

Report to Planning Committee

21 February 2024

Application Reference	DC/23/68498
Application Received	17 July 2023
Application Description	Proposed change of use from existing residential dwelling to 2 apartments 1 no - 1 bed and 1 no - 2 bed. Demolition of existing adjacent ancillary building and replace with 6 no - 2 bed apartments with associated car parking and amenity areas.
Application Address	2A Franchise Street, Wednesbury, WS10 9RE.
Applicant	Mr Asif c/o Lucci House, The Old Tennis Courts, Tennial Grove, Harborne, B32 2HP.
Ward	Wednesbury North.
Contact Officer	Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Finished floor levels;
- (iii) Ground Contamination;
- (iv) Drainage (surface and foul);
- (v) Lighting;



- (vi) Boundary treatments;
- (vii) Landscaping;
- (viii) Cycle storage;
- (ix) Low NOx boilers;
- (x) Electric vehicle charging;
- (xi) Management plan for control of dust;
- (xii) Construction Management Plan;
- (xiii) Coal Authority Investigation,
- (xiv) Restriction on hours of construction; and
- (xv) Parking laid out & retention.

2 Reasons for Recommendations

- 2.1 The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional housing in a sustainable location.

3 How does this deliver objectives of the Corporate Plan?

	<p>Quality homes in thriving neighbourhoods – The proposal raises no significant concerns from a design, amenity or highway perspective and would deliver additional in a sustainable location.</p>
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4 Context

- 4.1 At the last meeting your Committee resolved to visit the site and details regarding land ownership and restrictive covenants were to be investigated. **Refer to section 13.4 and 13.5 which updates members in relation to these matters.**
- 4.2 The application is being reported to your committee as more than 3 neighbour objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[2A Franchise Street, Wednesbury.](#)



5 Key Considerations

- 5.1 The site is not allocated within the Development Plan.
- 5.2 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.
- 5.3 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Planning history (including appeal decisions)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Design concerns - appearance and materials, layout and density of building, and

Highways considerations - Traffic generation, access, highway safety, parking and servicing.

6. The Application Site

- 6.1 The application site is a rectangular shaped parcel of land to the side of 2A Franchise Street, Wednesbury. The area is largely residential in character and Franchise Street consists of a variety of house types with industrial units along the street further to the east. The site is adjoined by allotment gardens to the south.

7. Planning History

- 7.1 There is no relevant planning history for the site.



8. Application Details

- 8.1 It is proposed to convert no 2A Franchise Street into two apartments, comprising of a one and two-bedroom units. An existing ancillary building is to be demolished to facilitate the construction of a new two storey apartment block at the western side of the site; to comprise six no two-bedroom apartments. The apartment block would be physically attached to no 2A Franchise Street at first floor level.
- 8.2 Floor plans show that no 2A Franchise Street would have lounge and kitchens at ground floor level with bedrooms above. The new block would comprise of a central entrance hall with three apartments either side of the hall; totalling six apartments including roof level.
- 8.3 Parking provision for the apartments would be at the rear and front of the site. Submitted plans show an under-croft arrangement with access from Franchise Street to a parking area showing six spaces at the rear of the site and two spaces at the front.
- 8.4 Communal gardens/areas of amenity are shown at the rear of the site; two separate gardens – one at either side of the site each measuring over 50 square metres in area.
- 8.5 Apartment sizes are comfortable, and the agent has confirmed that internal floorspace now complies with the Council's adopted minimum standards, as well as National Described Standards for one and two-bedroom flats; 50 and 70 square metres respectively.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter (11 in total) with five objections received from local residents.

9.2 Objections

Objections have been received on the following grounds:



- i) Loss of light and privacy to properties along Franchise Street and Old Park Road;
- ii) Design and that the proposed new block is out of character with the locality and the proposals constitute over-development of the site;
- iii) 2A Franchise Street was a former Vicarage and therefore has historical value;
- iv) Insufficient parking and concerns relating to highway safety;
- v) The accuracy of the plans; specifically, that they include property not within the ownership of the applicant.

These objections will be addressed in section 13 (Material considerations).

Non-material objections have been received relating to a restrictive legal covenant imposed by the Bishop of Lichfield.

10. Consultee responses

10.1 Highways

Amended plans have been provided altering the proposed layout, as a result, highways has no objections to the proposal.

10.2 Pollution Control (Air Quality)

No overall objections and the provision of a single electric vehicle charging point and of low NOx central heating boilers can be ensured by condition.

The control dust and emissions during the demolition and construction process can also be ensured by condition.



10.3 **Pollution Control (Contaminated Land)**

No objection subject to conditions relating to submission of desk-top study relating to on site contamination and the submission of a validation report.

10.4 **Pollution Control (Air Pollution and Noise)**

No subject to the submission of a construction management plan and restriction on hours of construction. These matters are usually dealt with by way of pre-commencement condition.

10.5 **The Coal Authority**

No overall objections subject to the submission of a scheme of intrusive investigations relating to coal mining legacy, and mitigation measures if required. The Coal Authority has recommended a suitable condition to deal with these matters.

10.6 **West Midlands Police**

No objection.

10.7 **Walsall MBC**

The site is close to the borough boundary with Walsall and that authority has been consulted but has declined to comment on the application.

11. **National Planning Policy**

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



- 11.2 The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.
- 11.3 The Framework promotes sustainable transport options for development proposal and paragraph 111 states that developments should 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.
- 11.4 I am of the opinion that the scheme is of a good design, in accordance with the design aspirations of the NPPF, as the development would assimilate with the overall form and layout of the site's surroundings.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

DEL1: Infrastructure Provision

HOU1: Delivery Sustainable Housing Growth

HOU2: Housing Density type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and Walking

ENV3: Design Quality

ENV8: Air Quality

SAD EOS9: Urban Design Principles

SAD H2: Windfalls

SAD DC6: Land Affected by Contamination, Ground Instability, Mining Legacy, Land of unsatisfactory Load Bearing Capacity or Other Constraints

- 12.2 Infrastructure provision, in this case Electric Vehicle Charging bays, would be ensured by condition, in addition, the Community Infrastructure Levy applies (DEL1).
- 12.3 The proposal meets the requirements of policy HOU2 in that it proposes a range of types and sizes of accommodation which would be accessible



by walking and sustainable transport to services. The proposal would also achieve good design with minimal amenity impact.

- 12.4 Sufficient amenity space is provided to allow for cycle parking provision (TRAN4).
- 12.5 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposal raises no significant concerns in respect of design and is therefore compliant with policy ENV3 and SAD EOS 9.
- 12.6 In respect of air quality (ENV8), electric vehicle charging points and low NOx boilers can be ensured by condition.
- 12.7 The proposed dwellings would be a windfall, subject to SAD H2. The proposal meets the requirement of the policy as it is previously undeveloped land, suitable for residential development, and capable of meeting other plan policies.
- 12.8 The site has a history of coal mining legacy but the assessment and mitigation of coal mining workings (SAD DC6) can be ensured by condition.

13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Amenity concerns

The site plans show that no 2A Franchise Street would only be extended at first floor level at its western side to provide a link to the new apartment block. The extension would be away from the adjoining property, and it is also considered that the rear elevation of no 2A already extends beyond that of the adjoining dwelling. However, the site



plan has been annotated to show that rear elevation complies with the 45-degree code that is used for guidance.

With regards to loss of privacy, the interface distance between the rear elevation of properties along Old Park Road and the western side elevation of the apartment block is around 23 metres, which substantially exceeds the recommended 14 metres. Dormer windows facing Franchise Street would serve some of the flats in the roof space with only roof lights in the roof plane to Old Park Road. It is therefore my view that the apartment block would not result in any loss of privacy to the occupiers of those properties.

13.3 Design concerns

Franchise Street is mainly characterised by terraced dwellings but also includes semi-detached and detached houses; dwellings vary in appearance and there is no uniform design code. By its nature an apartment block would differ from the existing house types but it is considered that the agent has considered the existing design code and tried to ensure that the appearance of the apartment block reflects that of no 2A Franchise Street – gable features, stone cills etc. It is noted that there is housing development further along Franchise Street that comprises of an apartment block at the corner with the junction.

Although 2A Franchise Street was a former vicarage the property is not a listed building, or within a Conservation Area. Furthermore, 2A is to be converted with minimal alterations or changes to its external appearance.

Apartment sizes are comfortable, and the agent has confirmed that internal floorspace now complies with the National Described Standards for one and two-bedroom flats.

The scale of the development would be two storeys, and the proposal would assimilate into the surrounding area. The following images shows the existing and proposed elevation to Franchise Street:





1. Street view along Franchise Street from west to east





2. Street view to Old Park Rd from Franchise Street



3. Street view to apartment block at corner of Franchise Street and The Junction

13.4 Highways concerns

The development meets with the approval of the highway authority and parking spaces are in accordance with the requirements of Council design guidance.



13.4 Submitted plans

Following the last meeting the agent has confirmed that the submitted plans do include a small part of no 2 Franchise Street. The agent has now corrected the red outline boundary and amended all relevant plans. Copies of the revised drawings have been sent to the adjoining neighbour without further response.

13.5 Legal covenant (Non-material)

This matter is a private one and isn't material to the decision. The agent also understands that his client may have a legal obligation to send the copies of the plans to the Bishop's office, but this is ultimately a private matter as stated (the covenant also refers to the dwelling house not being used as drinking establishment or 'amusement hotel tavern Inn').

However, the Bishop of Lichfield has been consulted by the planning department on the application without response. The agent has advised that his client has met with his solicitor and intends to progress this pending the planning decision.

14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the "planning balance". It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.

14.2 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.



15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.

16 Implications

Resources:	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.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

17. Appendices

Location plan SAP FS 22 05 LP 01

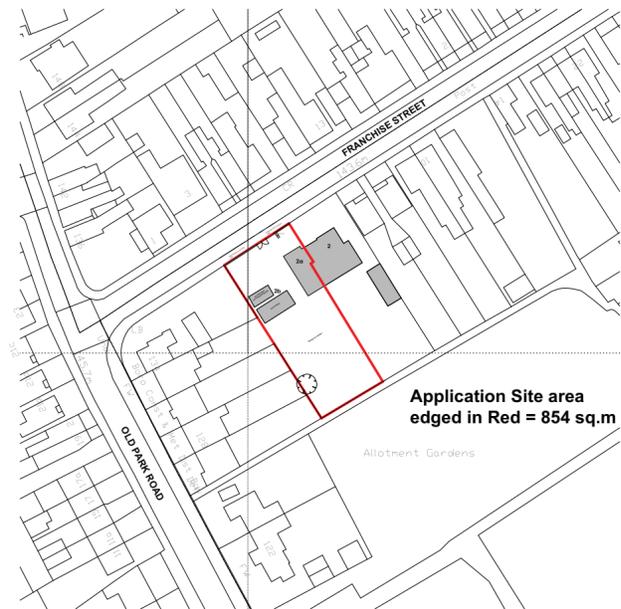
Amended site plan inc. parking SAP FS 23 03 GA 01 REV D

Proposed elevations SAP FS 23 03 GA 04 REV A



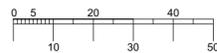
Proposed rear elevation SAP FS 23 03 GA 05
Proposed floor plans SAP FS 23 03 GA 06 REV B
Proposed floor plans SAP FS 23 03 GA 07 REV A





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Location plan - Existing
Scale 1 : 1250



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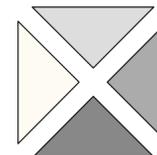
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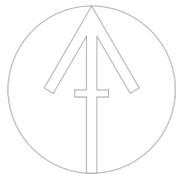
2a and 2b Franchise Street, Wednesbury. WV4

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Client: Private Client			
Project: Planning		Title: Existing Location Plan	
Date: May 2022	Scale: 1 : 1250 @ A2	Dwg No: SAP.FS.22.05.LP.01	Rev: A

North



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SCHEDULE OF ACCOMMODATION

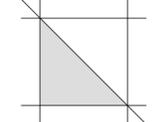
- Unit A1 : 2 bed - 70sqm / 752sq.ft
- Unit A2 : 1 bed - 56sqm / 602sq.ft
- Units A3, A4, : 2 bed Duplex - 63sqm / 677sq.ft
- Unit A5, A6 : 2 bed - 63sqm / 677sq.ft
- Unit A7 : 1 bed Duplex- 70sqm / 752sq.ft
- Unit A8 : 2 bed Duplex- 90sqm / 967sq.ft

Total: 8 units

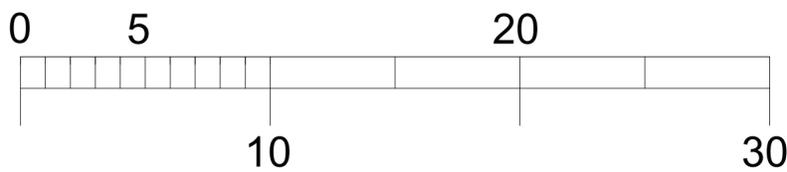
Parking Provisions:

- 1 space per unit (8)
- Cycle parking with 4no. hoops (space for 8 bikes)

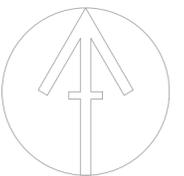
Legend

-  Red Line Application Boundary
Area 868 sqm / 0.086 Ha.
Subject to Client Confirmation
-  Existing Buildings

Site plan
Scale 1 : 200



North



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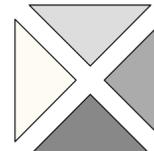
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2a and 2b Franchise Street, Wednesbury. WV4

Access to Allotment
Gardens from Old Park Road

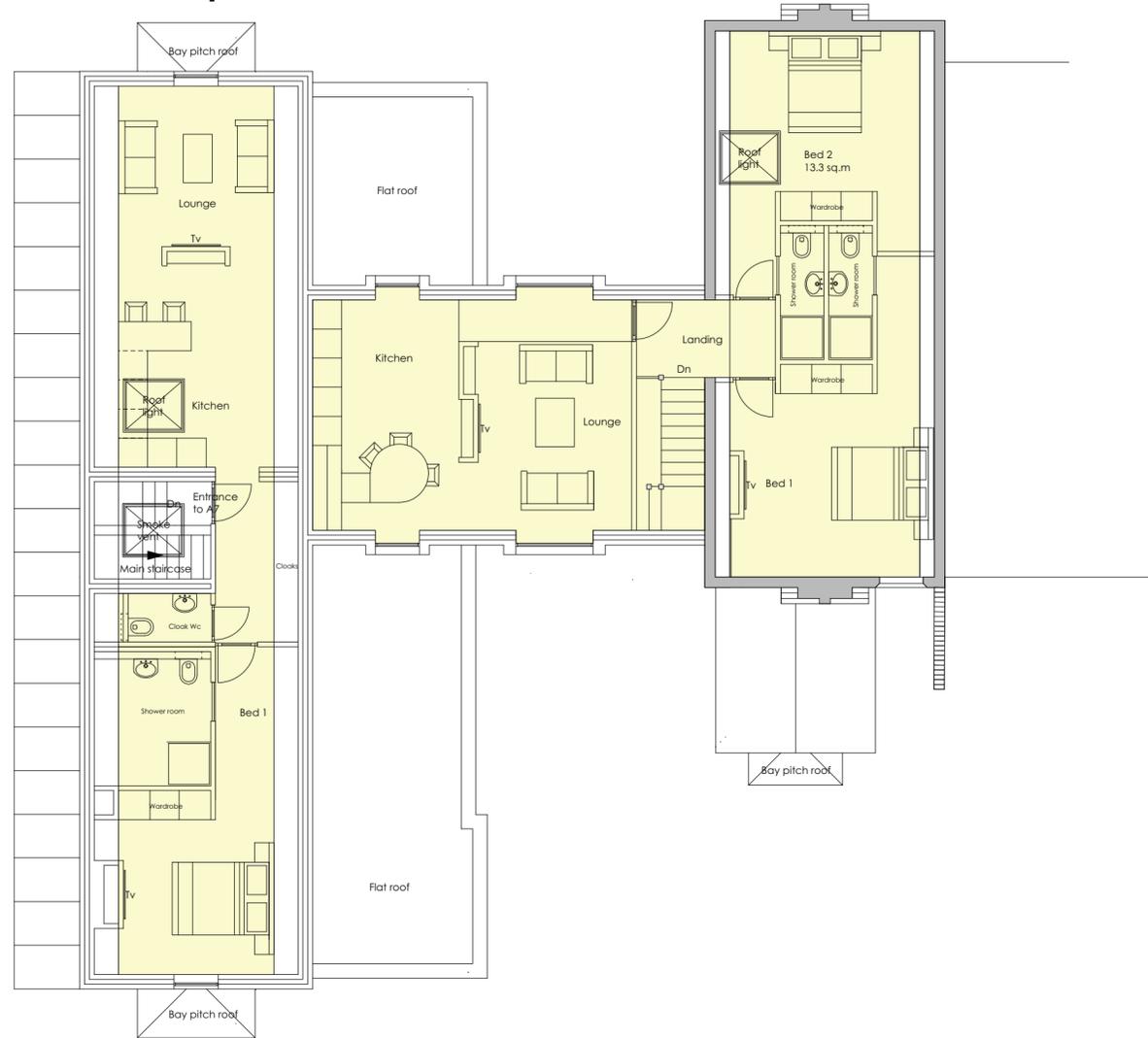
- Rev D Jan 2024 Minor amendments Highway request
- Rev C Nov 2023 Minor amendments Highway request
- Rev B Aug 2023 Minor amendments Planning request
- Rev A July 2023 Minor amendments Planning request



Client: Private Client			
Project: Planning		Title: Proposed Site Plan	
Date: March 2023	Scale: 1 : 200 @ A2	Dwg No: SAP.FS.23.03.GA.01	Rev: D

Unit A7
1-Bed 2p
53 sq.m

Unit A8
2-Bed 3p
84 sq.m



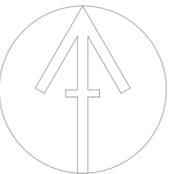
Second floor plan
 Scale 1 : 100

Proposed floor layout
 Scale 1 : 100 @A2



2a and 2b Franchise Street, Wednesbury. WV4

North



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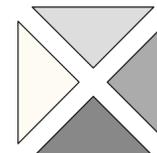
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Dec 2023 Minor amendments Planning request
 Aug 2023 Minor amendments Planning request
 July 2023 Minor amendments Planning request



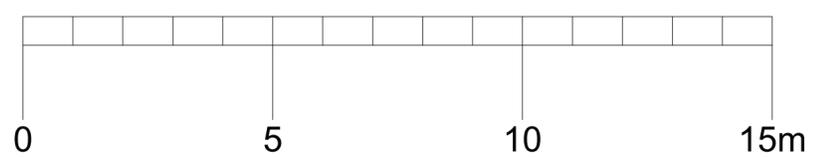
Client: Private Client			
Project: Planning		Title: Proposed Second floor Plan	
Date: March 2023	Scale: 1 : 100 @ A2	Draw No: SAP.FS.23.03.GA.07	Rev: A



Elevation to rear
Scale 1 : 100



Elevations
Scale 1 : 100



Sept 2023 Minor amendments Planning request
 Aug 2023 Minor amendments Planning request
 July 2023 Minor amendments Planning request



Client: Private Client			
Project: Planning		Title: Proposed Elevation - rear	
Date: March 2023	Scale: 1 : 100 @ A2	Dwg No: SAP.FS.23.03.GA.05	Rev:



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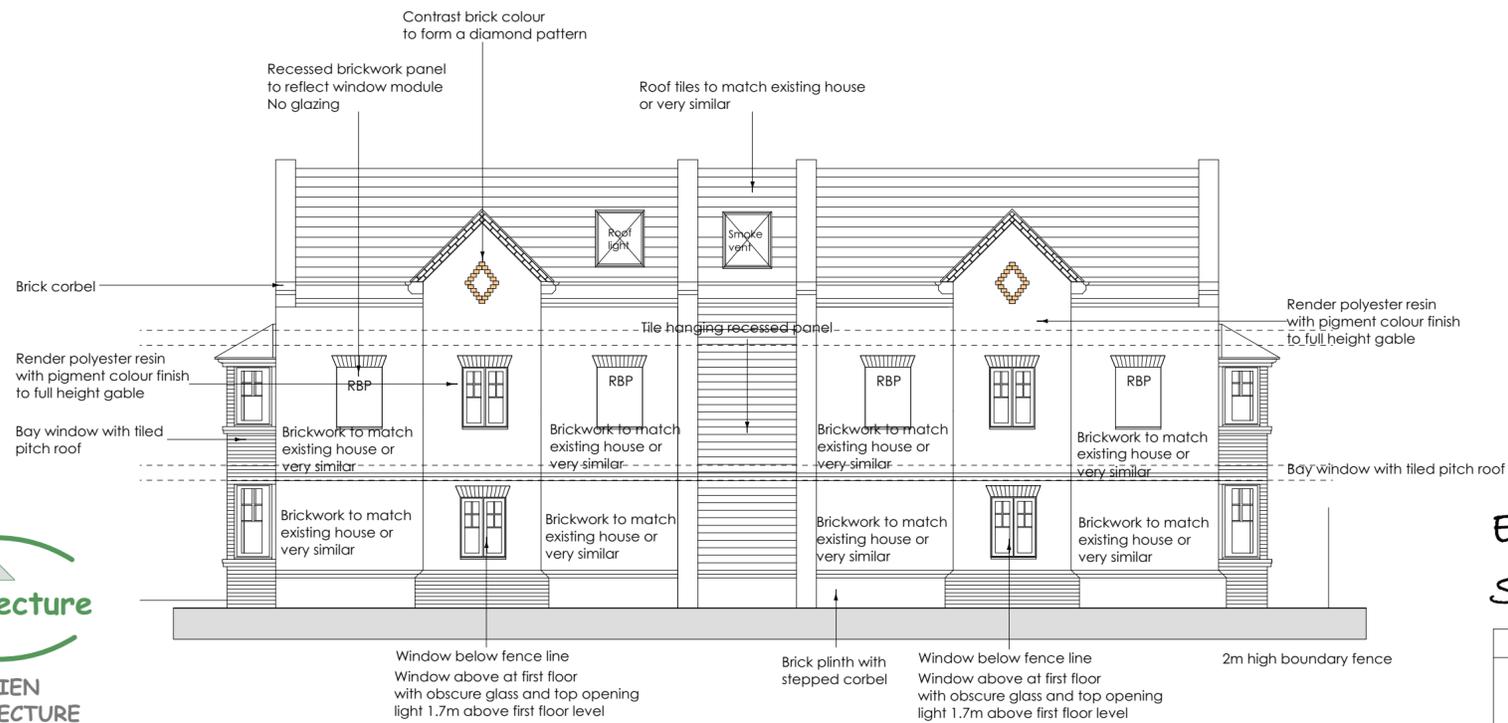
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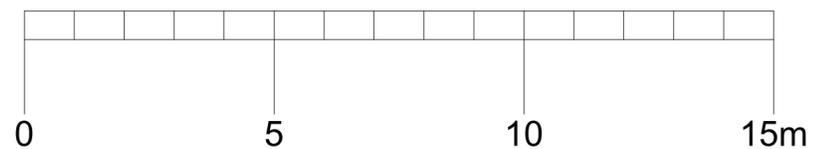
Elevation to Franchise Street
Scale 1 : 100



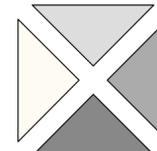
Elevation to Old Park Road
Scale 1 : 100

2a and 2b Franchise Street, Wednesbury. WV4

Elevations
Scale 1 : 100



Jan 2024 Minor amendments Planning request
Aug 2023 Minor amendments Planning request
July 2023 Minor amendments Planning request



Client: Private Client			
Project: Planning		Title: Proposed Elevations	
Date: March 2023	Scale: 1 : 100 @ A2	Dwg No: SAP.FS.23.03.GA.04	Rev: A



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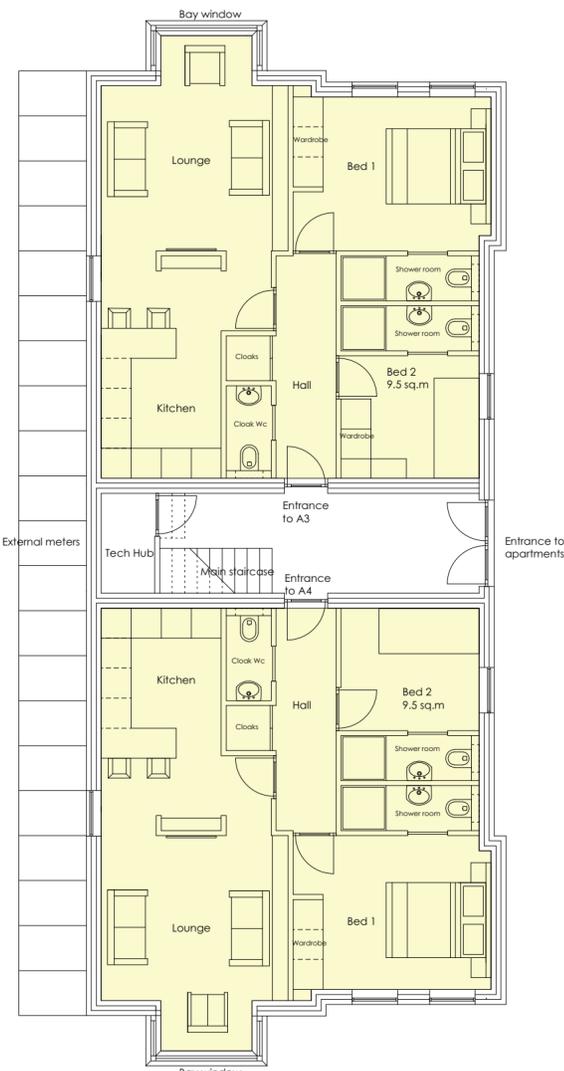
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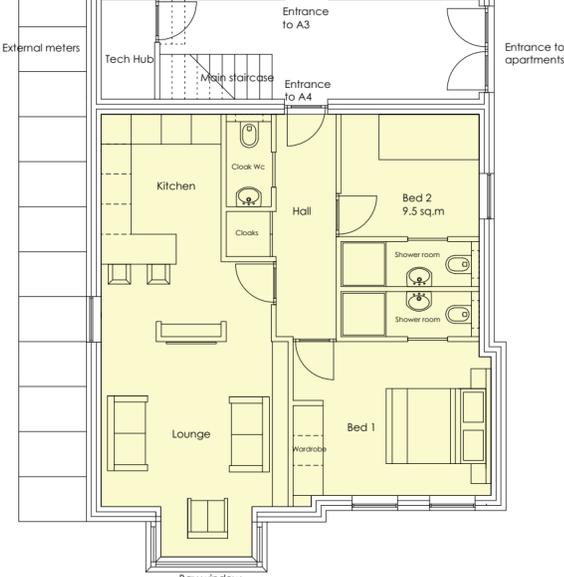
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Unit A3
2-Bed 3p
63 sq.m



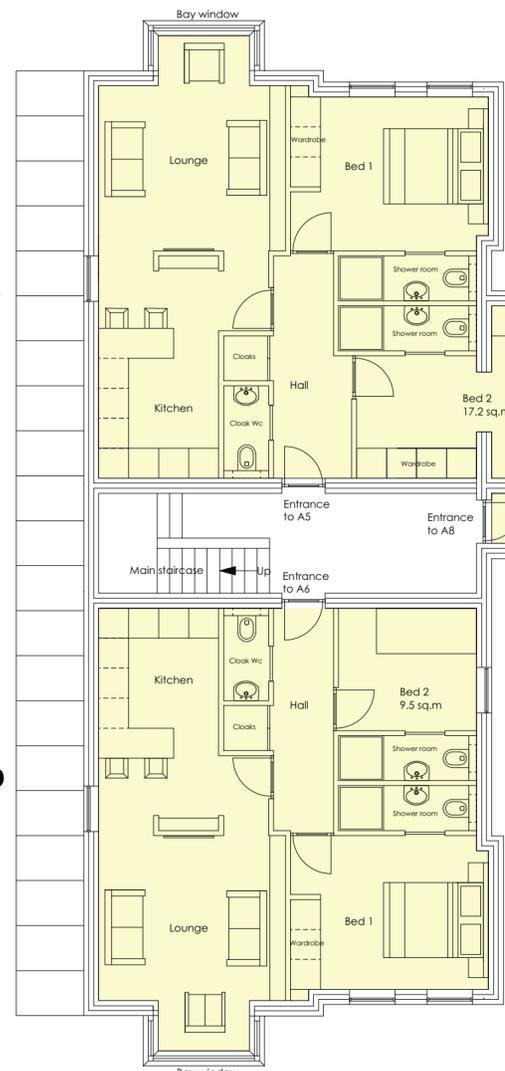
Unit A4
2-Bed 3p
63 sq.m



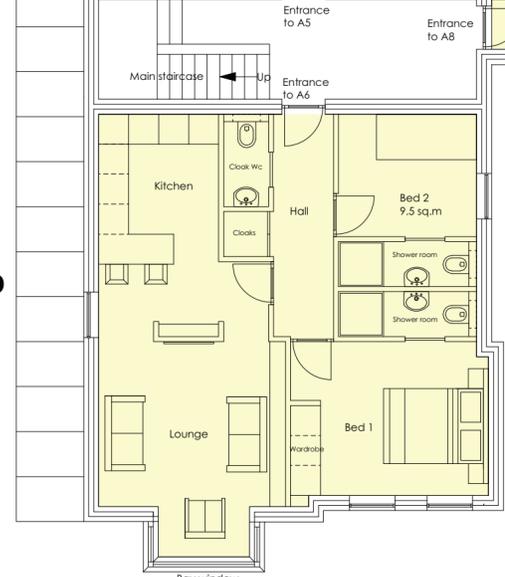
Unit A1
2-Bed
3p Duplex
Ground
35 sq.m



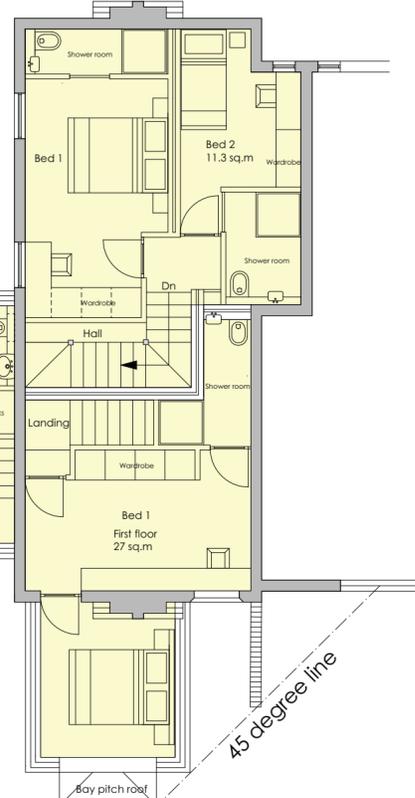
Unit A5
2-Bed 3p
69 sq.m



Unit A6
2-Bed 3p
63 sq.m

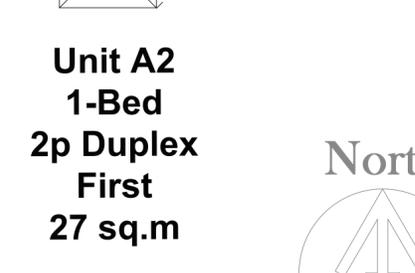


Unit A1
2-Bed
3p Duplex
First
35 sq.m



Unit A8
13 sq.m

Unit A2
1-Bed
2p Duplex
First
27 sq.m



Ground floor plan
Scale 1 : 100

First floor plan
Scale 1 : 100

Proposed floor layouts
Scale 1 : 100 @A2



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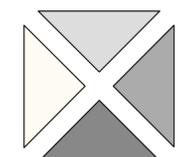
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Client: Private Client			
Project: Planning		Title: Proposed Ground and First floor Plan	
Date: March 2023	Scale: 1 : 100 @ A2	Doc No: SAP.FS.23.03.GA.06	Rev: B