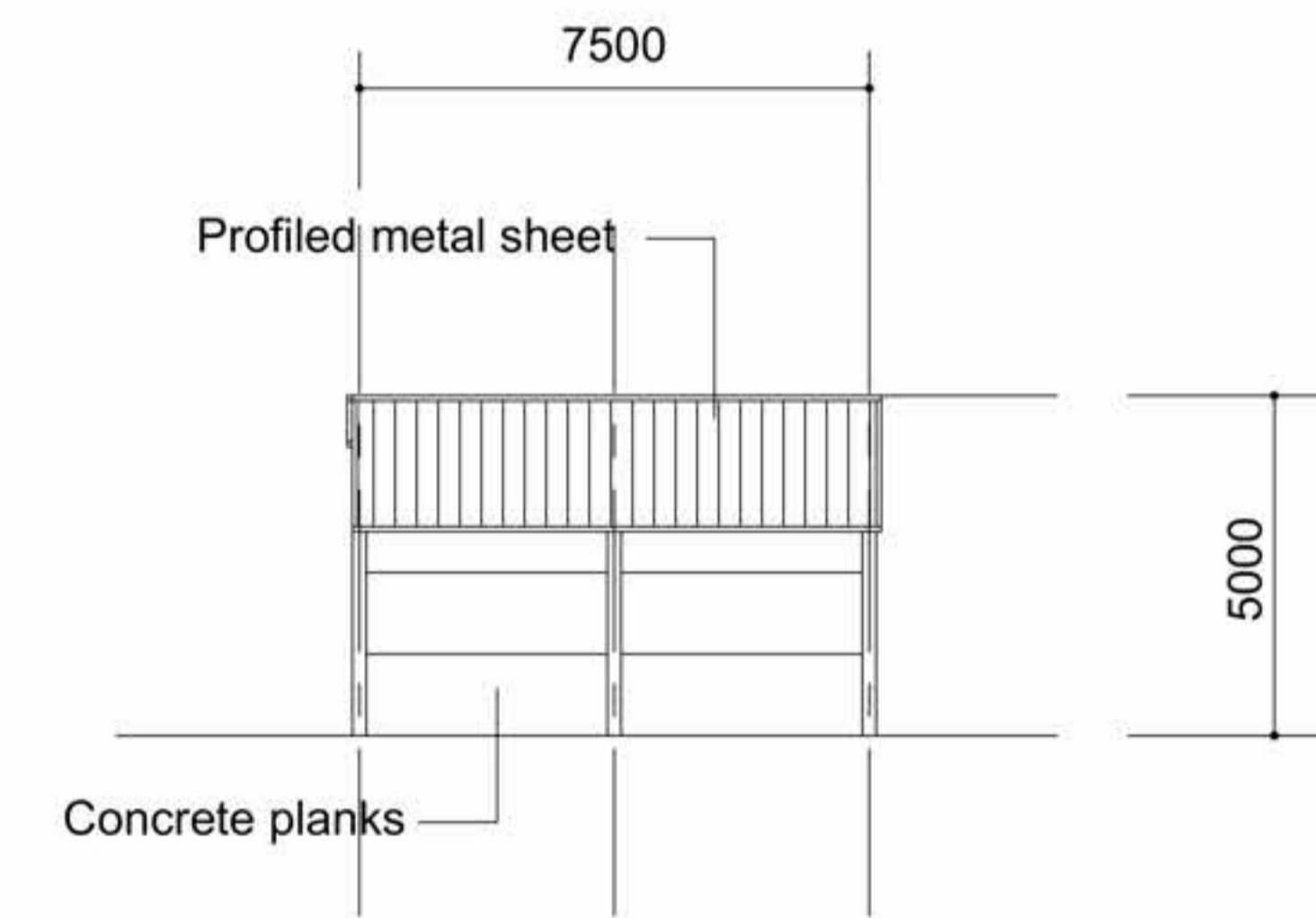
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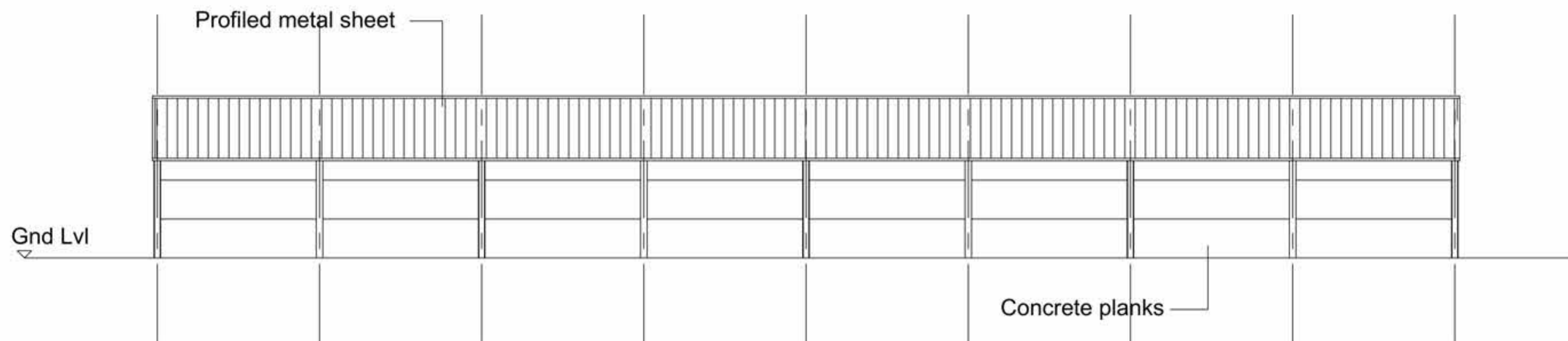
Plan



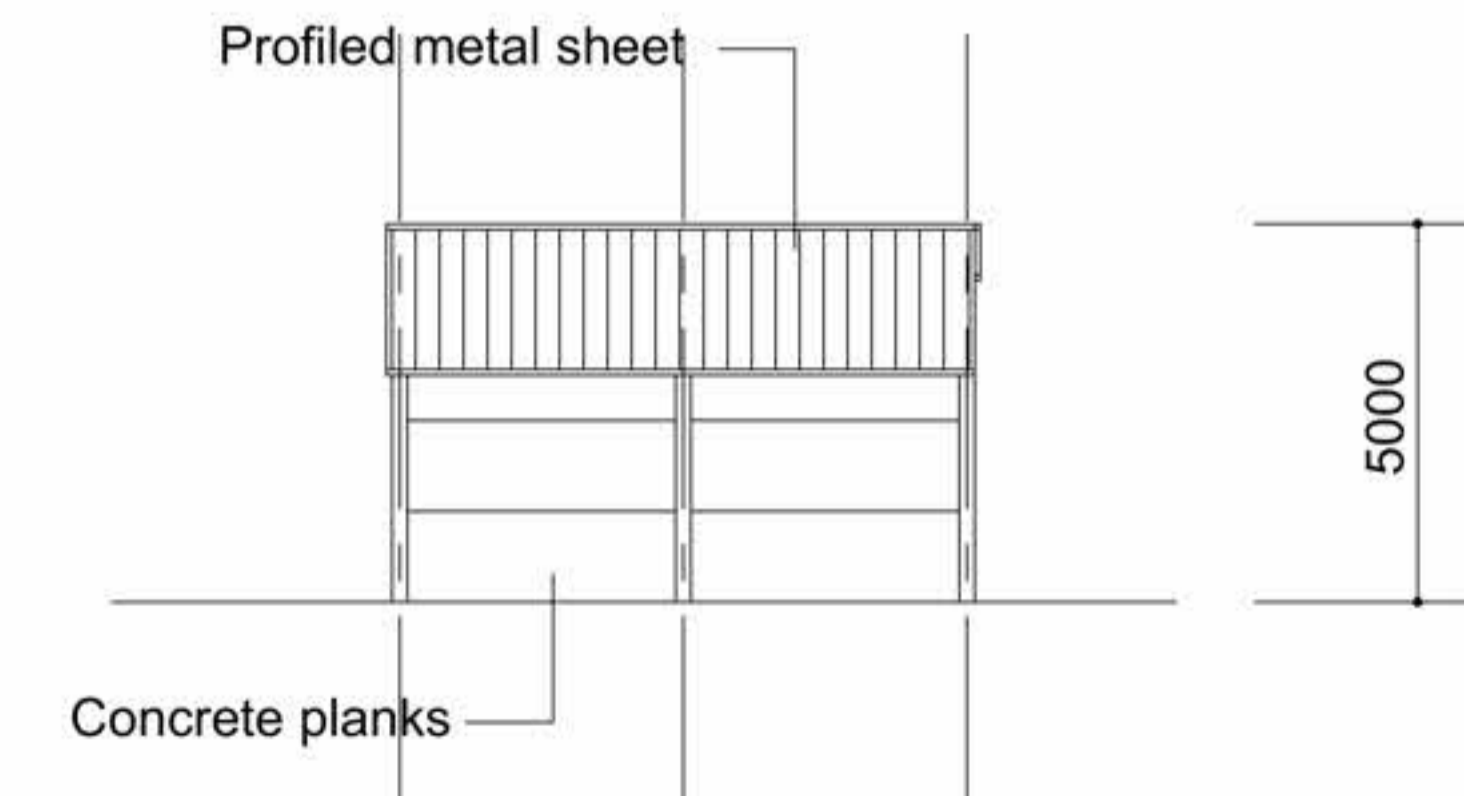
North Elevation



West Elevation



South Elevation



East Elevation

PRELIMINARY

Rev.	Date	Revision



Soil Treatment Plant
 Bridge Street North, Smethwick

Post Treatment Bays
 Plans and Elevations

Sean M Fitzpatrick BSC CEng MStructE
 Consulting Engineer

40 Measham Road
 Acresford,
 DE12 8AJ

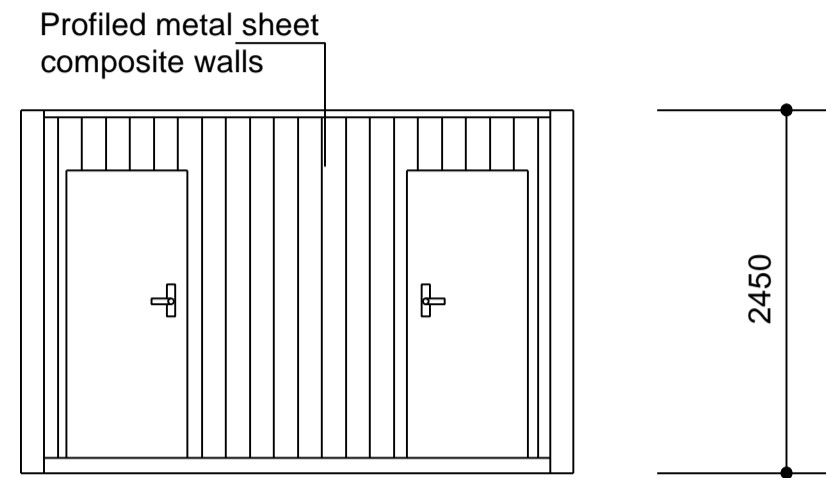
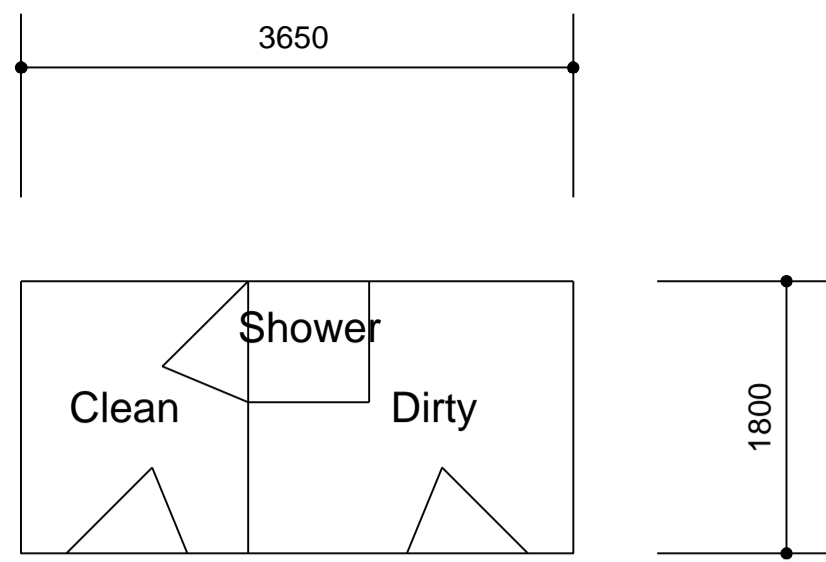
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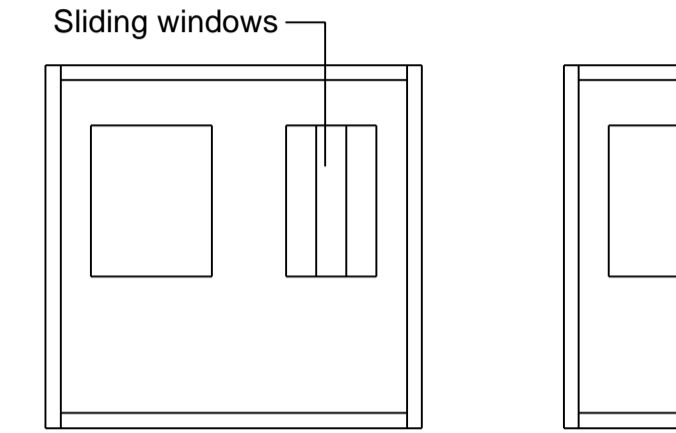
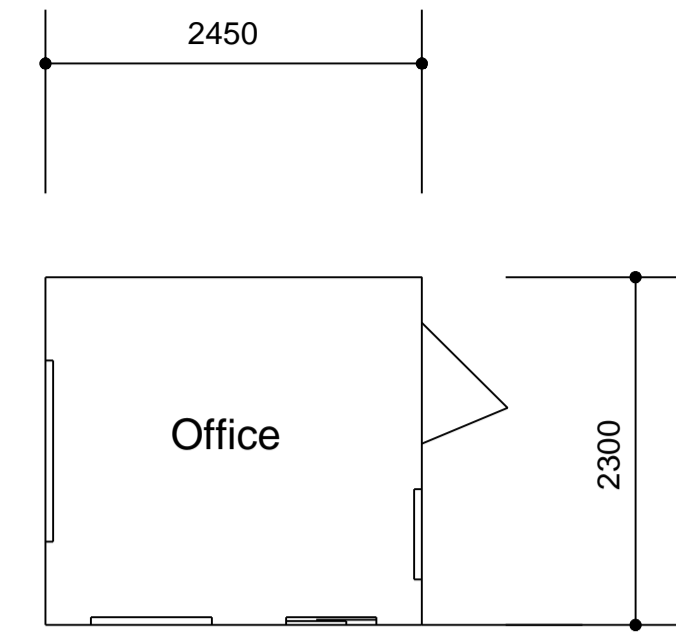
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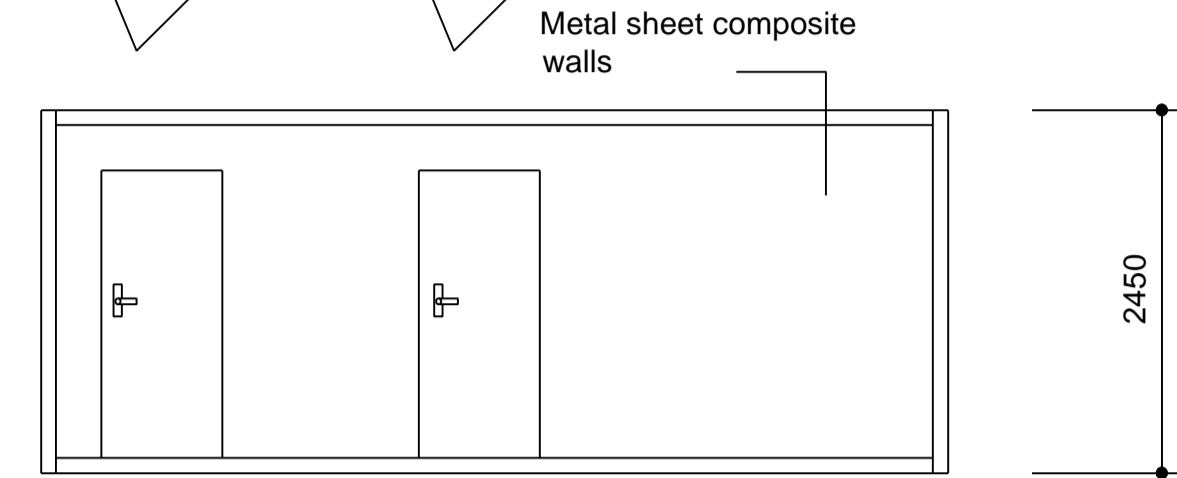
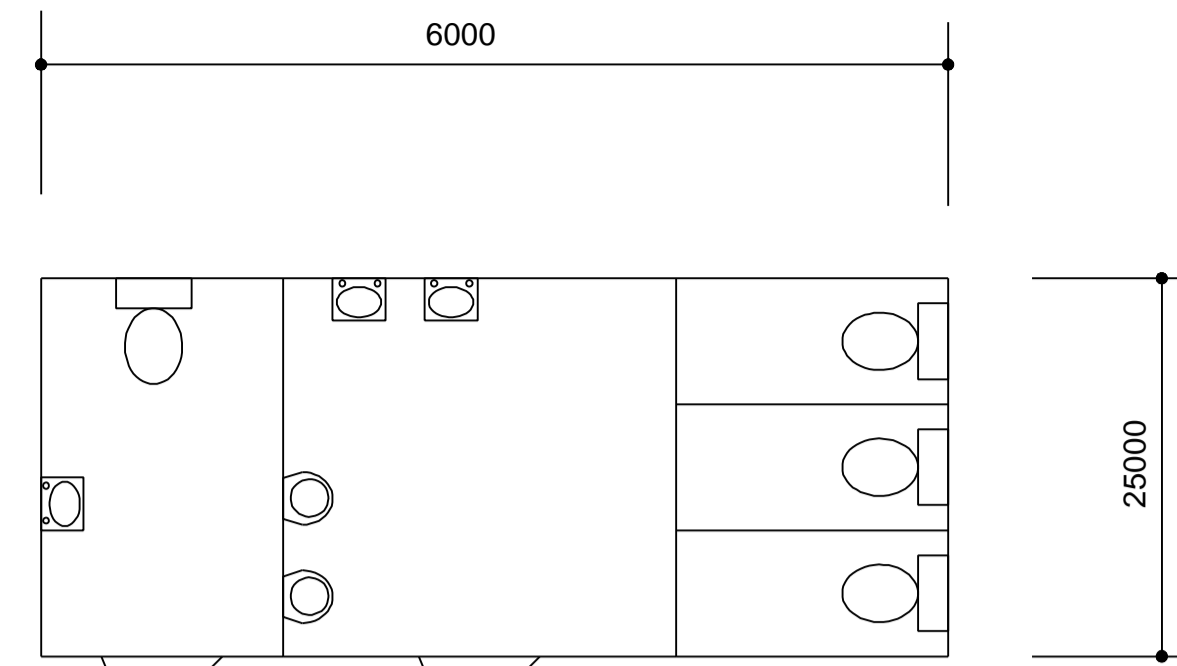
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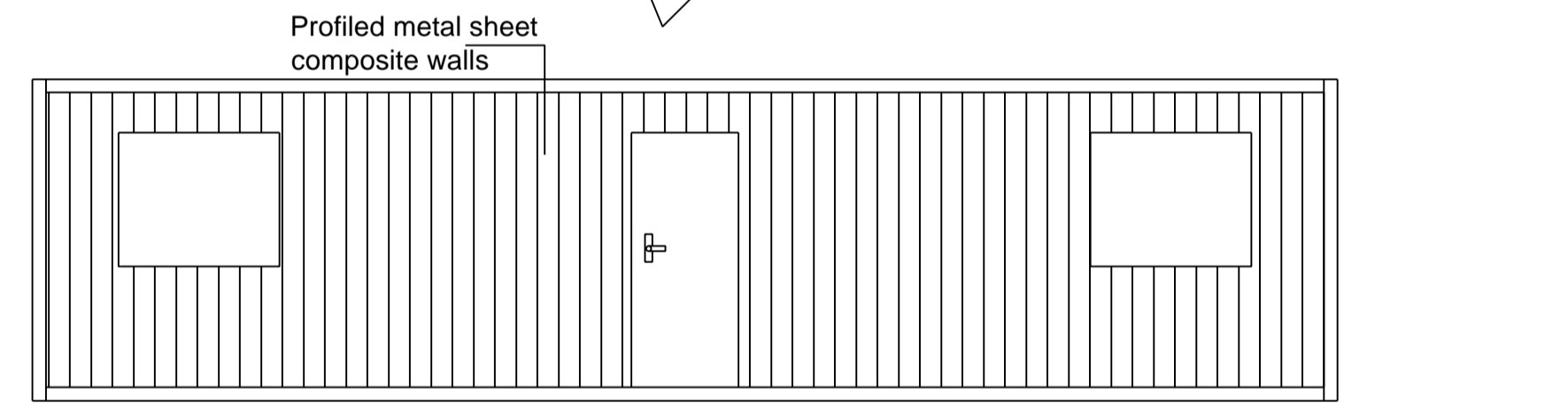
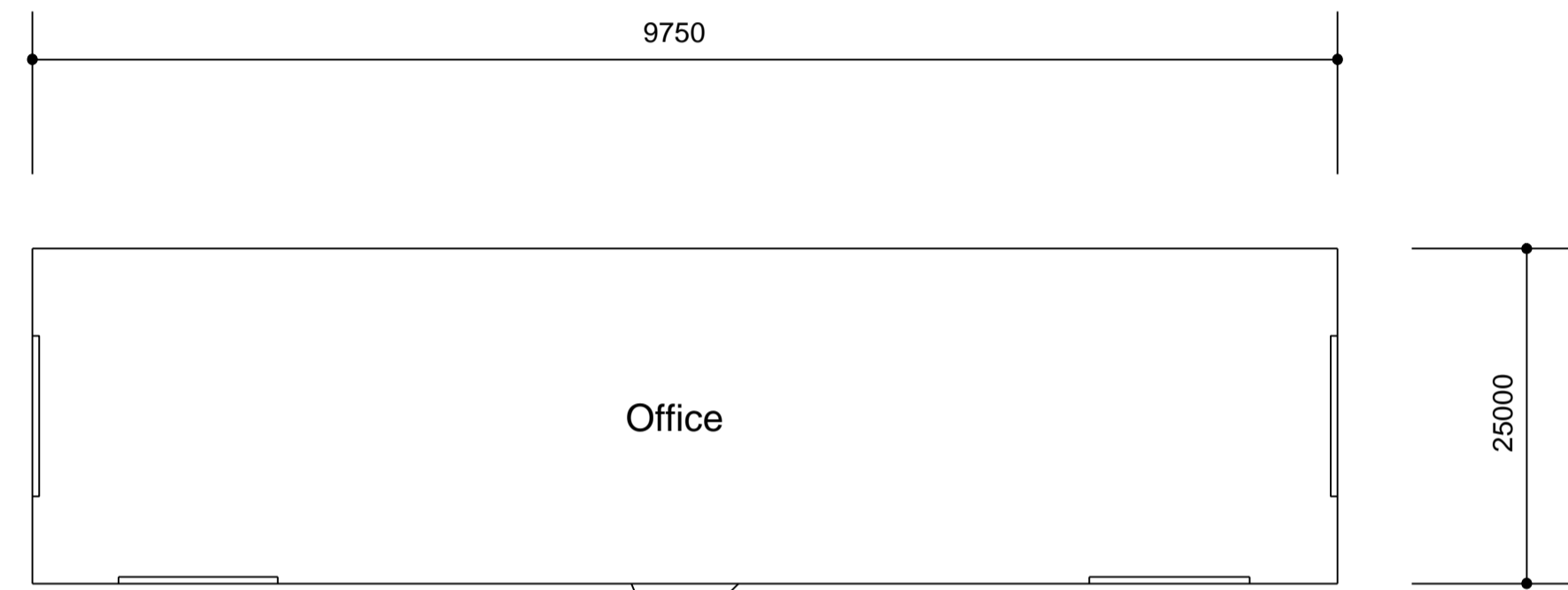
Decontamination Unit



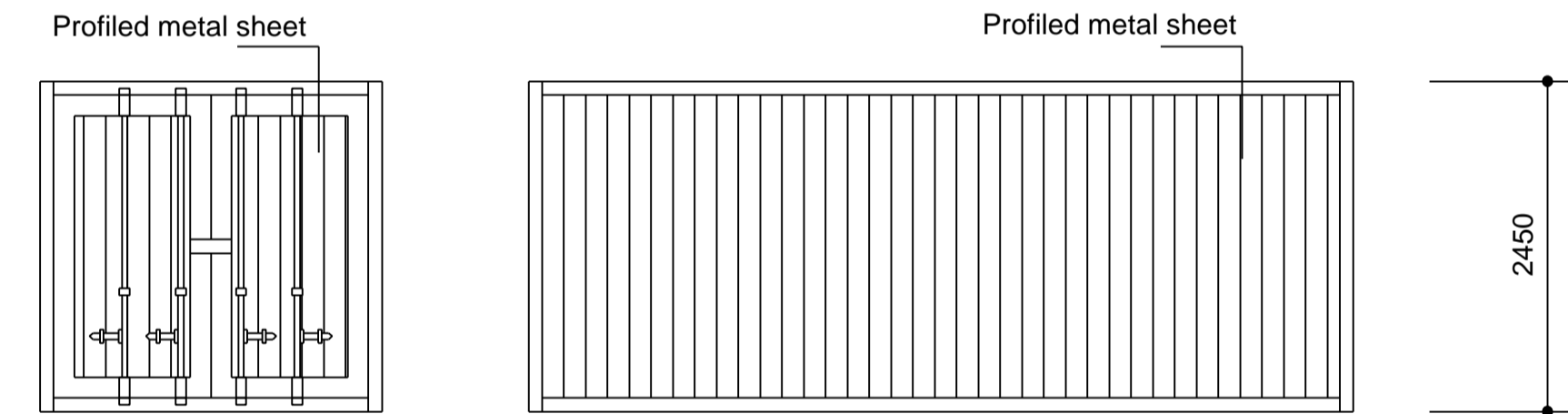
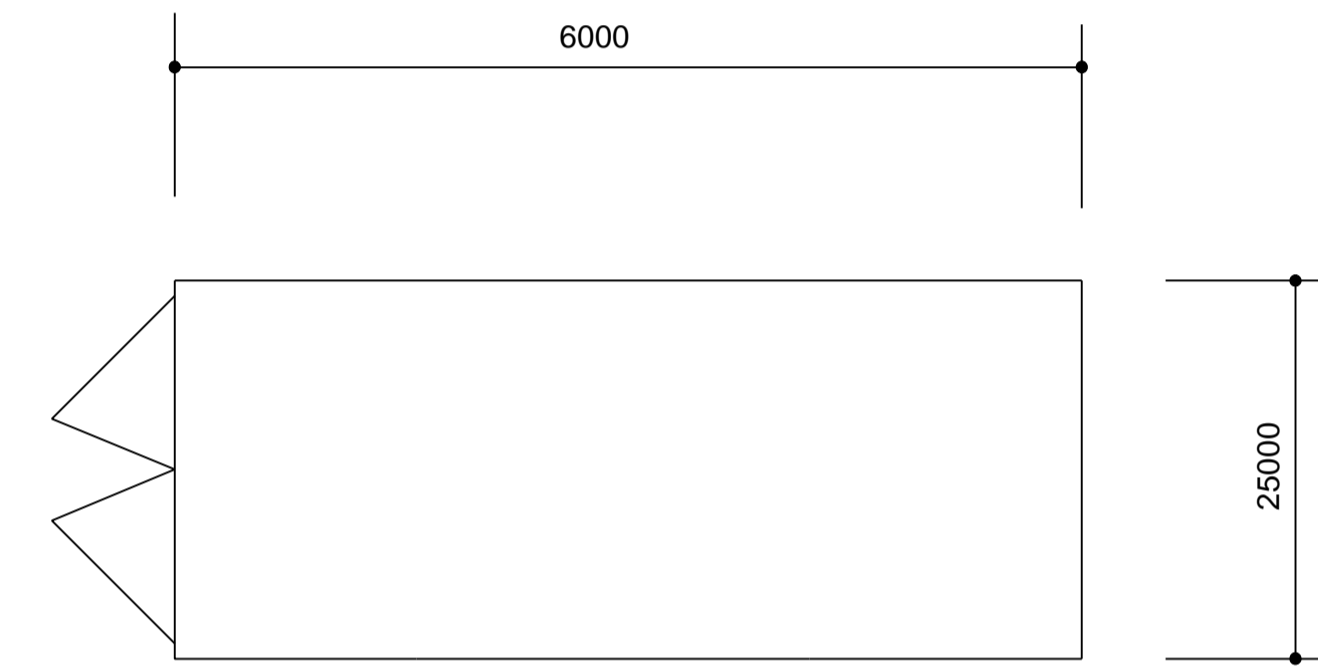
Weighbridge Office



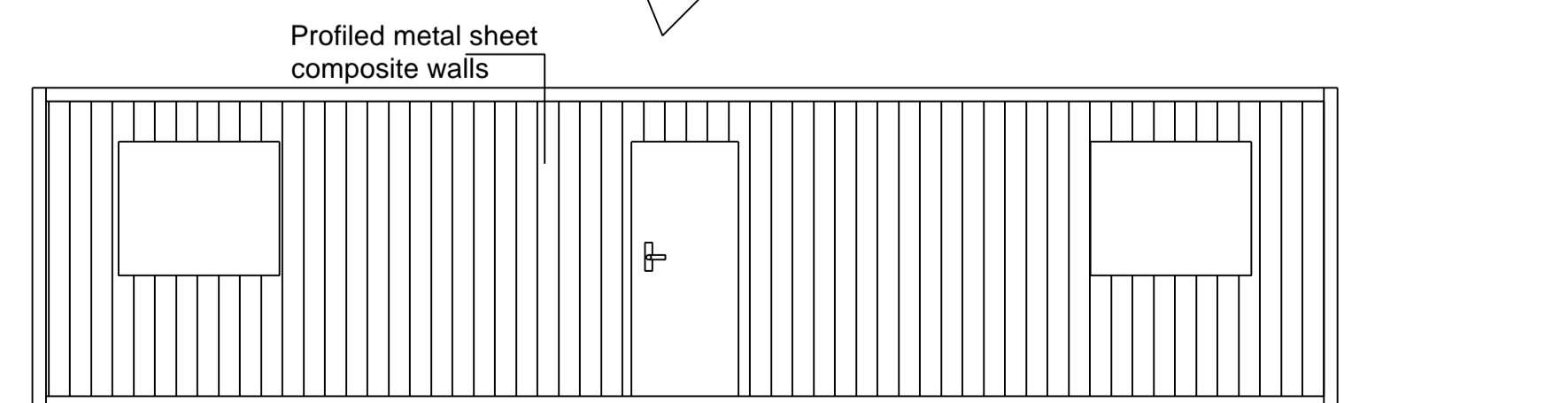
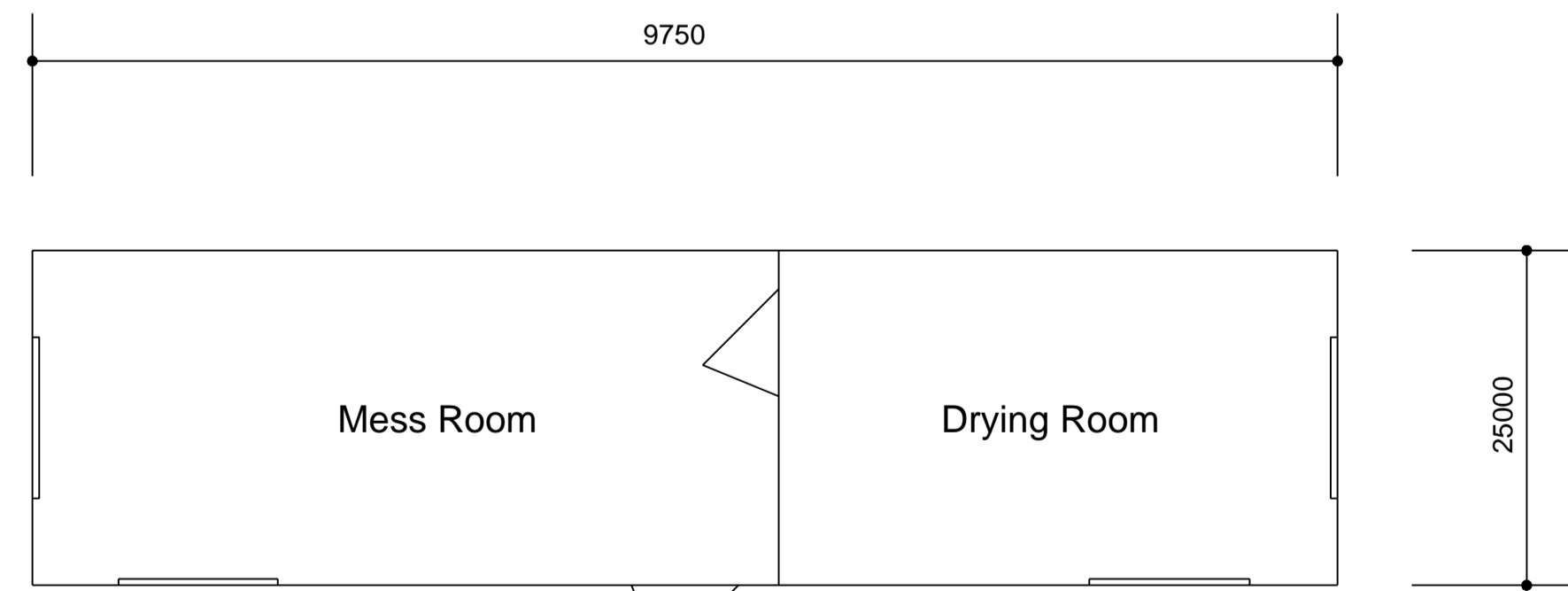
Toilet Unit



Office Units / Meeting room similar



Store



Mess / Drying Room

PRELIMINARY

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Soil Treatment Plant
 Bridge Street North, Smethwick

Site Accommodation
 Plans and Elevations

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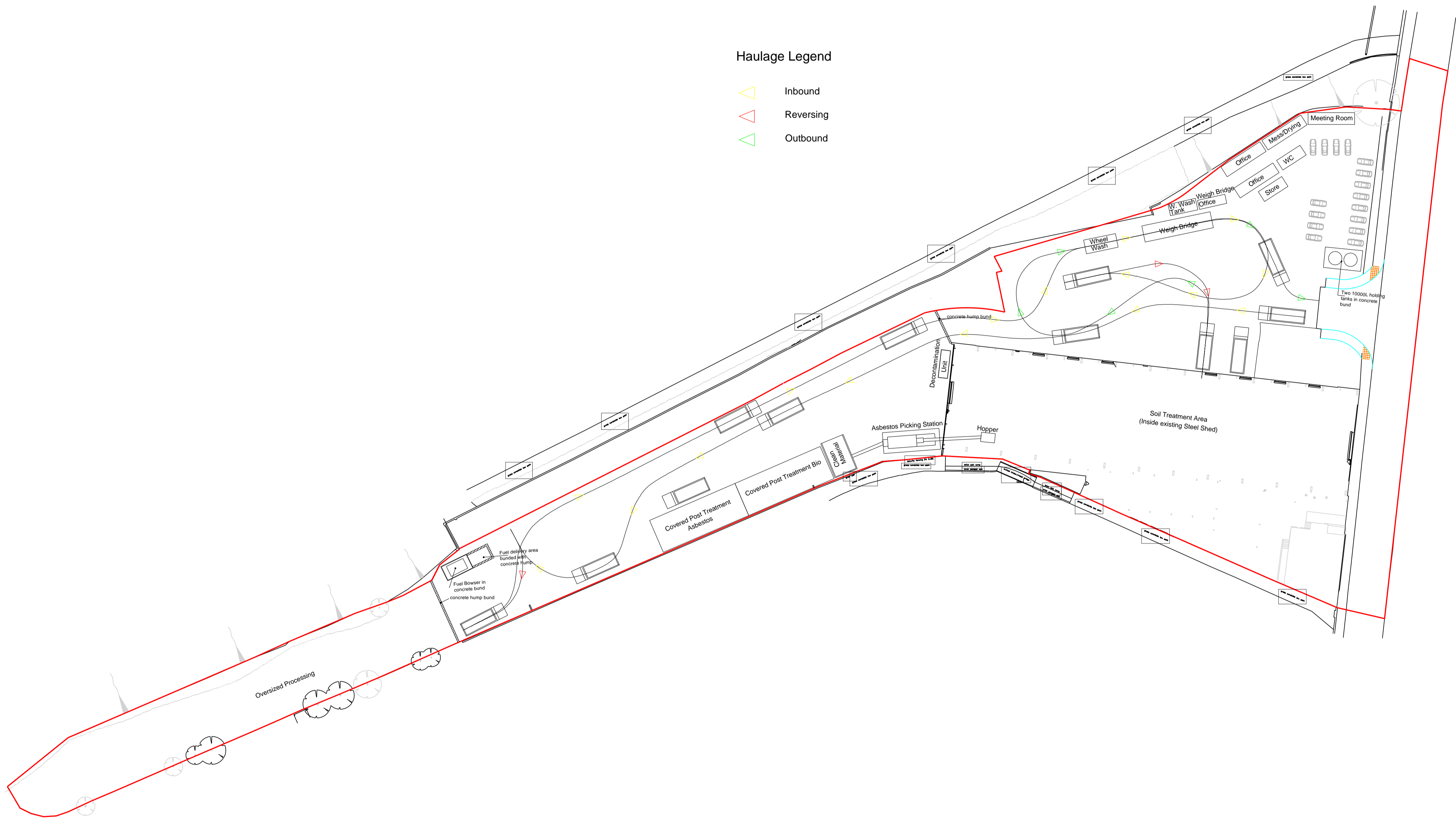
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NOTES

Haulage Legend

- ▶ Inbound
- ▶ Reversing
- ▶ Outbound



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Rev.	Date	Revision
A	13/12/22	Site Boundary added and site layout revised to suit



Soil Treatment Plant
 Bridge Street North, Smethwick

Site General Arrangement
 Plan

Sean M Fitzpatrick BSC CEng MStructE
 Consulting Engineer



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 DE12 8AJ

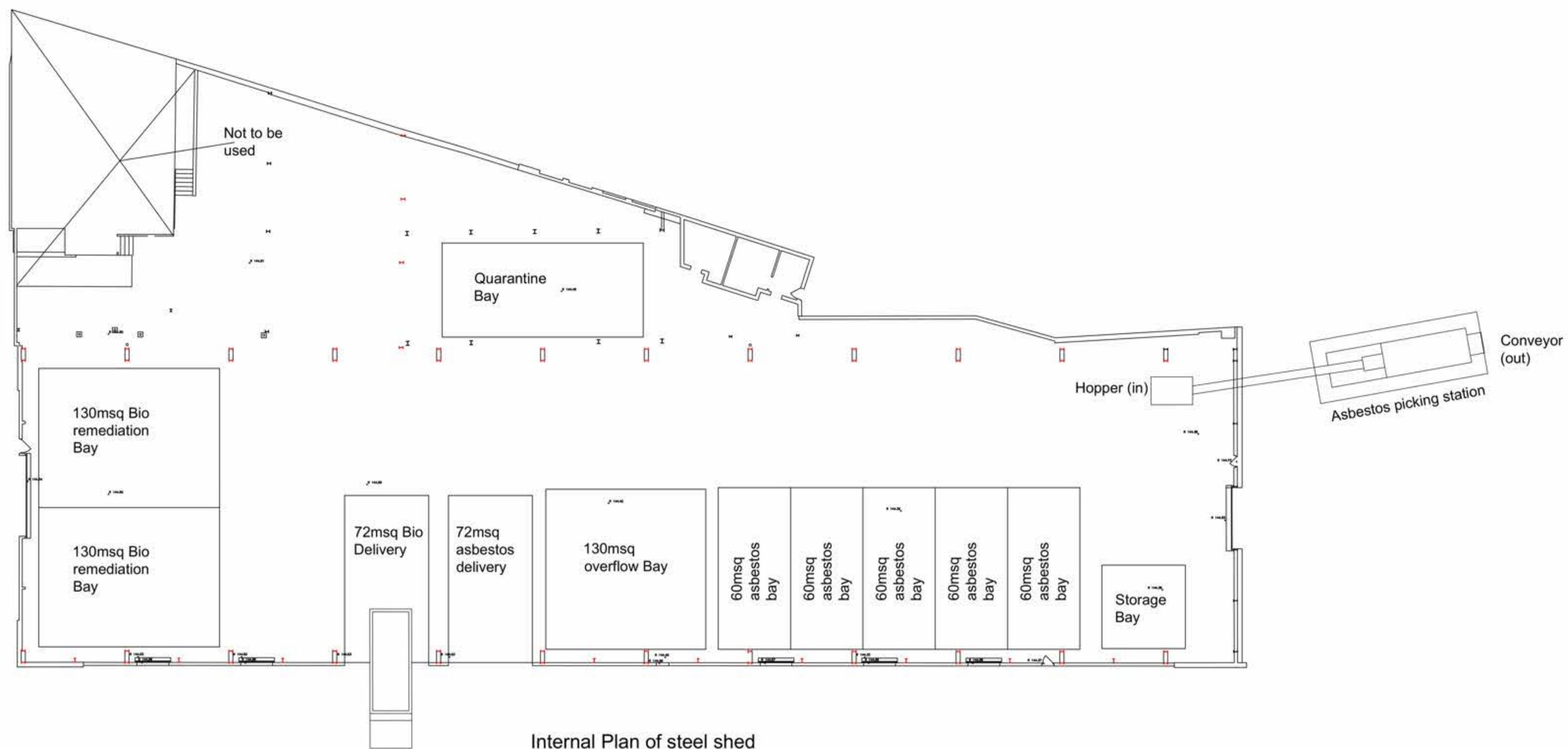
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Rev.	Date	Revision



Soil Treatment Plant
Bridge Street North, Smethwick

Soil Treatment Shed
Internal Floor Plan and Elevations

Sean M Fitzpatrick BSC CEng MStructE
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40 Measham Road
Acreford,
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