

<b>Council/Committee:</b>	Planning Committee
<b>Date of Meeting</b>	18 February 2026
<b>Application Reference</b>	DC/25/71028
<b>Application Description</b>	Proposed division of existing building into two units for flexible use classes B2 and B8. Internal changes and associated elevation changes, new servicing, access, landscaping and associated works.
<b>Application Received</b>	16 September 2025
<b>Application Address</b>	Unit A Kings Hill Business Park, Darlaston Road, Wednesbury, WS10 7SH
<b>Report Author</b>	Douglas Eardley
<b>Lead Officer</b>	Tammy Stokes
<b>Ward</b>	Wednesbury North
<b>Appendices (if any)</b>	<ol style="list-style-type: none"> <li>1. Location plan - B120-CMP-XX-ZZ-DR-A-00001. REV PL1</li> <li>2. Proposed site plan - B120-CMP-SI-ZZ-DR-A-00100. REV PL1</li> <li>3. Proposed floor plans – Unit 1 - B120-CMP-U1-ZZ-DR-A-01120. REV PL1</li> <li>4. Proposed floor plans – Unit 2 - B120-CMP-U1-ZZ-DR-A-01121. REV PL1</li> <li>5. Proposed first floor general arrangement plan - B120-CMP-XX-01-DR-A-01101. REV PL1</li> <li>6. Proposed ground floor general arrangement plan - B120-CMP-XX-00-DR-A-01100. REV PL1</li> <li>7. Proposed roof general arrangement plan - B120-CMP-XX-RF-DR-A-01102. REV PL1</li> <li>8. Proposed east and west elevations - B120-CMP-XX-ZZ-DR-A-01200. REV PL1</li> <li>9. Proposed south elevation – Units 1 and 2 - B120-CMP-XX-ZZ-DR-A-01201. REV PL1</li> <li>10. Proposed north elevations – Units 1 and 2 - B120-CMP-XX-ZZ-DR-A-01202. REV PL1</li> <li>11. Tree protection plan 1 of 2 - 25.1943.020</li> <li>12. Tree protection plan 2 of 2 - 25.1943.021</li> </ol>

## **1. Application Summary**

- 1.1 The application is being reported to Planning Committee because the proposal is a departure from the development plan, and three material planning objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[Unit A Kings Hill Business Park, Darlaston Road, Wednesbury, WS10 7SH](https://www.google.com/maps/place/Unit+A+Kings+Hill+Business+Park,+Darlaston+Road,+Wednesbury,+WS10+7SH)

## **2. Recommendations**

- 2.1 That planning permission is granted subject to the following conditions relating to:
  - i) External materials;
  - ii) Contamination;
  - iii) BNG - Certificate;
  - iv) BNG – Biodiversity Gain Plan;
  - v) BNG - HMMP;
  - vi) BNG – Notice of implementation;
  - vii) BNG – Management;
  - viii) BNG - Monitoring;
  - ix) Noise mitigation;
  - x) Construction works times;
  - xi) Boundary treatments;
  - xii) Landscaping;
  - xiii) Drainage
  - xiv) Cycle storage;
  - xv) Waste storage;
  - xvi) External lighting;
  - xvii) Tree protected/retained in accordance with submitted plans;
  - xviii) Parking laid out and retained; and
  - xix) Restriction to B2 and B8 uses only.
- 2.2 that, in relation to 2.1 above, approval is given to make an exception to the Development Plan in respect of Planning Application DC/25/71028.

## **3. Reasons for the recommendation and conditions**

The proposed development raises no significant policy, design or highway concerns and is acceptable subject to conditions to ensure the proposal is both policy compliant and has a limited impact on the surrounding area.

## **4. Key Considerations**

- 4.1 The site is allocated for residential use in the development plan.

4.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

4.3 The material planning considerations which are relevant to this application are:

- Government policy (NPPF)
- Proposals in the development plan
- Anti-social behaviour
- Noise and Pollution

## 5. The Application Site

5.1 The application site relates to an existing industrial site on the eastern side of Darlaston Road, Wednesbury. The character of the surrounding area is mixed with industrial and residential uses evident; to the south and west are industrial premises and to the north and east are residential properties (on Forge Street and Goldby Drive).

## 5.2 Planning History

PD/25/03008	Proposed demolition of single storey office of the wider unit.	Grant Demolition Consent – 18.08.2025
DC/19/63542	Retention of 2 No. freezer store units on rear car park.	Grant Conditional Retrospective Consent – 14.02.2020.
DC/29559	Erection of site security fencing and gates.	Grant Permission – 30.09.1993
DC/25762	Industrial/warehouse development in two blocks with associated access road & parking area.	Grant Permission Subject to Conditions – 21.05.1990
DC/24779	Industrial/warehouse development with associated access road and parking areas.	Grant Permission Subject to Conditions – 10.01.1990
DC/16670	Change of use of part of Kings Hill Works (4.2 hectares) to residential	Grant Outline Permission with Conditions – 03.05.1984

	purposes & erection of dwellings.	
DC/11597	Industrial/warehouse development (50,000 sq.ft. Class IV industrial & 154,445 sq.ft. Class X warehousing).	Grant Permission Subject to Conditions – 15.10.1980

## 6. Application Details

6.1 The application was originally for 'Demolition of part of building and proposed division of existing building into two units for flexible use classes E(g)(iii), B2 and B8. Internal changes and associated elevation changes, new servicing, access, landscaping and associated works'. However, as the demolition of part of the building was approved by another permission (ref: PD/25/03008), the proposal is now for 'Proposed division of existing building into two units for flexible use classes B2 and B8. Internal changes and associated elevation changes, new servicing, access, landscaping and associated works'.

6.2 Generally it is proposed that the existing building is divided into two separate units (Unit 1 = 2202 sqm, Unit 2 = 3206 sqm) for use classes B2 (General Industry) and B8 (Storage and Distribution), and the existing access to the south west improved to provide HGV access and serve car parking and new service yards. Ancillary office space is provided at first floor level for each of the two units. The service yard to the east is to be retained with a further service yard created to the west. Additional parking is proposed to the south and the west of the industrial units, car parking for Unit 1 would be 24 spaces and Unit 2 would be 39 spaces. Each unit would have a dedicated service yard with between 2-3 docking/loading bays. Landscaping and changes to the existing building (red brick plinth wrapping etc) are proposed in line with the submitted details.

## 7. Publicity

The application has been publicised by 25 neighbour notification letters and by site and press notices. Three objections have been received and are summarised below:

- i) Anti-social behaviour
- ii) Noise and Pollution

A non-material objection has also been raised regarding loss of property value.

A representation has been received from the Councils Access Officer; their comments have been sent to the Agent for consideration.

## **8. Consultee Responses**

### **8.1 Employment and Skills**

No objection.

### **8.2 Highways**

They have no objections, and have requested a condition is imposed requiring the provision and retention of parking.

### **8.3 Council Ecology Officer**

They have requested BNG conditions relating to certificate of purchase of biodiversity credits, biodiversity gain plan, habitat management and monitoring plan, notice of implementation, management, and monitoring.

### **8.4 Planning Policy**

Planning Policy notes that the proposal is on land allocated as residential land in the adopted development plan. This is considered a departure from the adopted plan. Planning Policy considers that the site was previously in employment use and is allocated as a strategic employment area in the emerging local plan. It is deemed that the development site is unlikely to come forward for residential use now, or in the future. As such, the development proposal aligns with intended future use proposed for the site and will contribute towards economic growth in the borough.

Therefore, Planning Policy confirm that the proposed development is acceptable in planning policy terms.

### **8.5 Walsall Council**

No objection.

### **8.6 Pollution Control (Contaminated Land)**

They have requested the imposition of conditions relating to site investigation and remediation.

### **8.7 Pollution Control (Air Pollution and Noise)**

No objections. They have requested the imposition of a condition relating to construction work times. They also note that some mitigation measures have been included within the submitted noise assessment; thus they recommend that these are undertaken and upheld within the operations. Therefore, it is proposed to impose a condition to ensure that these noise mitigation measures are implemented within the operations of the site and thereafter retained.

### **8.8 Urban Design**

No objection.

### **8.9 Severn Trent Water**

They have requested the imposition of standard drainage conditions.

## **9. Relevant Planning Policy Considerations**

### **9.1 National Planning Policy Framework (NPPF)**

9.2 The NPPF sets out the government's planning policies for England and how these are expected to be applied.

#### Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings; in accordance with the design principles of the NPPF

#### Highway safety

The framework promotes sustainable transport options for development proposal and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The site would have adequate parking provision to meet the needs of the use and cycle storage provision can be ensured by condition.

## **9.2 Development Plan Policy**

The following polices of the council's development plan are relevant:

#### **Black Country Core Strategy (BCCS)**

HOU1 - Delivering Sustainable Housing Growth – The site is allocated as housing land.

EMP1 - Providing for Economic Growth and Jobs – The proposal would contribute towards growth and jobs in the borough.

TRAN2 – Managing Transport Impacts of New Developments – The development is considered to have a minor impact on the surrounding road network.

TRAN4 - Creating Coherent Networks for Cycling and for Walking – Cycle storage can be ensured by condition.

ENV1 – Nature Conservation - A Preliminary Ecological Appraisal has been undertaken to support the application. Planning Policy confirm that the proposal would not have any adverse impacts on nature conservation and therefore the proposal does not undermine this policy.

ENV2 – Historic Character and Local Distinctiveness – The proposed development is required to give regard to policies BCCS ENV2, BCCS ENV3 and SAD EOS9 relating to design principles and local distinctiveness. Plans as well as the Design and Access Statement submitted suggest regards have been paid to how the development would comply with key design principles as well as relate to the street, relationship between the development and the surrounding areas. Therefore, the proposal adheres to these policies.

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island – Further technical drainage detail can be ensured by condition.

ENV7 – Renewable Energy – The Energy Statement submitted to support the application details proposed measures that comply with this policy.

ENV8 – Air Quality – An Air Quality Assessment has been submitted in compliance with this policy and Planning Policy have confirmed that the proposal adheres to this policy.

### **Site Allocations and Delivery Development Plan Document – (SADDPPD)**

SADH1 - Housing Allocations – It is noted that the site is a housing allocation. Planning Policy considers that the site was previously in employment use and is allocated as a strategic employment area in the emerging local plan. As such, the development proposal aligns with the intended future use proposed for the site and would contribute towards economic growth in the borough; therefore, Planning Policy has no objection.

SAD EOS 9 - Urban Design Principles – the scheme is considered to be acceptable in scale and size.

SAD EOS 10 - Design Quality & Environmental Standard – Considered in conjunction with SAD EOS 9 above. Evidence submitted including the noise assessment suggests regards have been paid to the requirements of this policy.

SAD DC 4 – Pollution Control – The site has a significant industrial history including worked ground and potential backfilling etc, but remediation can be ensured as per SAD DC 6 below.

SAD DC 6 - Contaminants, Ground Instability, Mining Legacy - Land contamination issues can be addressed by the imposition of suitably worded conditions requiring detailed site investigation, reporting of any unpredicted contamination and submission of a validation certificate following any required remediation measures; this is considered satisfactory given the nature of this application.

SAD TRAN2 – Road Improvement – The new servicing/access proposed does not undermine this policy.

SAD TRAN3 – Car Parking – Adequate provision has been made for parking on site for staff and visitors, therefore the proposal does not undermine this policy.

## **10. Material Considerations**

### **10.1 Proposals in the development plan**

It is noted that the application site is on land allocated as residential land in the adopted development plan, and is therefore considered a departure from the adopted plan. Planning Policy considers that the site was previously in employment use and is allocated as a strategic employment area in the emerging local plan. It is deemed that the development site is unlikely to come forward for residential use now or in the future. As such, the development proposal aligns with intended future use proposed for the site and will contribute towards economic growth in the borough. Therefore, Planning Policy have confirmed that the proposed development is acceptable in planning policy terms.

### **10.2 Anti-social behaviour**

It is noted that the objections raised pertaining to anti-social behaviour relate to the historic use of the site and that the factory attracted attention with people climbing over the objectors' fences and factory fences. The proposed development would utilise the rear of the site for servicing and parking of HGVs. In addition a lighting plan is conditioned. Therefore, it is considered that given the propose rear use the site will be more secure and the site owners will manage security in the interests of their businesses.

### **10.3 Noise and Pollution**

It is noted that the current industrial use on site is used 24 hours a day, seven days a week. Also the Councils Pollution Control (Air Pollution and Noise) team have raised no significant concerns and through the imposition of conditions pertaining to implementation/retention of mitigation measures detailed in the submitted Noise Assessment, and construction works times, it would ensure that the proposal harmonises with its surroundings.

## **11 Conclusion**

All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes

precedence over the development plan, this has been highlighted in paragraph 9 (National Planning Policy Framework). On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

**12. Legal and Governance Implications**

The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

**13. Other Relevant Implications**

None relevant.

**14. Background Documents**

None.

**15. How does this deliver the objectives of the Strategic Themes?**

Encourage a positive environment where businesses and our community and voluntary organisations are supported to grow; and investment into the borough is maximised, creating job opportunities for local residents.

## **Relevance Check**

**Budget Reduction/Service Area:**

**Service Lead Tammy Stokes**

**Date: 20/01/2026**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No