



REPORT TO PLANNING COMMITTEE

12th February 2020

Application Reference	DC/19/63542
Application Received	16 th September 2019
Application Description	Retention of 2 No. freezer store units on rear car park.
Application Address	Unit A Kings Hill Business Park Darlaston Road Wednesbury WS10 7SH
Applicant	Mr Daniel Kyle Unit A Kings Hill Business Park Darlaston Road Wednesbury WS10 7SH
Ward	Wednesbury North
Contribution towards Vision 2030:	 
Contact Officer(s)	Douglas Eardley 0121 569 4892 douglas_eardley@sandwell.gov.uk

RECOMMENDATION

Subject to no objection from Environmental Health; planning permission is granted subject to:

- (i) a) The approved noise mitigation measures shall be carried out within 1 month from the date of this permission;
- b) When provided the noise mitigation measures shall be retained as such

1. BACKGROUND

1.1 At your last meeting members resolved to visit the site.

- 1.2 This application is being reported to your Planning Committee because it has generated an objection petition with 10 signatures. Furthermore, Councillor Peter Hughes had also requested that the application be determined at Planning Committee and that a site visit was undertaken.

2. SUMMARY OF KEY CONSIDERATIONS

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

Government policy (NPPF)
Proposals in the Local Plan
Noise and disturbance

3. The APPLICATION SITE

- 3.1 The application relates to an existing site on the north-eastern side of Darlaston Road, Wednesbury. The site is currently occupied by Oliver Kay Produce who are wholesalers for fruit and vegetable produce.

4. PLANNING HISTORY

- 4.1 The site has benefited from numerous planning consent relating to industrial development and associated work.

- 4.2 Relevant planning applications are as follows: -

DC/29559	Erection of site security fencing and gates.	Approved 30.09.1993
DC/25762	Industrial/warehouse development in two blocks with associated access road & parking area.	Approved 21.05.1990
DC/24779	Industrial/warehouse development with associated access road and parking areas.	Approved 10.01.1990
DC/16670	Change of use of part of Kings Hill Works (4.2 hectares) to residential purposes & erection of dwellings.	Approved 03.05.1984
DC/11597	Industrial/warehouse development (50,000 sq.ft. Class IV industrial & 154,445 sq.ft. Class X warehousing).	Approved 15.10.1980

DC/05518 Development of site with 34 units comprising 14,400 sq.ft. of industrial and 51,900 sq.ft. of warehousing with 8,500 sq.ft. of offices.

Approved
31.08.1977

5. APPLICATION DETAILS

5.1 The applicant seeks the retention of 2 No. freezer store units on the rear car park of their site.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification, with an objection petition with 10 signatures being received.

6.2 Objections

Objections have been received on the following grounds: -

- (i) Noise and disturbance from the 2 No. freezer store units
- (ii) Historic issues with the site causing noise and disturbance

6.3 Responses to objections

I respond to the objector's comments in turn: -

- (i) Environmental Health has requested that the Applicant undertake a noise assessment in relation to the retention of 2 No. freezer store units on the rear car park of their site. The noise assessment will be reviewed by my colleagues in Environmental Health and their comments will be reported verbally to Members at Planning Committee on the 12th February 2020.
- (ii) The Councils Environmental Health section are aware of the historic issues on this site and are carrying out their own investigations.

6.4 Support

No comments have been received which support the application.

7. STATUTORY CONSULTATION

7.1 Environmental Health (Air Pollution and Noise)

They have requested that a noise assessment be carried out by the Applicant and then submitted to them for review. If they consider the mitigation measures to be acceptable, then they have requested that the

mitigation measures are implemented within one month from the date of the decision; and then retained as such.

7.2 Planning Policy

They have no significant concerns with the proposal and they have highlighted the relevant policies applicable to this application, which are referred to in section 9 of this report.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

- 8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

9. LOCAL PLANNING POLICY

- 9.1 The following policies of the Council's Local Plan are relevant:

DEL2: Managing the Balance between Employment Land and Housing
SAD EMP4: Relationship between Industry and Sensitive Uses
SAD EOS10: Design Quality & Environmental Standards
SAD H1: Housing Allocations

- 9.2 With regard to SAD H1 it is noted that the site is allocated for housing. However, my colleague in Planning Policy has confirmed that this application would not constitute a departure. They note that the businesses in Kings Hill Business Park are lawfully operating businesses within a current housing allocation (SAD H8.5); and that there is no current proposal for the comprehensive change of use of the area to residential in the near or medium future. As such, DEL2, supports this specifically in the written justification (para 2.71, page 60 of the Black Country Core Strategy) in that "...it will be particularly important not to undermine viable businesses on land proposed for housing".
- 9.3 Concerning SAD EOS10, this policy requires industrial development to pay particular attention to pollution and noise control; and environmental impact on the site and surrounding area. Furthermore, in consideration of SAD EMP4 it states that industrial development that are likely to have an adverse impact on neighbouring uses will not be permitted, unless the adverse effects can be reduced to an acceptable level. In consideration of these policies, it is noted that the Applicant has been requested to submit a noise assessment for consideration by the Councils Environmental Health section. If the mitigation measures are deemed acceptable by Environmental Health, then it is considered that any noise and disturbance effects on adjacent residential dwellings could be controlled to an acceptable level.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government policy (NPPF) and proposals within the local plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:

10.2 **Noise and disturbance** – Refer to paragraphs 6.3 (i & ii) above.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 9 and 10 of the Sandwell Vision 2030: -

11.2 Ambition 9 – Sandwell has become a location of choice for industries of the future where the local economy and high performing companies continue to grow.

11.3 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 Subject to no objection from Environmental Health, the proposal would be policy compliant and is considered to be acceptable and is recommended for approval subject to conditions.

13. STRATEGIC RESOURCE IMPLICATIONS

13.1 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.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the Government guidance/national planning policy (8), local planning policy (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12)

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There will be no impact.

21. APPENDICES:

Site Plan

Context Plan

Location Plan

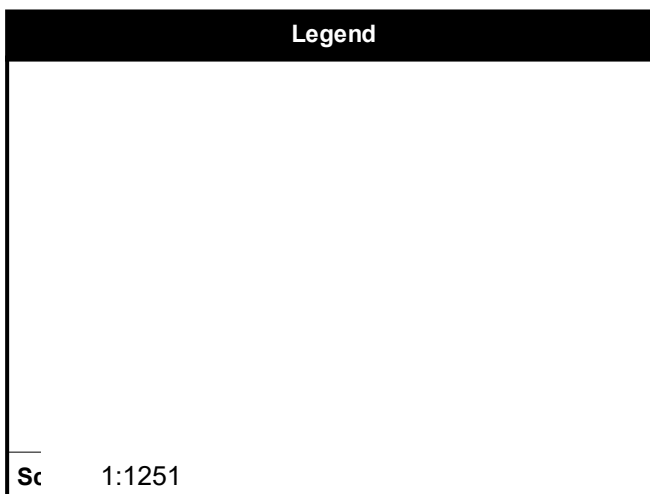
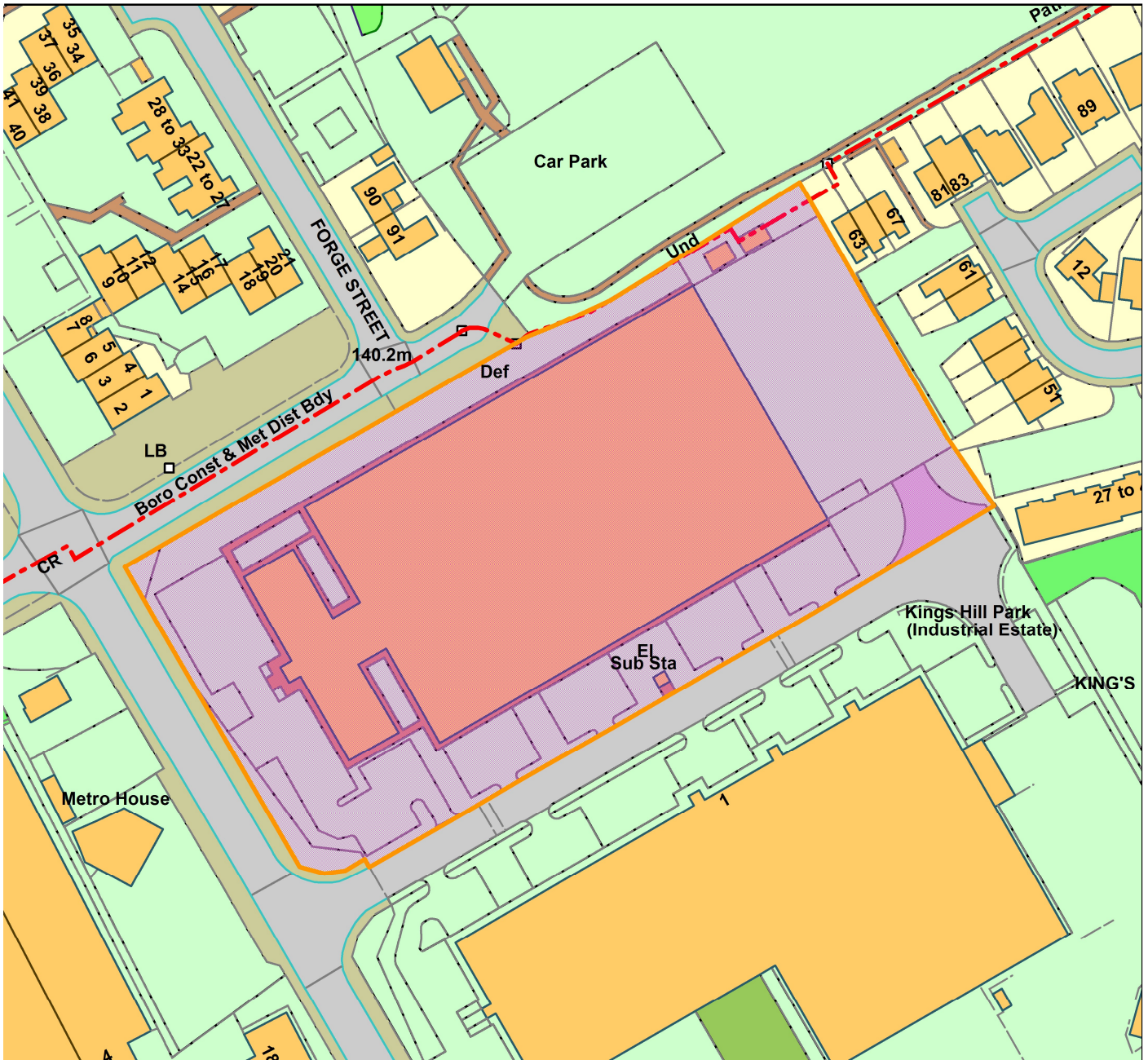
Proposed Yard Plan

Freezer Dimensions/Floor Plans

Photograph – dated 07.08.2019

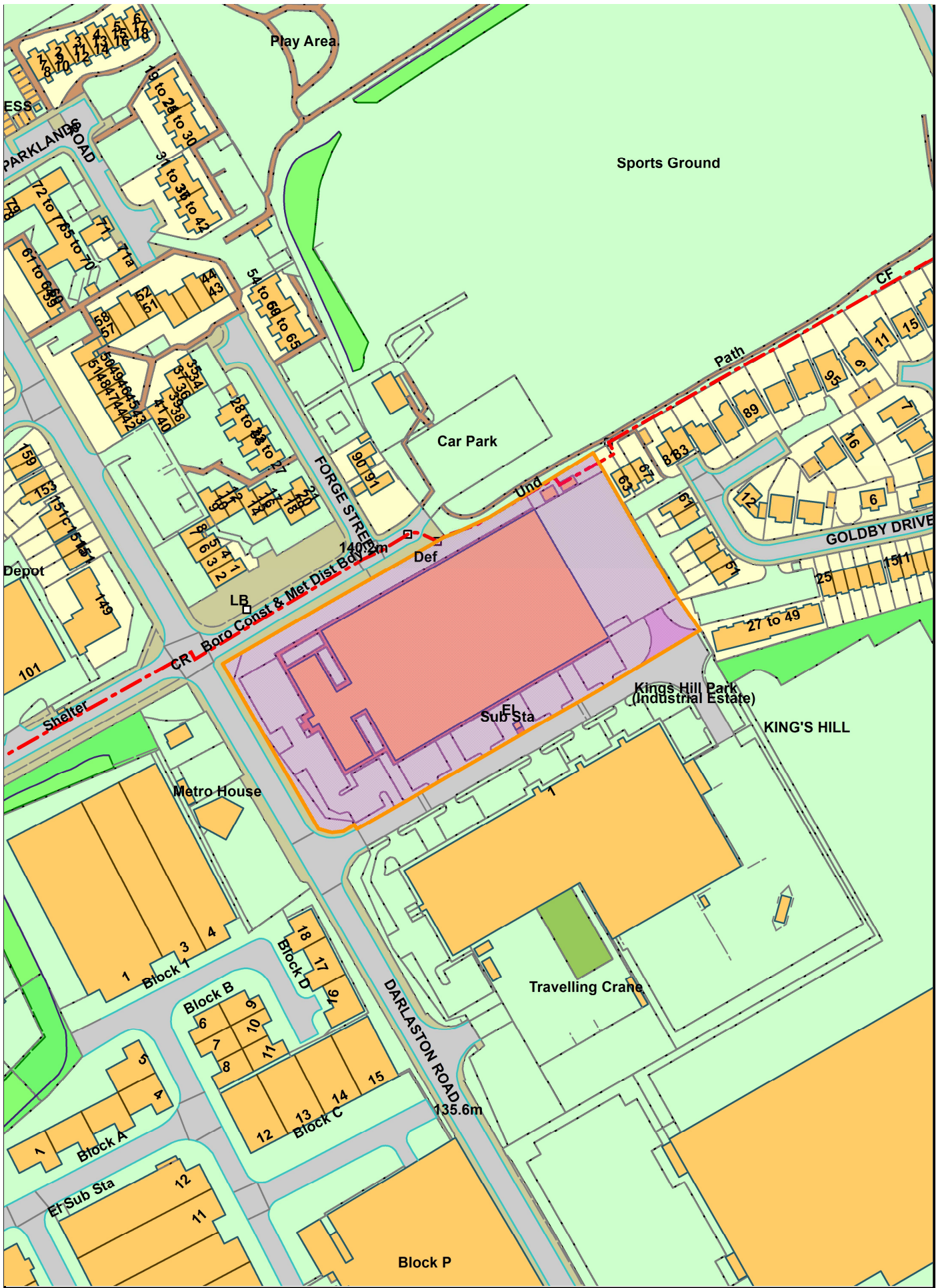
Photograph – dated 07.08.2019

DC/19/63542
Unit A, Kings Hill Business Park, Darlaston Road



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Organisation	Not Set
Department	Not Set
Comments	
Date	29 January 2020
OS Licence No	

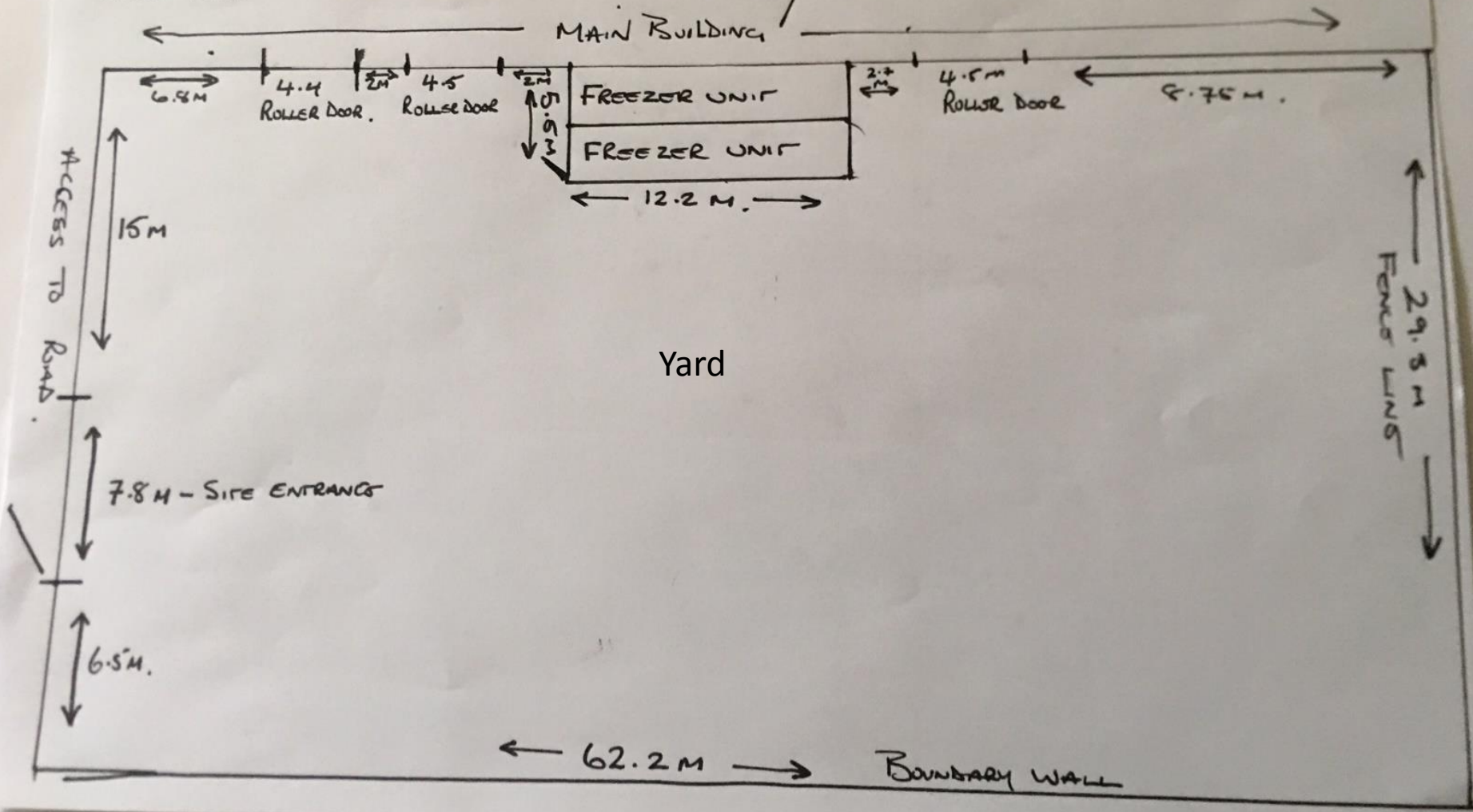


FREEZER PLANS -

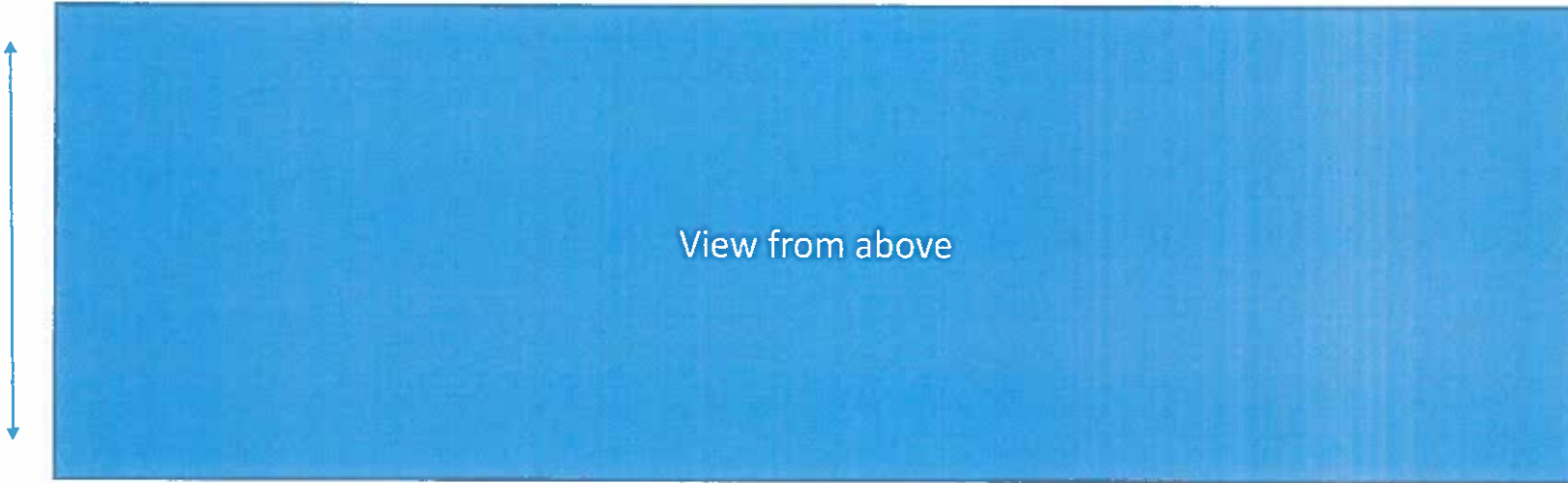
OLIVER KAY PRODUCTS
UNIT A KINGS HILL PARK
DARLSTON ROAD
WIDNESBURY
WS10-7SH.

16th SEPTEMBER 2019
DANIEL KYLE

North.



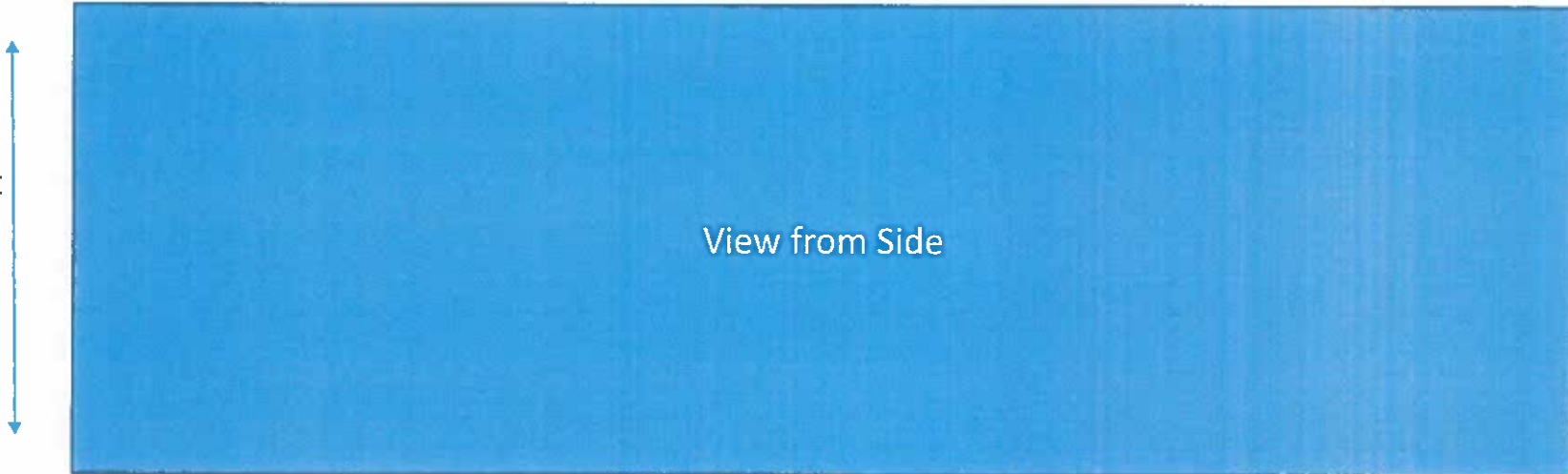
5.6 m



12.2 M



Height
3.1 m






ARCTIC STORE
www.ArcticStore.co.uk

07 08 2019



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