

<p>Mintworth Ltd 132A The Westlands Compton Road Wolverhampton WV3 9QB</p>	<p><b>Variation of condition 18 of planning permission DC/04/42934 (Infill of lagoon with inert materials) to allow for the temporary raising of the approved levels so that on the land additional fill can be placed to surcharge the infill material to achieve sufficient bearing capacity.</b> Site of the former Apollo Lagoon Shidas Lane Oldbury</p>
--	--

**Date Valid Application Received 23rd July 2010**

**1. Recommendations**

A verbal recommendation will be made in the light of any further information submitted by the applicant to clarify and justify the proposal.

**2. Observations**

The application seeks retrospective temporary permission for the formation of a surcharge mound to assist in the reclamation of a former liquid waste tip. The key determining issue is whether or not the application contains sufficient information to justify the proposal and protect nearby roads and properties from surface water run-off.

The application site is the former Apollo Lagoon, a liquid waste tip with a maximum depth of about 18m. The site is about 2.80 hectares in area and is bounded by Rounds Green Road to the north, Shidas Lane to the west, Portway Road to the south and Percy Business Park to the east. The surrounding area is predominantly industrial and commercial in character.

Planning Permission (ref DC/04/42934) was granted in September 2005 for the reclamation of the lagoon by infilling it with inert materials up to the levels of the surrounding ground. Condition 18 restricted the levels to those shown on the approved plans.

The applicant has infilled the lagoon but has exceeded the approved levels by about 8m (max). It has advised me that this was necessary because of the need to surcharge the ground in order to improve the ground bearing capacity of the land so that buildings can be built on it.

This application has been submitted under Section 73 of the Town and Country Planning Act. It seeks a variation of condition 18 to allow the temporary retention of the raised levels until a sufficient ground bearing capacity has been achieved. The submitted plan provides details of the proposed temporary contours and an open perimeter ditch draining to a new soakaway.

The application has been publicised by site notice, press notice and neighbour notification letters. An objection has been received from the owner of a recently built industrial development on the Percy Business Park directly to the east of the application site. He is concerned that, despite the construction of the drainage ditch, the raising of ground levels has resulted in a number of flooding incidents affecting his units due to the uncontrolled storm water run-off from the application site during periods of heavy rainfall. In addition he expresses doubts about the effectiveness of the surcharge operation and questions whether or not the applicant really intends to remove the excess material that has been brought onto the site.

The consultation responses received to date have been as follows:

- i) The Head of Highways is concerned that the raising of levels is causing drainage and settlement problems on the adjoining roads and properties. He has requested a firm date by which the applicant will start to remove the excess fill material from the site.
- (ii) Severn Trent Water has no objection but points out that the applicant will need to apply to connect to the public sewerage system.
- (iii) The Head of Environmental Health has no objection.

The comments of the Environment Agency are awaited.

The site is within an area identified as a Business Zone in the Sandwell UDP where industrial sites and developments will be safeguarded and encouraged. The reclamation of the site so that it can be developed is therefore to be welcomed. It is also recognised that surcharging may be necessary to achieve a suitable ground bearing capacity on difficult sites such as this.

Nevertheless, the surcharge mound has been in place for at least 18 months which is much longer than normal to achieve the desired effect and the applicant has provided no information or monitoring results to indicate when the excess material will be removed. In addition, I share the concerns of the Head of Highways and the adjoining landowner about the risk of flooding because of the 'rough and ready nature of the perimeter drainage ditch. In my opinion, the applicant has provided insufficient information to justify the proposed application.

In the light of those concerns, I have asked the applicant to provide further information regarding ground bearing pressure targets; monitoring results; the date by which the excess materials will be removed; and, the proposed measures to protect adjoining land and roads from surface water run-off during the interim period. A verbal recommendation will be made in the light of the applicant's response.

**3. Reasons for Recommended Decision**

The application currently contains insufficient information to justify the proposed temporary increase in levels.

**4. Relevant History**

DC/04/42934 Infill of lagoon with inert material. App.5/9/05.

**5. Central Government Guidance**

PPG14: Development on Unstable Land

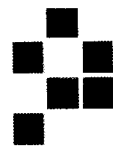
**6. Unitary Development Plan Policy**

PC6: Land Affected by Contaminants, Mineshafts of Unsatisfactory Load Bearing Capacity or Other Constraints

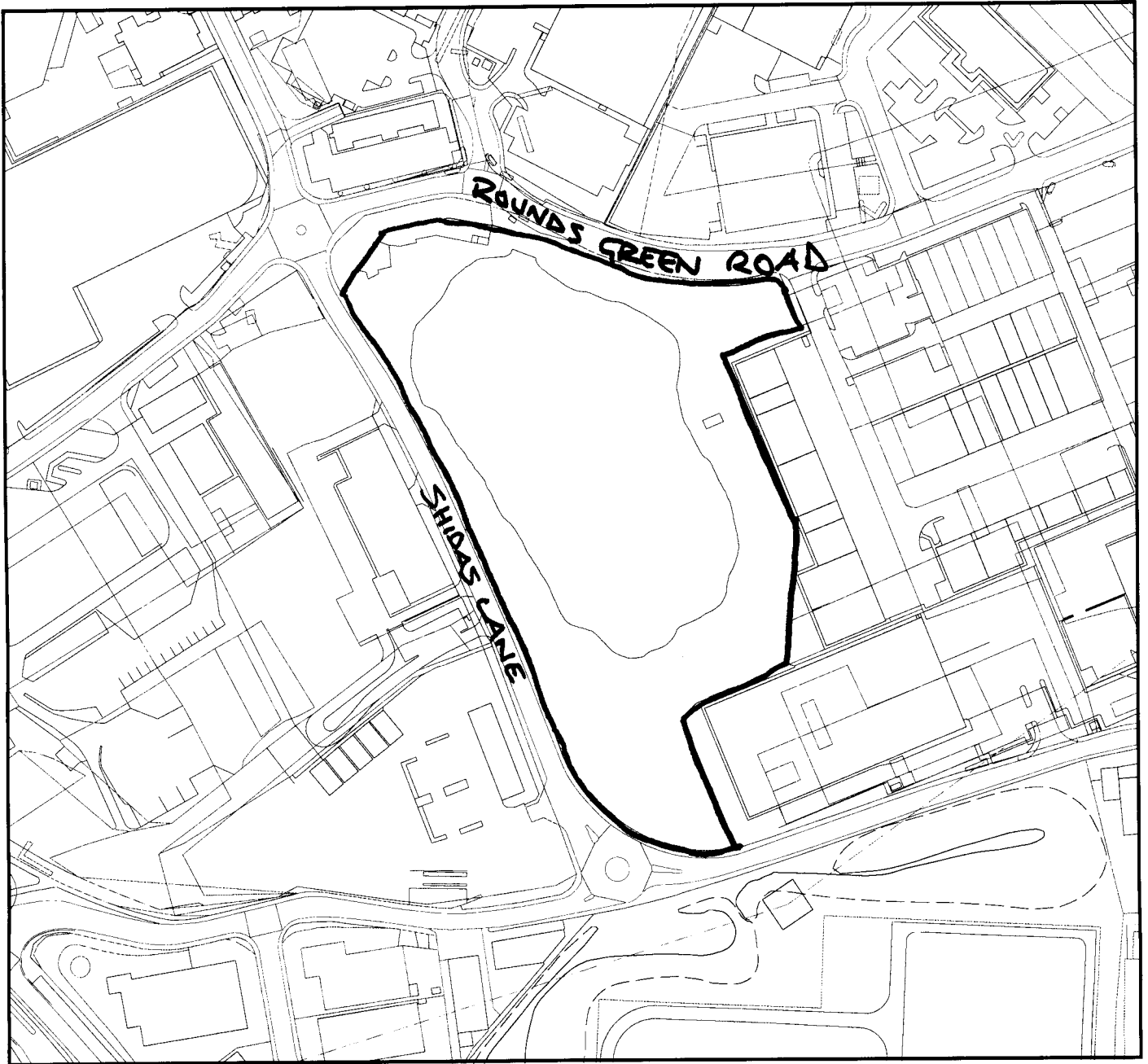
**7. Contact Officer**

Mr John Baylay  
0121 569 4039  
[john\\_baylay@sandwell.gov.uk](mailto:john_baylay@sandwell.gov.uk)

---

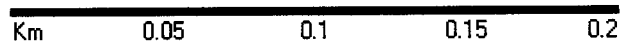


Not Set  
Not Set



Legend

Scale 1:2500

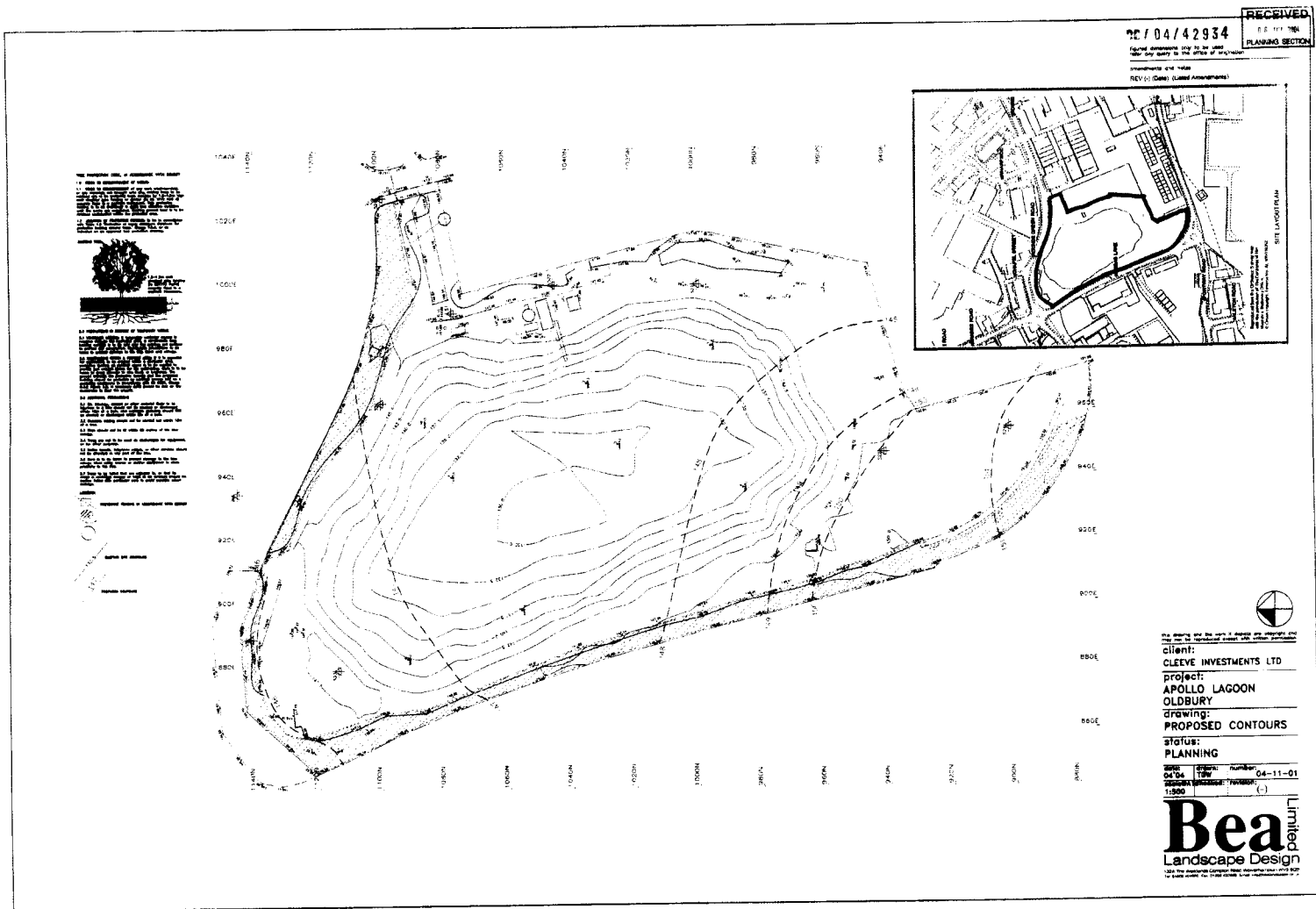


This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	03 September 2010
OS Licence No	Not Set

APPROVED LEVELS



PROPOSED TEMPORARY LEVELS

