

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Keith Inston (Lab)
Vice-chair Cllr Anwen Muston (Lab)

Labour

Cllr Alan Butt
Cllr Celia Hibbert
Cllr Clare Simm
Cllr Mak Singh
Cllr Martin Waite
Cllr Olivia Birch
Cllr Roger Lawrence
Cllr Phil Page

Conservative

Cllr Jonathan Yardley
Cllr Wendy Thompson

Quorum for this meeting is four Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope
Tel/Email Tel 01902 554452 or email donna.cope@wolverhampton.gov.uk
Address Democratic Services Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of the previous meeting (Pages 3 - 8) [To approve the minutes of the previous meeting as a correct record]
4	Matters Arising [To consider any matters arising]
5	19/00039/FUL - 141 Victoria Road, Wolverhampton, WV11 1RL (Pages 9 - 14) [To consider the planning application]

Attendance

Councillors

Cllr Keith Inston (Chair)
Cllr Anwen Muston (Vice-Chair)
Cllr Alan Butt
Cllr Celia Hibbert
Cllr Clare Simm
Cllr Mak Singh
Cllr Roger Lawrence
Cllr Olivia Birch
Cllr Martin Waite
Cllr Phil Page
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of City Planning
Martyn Gregory	Section Leader City Planning
Phillip Walker	Senior Planning Officer
Veronica Russell	Planning Officer
Kirsty Hodson	Planning Officer
Megan Benbow	Planning Officer
Vijay Kaul	Senior Planning Officer
Tim Philpot	Professional Lead - Transport Strategy
Leonie Woodward	Lead Lawyer
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Wendy Thompson.

2 Declarations of interest

Councillor Roger Lawrence declared a non-pecuniary interest in respect of agenda item 8, application 18/00911/FUL, Land bounded by Cross Street North, Birmingham Canal and Cannock Road.

Councillor Mak Singh declared a non-pecuniary interest in respect of agenda item 7, application 18/01479/FUL - 29-31 Coronation Road, Ettingshall, Wolverhampton.

3 Minutes of the previous meeting

Resolved:

That the minutes of the previous meeting held on 19 March 2019 be confirmed as a correct record and signed by the Chair.

4 Matters Arising

There were no matters arising.

5 18/01458/FUL - 16 Park Avenue, Wolverhampton

The Committee considered a report regarding 18/01458/FUL - Front, side and rear extensions to existing bungalow, introduction of a bedroom in roof space with rear dormer window.

Martyn Gregory, Section Leader, City Planning, reported that neighbouring resident, Mr Johnstone, had withdrawn his request to speak at the meeting but wanted his concerns shared with the Committee. The Section Leader listed Mr Johnstone's objections to the application.

Mr Gurcharan Singh addressed the Committee and spoke in support of the application.

Resolved

That planning permission be granted for application 18/001458/FUL subject to conditions to include:

- Matching materials

6 19/00298/FUL - 18 Nethy Drive, Wolverhampton, WV6 8TF

The Committee considered a report regarding 19/00298/FUL - Single and double storey front extensions and internal alterations (resubmission of 18/01252/FUL). The report had been referred to Planning Committee as the applicant was a Member of the Council.

Resolved

That planning permission be granted for application 19/00298/FUL subject to conditions including:

- Materials as specified on the plans
- Bathroom window located within Bedroom 1 to be obscurely glazed at level 4 and maintained as such in perpetuity.

7 18/01479/FUL - 29-31 Coronation Road, Ettingshall, Wolverhampton

Having declared an interest, Councillor Mak Singh left the meeting room whilst the application was considered.

The Committee considered a report regarding 18/01479/FUL - Change of use of part of building into a takeaway (use class A5)

Councillor Beverley Momenabadi addressed the Committee and spoke in opposition to the application.

Mr Mandeep Sekhon addressed the Committee and spoke in support of the application.

Resolved

That Planning application 18/01479/FUL be refused for the following reasons:

- Impact on neighbouring residents – smells, increased noise and disturbance
- Impact on character of the area
- Insufficient parking provision

Councillor Mak Singh returned to the meeting.

8 18/00911/FUL - Land bounded by Cross Street North, Birmingham Canal and Cannock Road

Having declared an interest, Councillor Roger Lawrence left the meeting room whilst the application was considered.

The Committee considered a report regarding 18/00911/FUL - Construction and operation of an Incinerator Bottom Ash Recycling Facility.

Phillip Walker, Senior Planning Officer, reported that since the agenda had been published, landscape plans had been received but were not acceptable and further work was required to achieve an acceptable landscaping solution.

Resolved

That the Strategic Director of Place be given delegated authority to grant planning application 18/00911/FUL subject to:

(i) A Section 106 agreement for the following:

- Transfer of land strip adjacent to Cross Street North and Cannock Road junction
- £3600 maintenance sum for landscape works to the strip of land

(ii) No overriding objections received from neighbours in respect of the amended process plant drawings;

(iii) Receipt of acceptable plans for a landscape bund and planting within the southern part of the site;

(iv) Any appropriate conditions including:

- Use restricted to IBA and no other waste activity;
- 10% renewable energy;
- No additional openings in process plant building;
- Details of external loading hopper;
- External Materials including hard surfacing;
- Implementation of landscaping including the land strip alongside canal;
- Full details of boundary treatments including, fencing, security fence panels, access gates, acoustic / metal screens and retaining walls;
- Lighting layout;
- Details of material pens;
- Provision of acoustic screens;
- Requirement to damp down externally stored IBA product;
- Site levels;
- Drainage details;
- Raw and aggregate material shall only to be stored in those areas shown on the approved plans;
- Raw material stockpiles to be no taller than 8 metres;
- Aggregate / product material stockpiles to be no taller than 12 metres;
- Traffic Regulation Orders;
- Archaeological watching brief;
- Provision and retention of car parking;
- Bin stores;
- Cycle stores;
- Electric vehicle charging points;
- Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
- Hours of processing and handling of IBA on site:
 - 0700 to 2100 Monday to Friday
 - 0700 to 1600 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
- Hours of deliveries and despatch:
 - 0700 to 1800 Monday to Friday
 - 0800 to 1600 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
- Additional hours for maintenance operations only:
 - 1300 to 1700 Saturdays

Councillor Roger Lawrence returned to the meeting.

9 19/00134/FUL - 38 Highlands Road, Wolverhampton, WV3 8AH

The Committee considered a report regarding 19/00134/FUL - Two storey side extension.

Mr Stephen Flannagan addressed the Committee and spoke in opposition to the application.

Veronica Russell, Planning Officer, responded to the statements made and confirmed that the proposals were acceptable.

Resolved

That planning application 19/00134/FUL be granted subject to the following conditions:

- Matching materials
- No additional windows or other form of opening above ground floor level shall be introduced into the side elevation.
- First floor rear window obscurely glazed

10 19/00106/FUL - Land To The Rear Of 45 Rookery Road, Wolverhampton.

The Committee considered a report regarding 19/00106/FUL - Erection of 8 apartments and 4 houses to include remedial, access works and landscaping.

Mr Thomas O'Neill addressed the Committee and spoke in support of the application.

A Member of the Committee made a request for the site developer to consult with local residents regarding construction disturbance.

Vijay Kaul, Senior Planning Officer, confirmed that construction disturbance was addressed by way of condition (construction management plan) should planning permission be granted.

Resolved

That the Strategic Director of Place be given delegated authority to grant planning application 19/00106/FUL subject to:

(i) Section 106 Agreement to secure:

- Provision of 25% Affordable Housing (for this development and 17/01495/FUL)

(ii) Subject to any appropriate conditions including (but not limited to):

- External materials.
- Levels.
- Construction Management Plan (inc operational hours).
- Land contamination and ground gas.
- Intrusive site investigation (coal mining).
- Drainage.
- Landscaping.
- Boundary treatments and retaining structures.
- Electric charging points.
- Renewable energy.
- No external lighting without approval.
- Remove PD rights for rear extensions and dormers.
- No more than three dwellings (across either development site) to be occupied prior to Bayliss Avenue Road widening.
- 1.8m footway on both sides of widened road.
- Long-term Landscape Management Plan
- Bin store
- Cycle store details

11 **19/00062/FUL - 38 Riley Crescent, Wolverhampton**

The Committee considered a report regarding 19/00062/FUL - Erection of two semi-detached three-bedroom houses on land formerly used as a builder's yard (rear of no.38), associated landscaping works and the demolition of single storey extensions at 38 Riley Crescent with associated remedial works.

Kirsty Hodson, Planning Officer, reported an error in the report and stated that each reference to 37 Riley Crescent should state 36 Riley Crescent.

Mr Mark Holman addressed the Committee and spoke in opposition to the application.

In response to statements made, the Planning Officer, stated that a condition regarding glazed windows with limited opening capacity could be added.

Members of the Planning Committee welcomed the application.

Resolved

That planning permission be granted for application 19/00062/FUL subject to the following conditions:

- Details of boundary treatments
- Landscaping scheme
- Joinery details
- Level plan
- Bin storage details
- Materials

- Parking and access as shown on plan
- Construction working hours
- Remove permitted development rights for extensions/outbuildings/first floor windows
- First floor windows obscure glazed/non opening 1.7m
- Electric vehicle charging point.

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CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 9 July 2019
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Planning application no.	19/00039/FUL	
Site	141 Victoria Road, Wolverhampton, WV11 1RL	
Proposal	Proposed two storey side and rear extension & Change of Use from a C3 (Dwelling House) To C4 (House in Multiple Occupation)	
Ward	Heath Town	
Applicant	Mr V Singh	
Cabinet member with lead responsibility	Councillor Harman Banger Cabinet Member for City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	City Planning	
Accountable employee	Veronica Russell	Planning Officer
	Tel	01902 552790
	Email:	Veronica.Russell@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant.

2.0 Application site

2.1 The application site is located within the Fallings Park area. The existing dwelling is a three-bedroom semi-detached property in a street which is characterised by properties of varying age, size and style. There is parking within the curtilage for two small cars.

3.0 Application details

- 3.1 The application seeks planning permission for a proposed two storey side and single storey rear extension and change of use from a C3 (Dwelling House) to C4 (House in Multiple Occupation) for five people. The applicant has amended the application and reduced the size of the extension and the number of occupiers from six to five.
- 3.2 The proposal would result in a five bedroomed property. The ground floor would provide a kitchen, dining area and lounge and two bedrooms. It is proposed upstairs will have three bedrooms, two of which are en-suite and a large bathroom. All living and bedroom spaces are of good sizes.

4.0 Relevant policy documents

- 4.1 National Planning Policy Framework (NPPF)
The Development Plan:
Wolverhampton Unitary Development Plan (UDP) AM12, AM15, H6, and D10
Black Country Core Strategy (BCCS), ENV3

5.0 Publicity

- 5.1 Eight objections were received. Comments below:

- Peak time traffic, impact from schools, New Cross hospital and impact from Prestwood Road West.
- Inadequate parking.
- Difficulty manoeuvring off drives.
- Through road to two neighbouring schools.
- Health and Safety concerns for children crossing the road.
- Fear of negative health and wellbeing of existing residents.
- Fear of noise, litter, drug abuse and nuisance.
- Visual impact.
- Harm to bats.
- Loss of light from extension.
- Community safety (dead space between proposed double storey extension and detached home).
- Cycle bars will be out of character on the street.

6.0 Consultees

- 6.1 Police - No adverse comments.
- 6.2 Private Sector Housing - No adverse comments subject to conditions.
- 6.3 Transportation – No adverse comments subject to conditions.
- 6.4 Landscape and Ecology – No adverse comments.

7.0 Legal implications

- 7.1 There are no legal implications arising from this report (LD/26062019/M).

8.0 Appraisal

- 8.1 HMOs are in a different use class to a single dwelling house as they are different in character. HMOs can provide much needed acceptable accommodation for people in housing need as well as accommodation for professionals. HMOs can also give rise to

the fear of anti-social behaviour and fear of crime however when properly managed and designed these issues can be controlled.

- 8.2 The council introduced an Article 4 Direction in 2017, requiring prospective applicants to submit a planning application where the applicant seeks an HMO for three or more persons and each application is then assessed on its merits. Matters for consideration are:
- i) Potential impact on highway safety.
 - ii) Fear of crime, ensuring that the application will not undermine quality of life or community cohesion (National Planning Policy Framework paragraph 59). The creation of safe and accessible environments.
 - iii) Impact on the character of the area. The character of the existing use and proposed use.
 - iv) Potential for crime, evidence sought from the police and through neighbour consultations.
- 8.3 It is proposed to add a two-storey side and single storey rear extension to the existing dwelling. The two-storey side extension would be set back 1.75m from the front elevation and would not project any further back than the rear face of the existing dwelling. The adjacent neighbour at 139 Victoria Road has no side facing windows.
- 8.4 The single storey rear extension would be 1.85m from the boundary with 139 Victoria Road, projecting 2.45m and be stepped again to be 4.4m from the same boundary and project 4m. The single storey rear extension would be set in 200mm from the boundary with its adjoining neighbour at 143 Victoria Road and project 4 metres, but this neighbour has a rear conservatory, so the proposed extension would project 1.4m beyond the neighbour's conservatory.
- 8.5 The proposed extensions are sympathetic in design and proportionate in scale to the original building. The extension will not be detrimental to the character of the house and will not result in any significant loss of privacy or light to the adjacent properties.
- 8.6 The proposed HMO would not be out of character in this case as it is situated in an area of various property types, semi-detached, bungalows and properties ranging from early Victorian dwellings to 1980s construction and varying house characters of differing heights and aesthetic outlook. The street is busy and active with constant vehicle use.
- 8.7 Although HMOs are materially different from a family home, having individuals occupying rooms will not in itself cause an unreasonable negative impact on neighbour amenity and the occupation of this property as an HMO would not be out of character on this street, particularly in this case the bedrooms are a good size, two have en-suites and there is a relatively generous provision of amenity space.
- 8.8 The Police have no objections regarding the principle of the development as the proposal would not create an unreasonable fear of crime or result in crime and anti-social behaviour to adversely affect the character of the area.

- 8.9 Private Sector Housing have no objections regarding the principle of the development and have stipulated rooms be capped to five.
- 8.10 Transportation have no objections regarding the principle of the development and that it would not result in a significant increase in car parking demand and amount of vehicle trips. The reduced car ownership typical of HMOs would not impact on the peak time traffic. Transportation has raised concerns if this were a five-bedroom family home. The permitted development rights to convert the HMO (Class C4) to a dwelling house (Class C3) could be removed on highway grounds.
- 8.11 As a result of observations made by a neighbour that bats occupy the roof space, a bat survey was undertaken at the site which concluded that the structure contains no bat roosts but makes recommendations for a bat and bird box to enhance the ecological value for the local bat and bird populations.
- 8.12 Three bins will be located to the side of the property and as this is an HMO it is unlikely to cause significantly more waste than a single occupancy of this large family dwelling.

9.0 Conclusion

- 9.1 The proposed extensions to the property are acceptable in scale and design and would not result in any harm to resident's amenity. The change of use of the property to a House in Multiple Occupation (HMO) is considered acceptable. The number of tenants occupying the proposed development would not result in any significant harm to neighbour amenities.
- 9.2 Neighbour objections were taken into consideration and there would be no severe impact on highway safety or increase in crime or anti-social behaviour sufficient to undermine the quality of neighbours' amenity and no harm to protected species and the development is in accordance with the development plan.

10.0 Detail recommendation

- 10.1 Grant application on the following conditions.
- No more than five residents at any given time.
 - Cycle parking.
 - Remove permitted development right to change to Class C3.
 - Install bat and bird box.



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