

Committee: 25th January 2012
DC/10/52117

Ward: Oldbury

<p>Mintworth Ltd 132A The Westlands Compton Road Wolverhampton WV3 9QB</p>	<p>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. Site of the former Apollo Lagoon Shidas Lane Oldbury</p>
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Date Valid Application Received 23rd July 2010

1. Recommendations

Temporary permission for 18 months subject to the completion of the perimeter drainage ditch.

2. Observations

This application was last reported to your Committee on 15th September 2010, but was deferred for 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. The delay in reporting it back has apparently been due to varying rates of settlement across the site which has made it difficult to predict the necessary timescale.

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). The company 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. However the ditch only extends around half of the site.

In response to my request for further information a letter has been received from Sladen Associates, environmental and geotechnical consultants acting on behalf of the applicant. It confirms that the necessary ground bearing capacity has been achieved on parts of the site but that a further year of surcharging will be required on other areas.

The application was publicised by site notice, press notice and neighbour notification letters. An objection was received from the owner of a recently built industrial development on the Percy Business Park directly to the east of the application site. He was concerned that, despite the construction of the drainage ditch, the raising of ground levels had 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 expressed doubts about the effectiveness of the surcharge operation and questioned whether or not the applicant

really intended to remove the excess material that had been brought onto the site.

A letter was also received from a resident in Greets Green querying the fill materials brought onto the site and their ultimate destination.

The consultation responses were as follows:

- i) The Head of Highways was concerned that the raising of levels was causing drainage and settlement problems on the adjoining roads and properties. He had requested a firm date by which the applicant would start to remove the excess fill material from the site.
- (ii) Severn Trent Water had no objection but pointed out that the applicant needed to apply to connect to the public sewerage system.
- (iii) The Head of Environmental Health had no objection.
- (iv) The Environment Agency recommended no variation of the condition unless and until the drainage problems referred to above had been addressed.

The site is identified as being potentially high quality employment land in the Black Country Core Strategy to which Policy EMP2 relates. The reclamation of the site for built development 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.

Now that the likely timescale of the works has been provided, I consider that permission should be granted for a further 18 months. That period would enable the applicant to surcharge the land for a further year and to remove the materials over the following 6 months.

As far as I am aware, the formation of a drainage ditch has dealt with any flooding issues adjacent to the boundaries with existing industrial/commercial units to the north and east. However, I share the concerns of the Head of Highways about the risk of flooding in Shidas Lane and Portway Road to the west and south because the drainage ditch shown on the submitted plan has not been provided on those sides of the site. Permission, if granted should be subject to a condition requiring the completion of the temporary drainage ditch as shown on the approved plans.

3. Reasons for Recommended Decision

The site is identified as potential high quality employment land in the Black Country Core Strategy (Policy EMP2). The reclamation of the site so that it can be developed is therefore to be welcomed. While the concerns of the adjoining landowner and the local highway authority are recognised, it is considered preferable, on balance, to allow a further period for the surcharging of the ground and the removal of materials from the site.

4. Relevant History

DC/04/42934 Infill of lagoon with inert material. Approved 5th September 2005

5. Central Government Guidance

PPG14: Development on Unstable Land

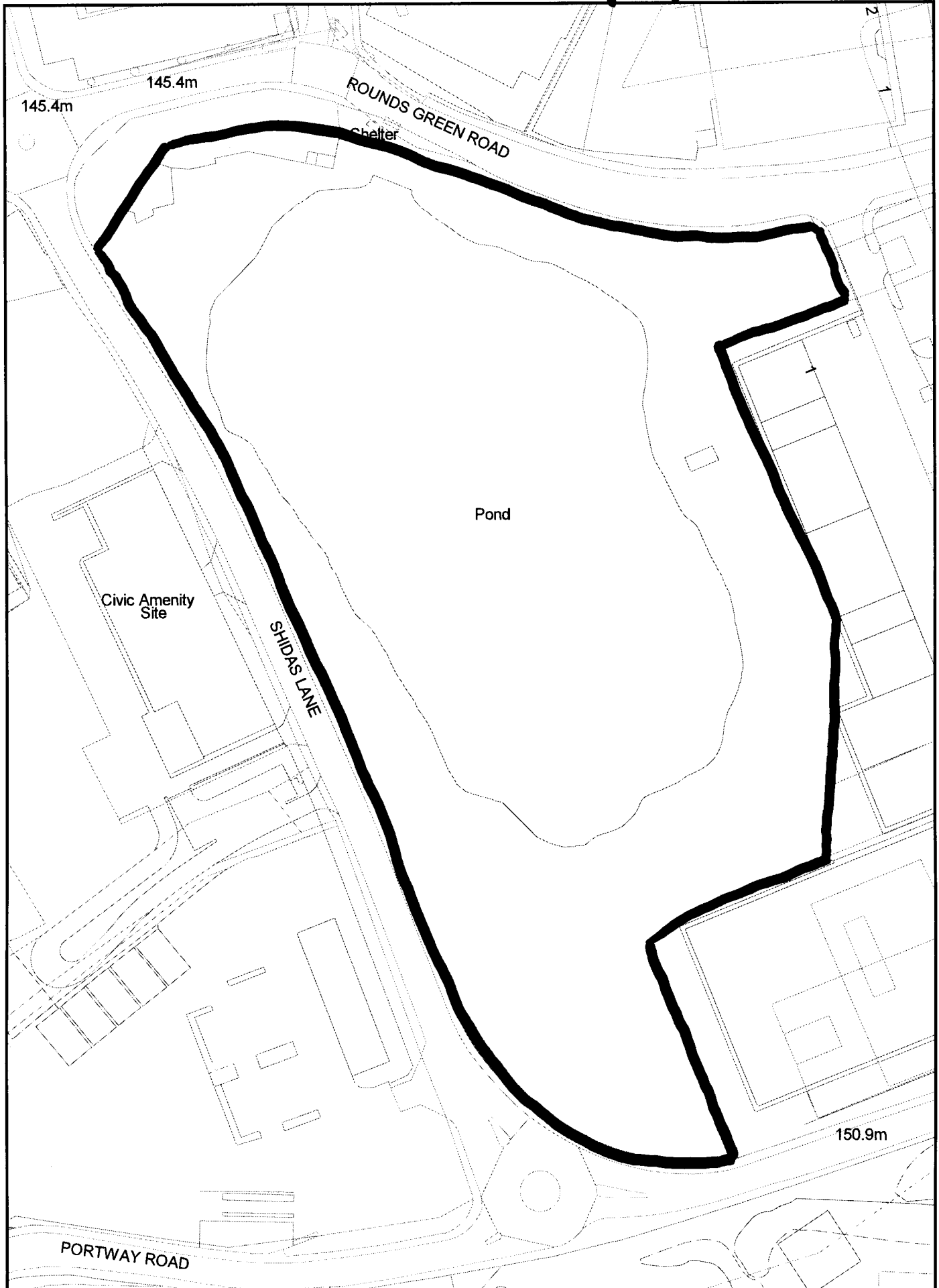
6. Development Plan Policy

BCCS EMP2: Actual and Potential High Quality Employment Areas.

7. Contact Officer

Mr John Baylay
0121 569 4039
john_baylay@sandwell.gov.uk

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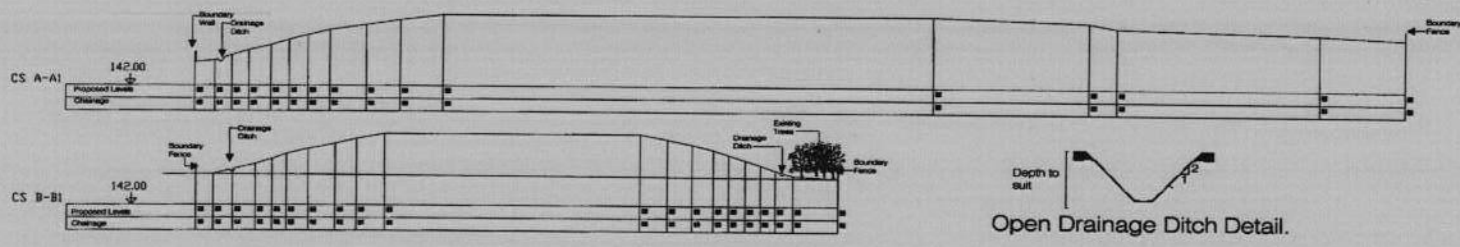
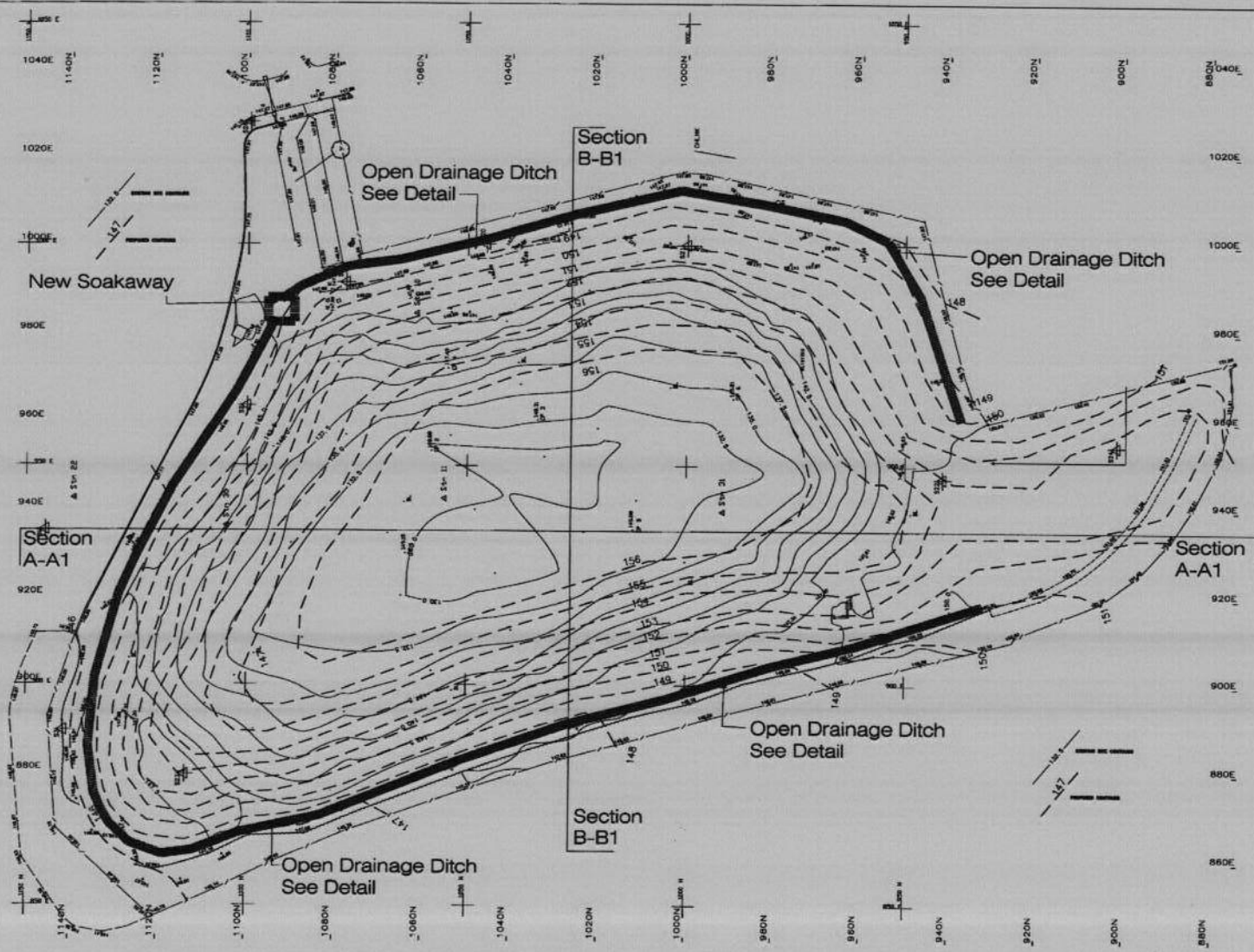
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Bea Limited
Landscape Design

150A, The Woodlands, Congham Road, Waterlooville, N. Hants, PO12 2JL
Tel: 01329 426011 Fax: 01329 426022 Email: info@bealandscape.co.uk

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