

Committee: 20th June 2012 **Ward:** Tipton Green
DC/12/54472

Mintworth Transport Ltd C/o RPS Planning & Development - Mr Paul Hill Highfield House 5 Ridgeway Quinton Business Park Birmingham B32 1AF	Renewal of extant planning permission 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). Newcomen Drive Open Space Newcomen Drive Tipton
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Date Valid Application Received 18th April 2012

1. Recommendations

Subject to the completion of a Deed of Variation in respect of the existing Section 106 Agreement, it is recommended that outline planning permission and approval of details of access be granted subject to: -

- (a) Submission of reserved matters within 5 years and commencement of development within 7 years;
- (b) An approved access for buses as well as pedestrian linkages;
- (c) The protection of the public sewers, a culverted watercourse and pumping station;
- (d) Details of existing trees to be protected during construction and retained; new trees to be planted next to the boundaries with properties fronting Calley

	Close and Newcomen Drive; and, a landscape management plan;
(e)	No new roads or private drives off Newcomen Drive;
(f)	Implementation of the proposed highways works;
(g)	Implementation of an approved reclamation scheme (including stabilisation and treatment of limestone/ coal workings and mineshafts);
(h)	Approval of site levels;
(i)	Implementation of an approved scheme to mitigate disturbance from mud, noise and dust during the development of the site;
(j)	Implementation of an approved scheme of noise mitigation measures to protect the new dwellings from noise from the neighbouring industrial estate;
(k)	Approval of drainage details;
(l)	Implementation of an approved residential travel plan;
(m)	Provision of affordable housing open space and play space in accordance with the provisions of the Unitary Development Plan, the Black Country Core Strategy and The Site Allocations and Delivery Development Plan Document.

2. Observations

Background

On 23rd April 2009 the Secretary of State for Communities and Local Government granted outline planning permission and approval of details of access (ref: DC/08/49278) for the reclamation and residential development of the above site. The permission was also subject to a Section 106 undertaking involving contributions towards public transport provision, the Burnt Tree Island Highway Improvements and off-site community open space; and, the provision of affordable housing.

This is an application for a new planning permission to replace the original approval in order to extend the time limit for its implementation.

The Application Site and Its Surroundings

The application site is about 9.16 hectares in area. It lies to the north west of Burnt Tree (A461) and is crossed by Coneygre Road. It primarily comprises the undeveloped part of the former Coneygre Foundry site together with 3 relatively small disused industrial units, the demolition of which will enable a new vehicular access to be constructed.

The Coneygre Foundry closed in the early 1980's and was demolished. Part of it was redeveloped with housing and the remainder was used for the storage of foundry sand. A substantial mound of foundry sand was built up during the late 80's and early 90's, its plateau height being about 18m above that of the surrounding land.

The application site is within an area of mixed land use being bounded by industrial premises to the south west; a disused railway line (the proposed route of Midland Metro Line 3) to the north west; and, modern 2-storey residential properties in Newcomen Drive, Barney Close and Calley Close to the east.

The Proposed Development

The application is for the same development previously approved by the Secretary of State in 2009, which can be briefly summarised as follows: -

- (i) Reclamation of the site including the use of the existing foundry sand to infill the numerous mine workings and shafts beneath the site;
- (ii) Re-grading and lowering of the remaining deposits to form a 25m wide x 4.5m high landscape bund adjacent to the south west boundary with the industrial units with a developable area behind it sloping gently back to the existing levels adjacent to the boundaries with the railway line, the canal and residential properties in Newcomen Drive, Barney Close and Calley Close.

- (ii) Construction of a signal-controlled 'T' junction at Burnt Tree, the re-alignment of Coneygre Road and the formation of a 7.3m wide access road to serve the site; and,
- (iv) Redevelopment of the re-graded and reclaimed land with 300 dwellings (max) and associated works.

The applicant has requested that outline planning permission, if granted, be amended to increase the period of time for the submission of reserved matters and the implementation of the development from 3 to 5 years and from 5 to 7 years respectively.

Publicity and Consultation Responses

The application has been publicised by site notice, press notice and neighbour notification letters. Objections were received from the occupiers/owners of 5 nearby industrial premises on the grounds that building houses so close to an industrial estate will lead to loss of jobs. Further objections were received from the occupiers of 3 nearby residential properties to the south east on the grounds of nuisance during the development of the site; loss of amenity, privacy, and wildlife; and, increased traffic, crime and anti-social behaviour. The occupiers of 2 other residential properties requested confirmation that the existing mound and trees to the rear of the houses in Newcomen Drive and Barney Close will remain as agreed in the appeal decision.

The consultation responses were as follows: -

- (i) British Waterways requested that the same conditions be imposed as last time;
- (ii) Network Rail requested the imposition of conditions to ensure that the safety, operation and integrity of the railway is not impacted by this large-scale proposal;
- (iii) The Coal Authority had no objection subject to the treatment and stabilisation of coal workings and mineshafts.

Comments

The application seeks to extend the life of the planning permission that was granted by the Secretary of State in 2009. There is therefore a presumption in favour of granting a further approval

unless there has been a material change in circumstances in the intervening three years to warrant a different decision.

The concerns of the industrial and residential objectors are the same as those raised in the original planning application. Those matters were dealt with at the appeal inquiry and the Secretary of State imposed conditions to protect the interests/amenities of nearby industrialists/residents respectively.

Since 2009 the Black Country Core Strategy has been adopted which identifies the site as being within an area of search for residential sites. Furthermore, the Sandwell Site Allocation Development Plan Document, awaiting adoption, will allocate the site for housing. Also, the National Planning Policy Framework has been brought in by Central Government which advises that development proposals that accord with the development plan should be approved without delay.

In the light of the above, it is concluded that the case for granting planning permission has been strengthened in the last three years. Therefore, subject to the completion of a Deed of Variation to the original Section 106 undertaking, it is recommended that outline planning permission be granted subject to the conditions imposed by the Secretary of State in 2009 with the following changes: -

- (i) The period of time for the submission of reserved matters and the implementation of the development being increased from 3 to 5 years and from 5 to 7 years respectively.
- (ii) The additional reference to coal workings requested by the Coal Authority;
- (iii) The removal of any reference to the highway scheme at Burnt Tree from the Section 106 Agreement since it has been completed;
- (iii) The removal of the reference to affordable housing in the original Section 106 undertaking since it is dealt with by planning condition.

There is nothing in the proposal to suggest that the currently disused railway line will be adversely affected. The comments of Network Rail have been forwarded to the applicant, but I do not consider that the imposition of additional conditions would be justified.

3. Reasons for Recommended Decision

The application seeks to extend the life of the planning permission that was granted by the Secretary of State in 2009. There is therefore a presumption in favour of granting approval unless there has been a material change in circumstances in the intervening three years to warrant a different decision. It is considered that the case for granting planning permission has been strengthened in the last three years, by virtue of the adoption of the BCCS.

4. Relevant History

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. Outline permission granted (on appeal) by the Secretary of State on 23rd April 2009.

5. Central Government Guidance

NPPF: Development proposals that accord with the development plan should be approved without delay.

6. Development Plan Policy

Site Allocations and Delivery Development Plan Document Policies

SAD H1 – Housing Allocations

SAD H3 – Affordable Housing

SAD EOS4 – Community Open Space

7. Contact Officer

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