

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
29 AUGUST 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 29 AUGUST 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 7115 The Chair welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. She stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.

NOTICE OF RECORDING

- 7116 The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 7117 The Chair reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the Minutes of the meeting.

APOLOGIES

- 7118 There were no apologies for this meeting.

CHAIR'S ANNOUNCEMENTS

7119 The Chair informed Members that report number 9 on the agenda in respect of Kent Street had been withdrawn by the Director, Inclusive Growth for further discussions to take place on the Agent Change and noise issues.

The Chair reminded members that the next three meetings were scheduled to take place on the 12, and 26 September and the 10 October 2019.

The Chair advised that there were no Minutes for the previous meetings that were held in August, but that these would be submitted at the next Committee meeting in September.

The Chair invited the Assistant Director, Development to give a brief update regarding GDPR.

The Assistant Director, Development stated that they had various exchanges in the past regarding GDPR and the approach that the City Council and the local Planning Authority had taken based on legal advice and current practice. They were still awaiting national guidance, but would share this with the Committee once they had information concerning the issue along with implications for their approach.

In relation to objectors comments on planning applications and their approach to GDPR, they needed to ensure, that all personal information which was not relevant to the decisions were redacted from those decisions. This did not just include names and addresses, but any specific information within the content of the letter which would identify the objector. It will take some time to do this, hence the reason for reporting all the pertinent planning issues in the Committee and officers reports. However, there was nothing stopping the Councillors requesting objectors' comments, but they needed to be mindful of the time constraints in doing that and the workload for officers.

MINUTES

7120 There were no Minutes for this meeting.

MATTERS ARISING

7121 No matters were raised.

NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

7122 None submitted.

PETITIONS

7123 None submitted.

The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH

The following reports were submitted:-

(See Document No. 1)

Planning Applications in respect of the City Centre Area

Report No 9 – 16 Kent Street, Southside, Birmingham, B5 6RD - 2018/03004/PA

7124 It was noted that the report was withdrawn.

Planning Applications in respect of the East Area

Report No 10 – 3 Elmdon Road, Acocks Green, Birmingham B27 6LJ - 2019/01470/PA

The Area Planning Manager (East) indicated that there were further correspondence from the applicant and the objector. The Area Planning Manager (East) stated that the Acocks Green Focus Group requested that member's attention be drawn to the following points:

- Potential noise disturbance, particularly for adjoining occupier – use of terraced or semi-detached property for the proposed use would be contrary to policy.
- Insufficient staff – only 1 or 2 at any one time and the Care Quality Commission report for the Manchester Residential Home expresses concerns regarding insufficient staff.
- Cumulative Impact – already having a no. of properties in road converted into flats, care homes and other non- residential uses – specifically making reference to 7, 34, 36 & 44 Elmdon Road (flats) and 2 hotels (18 & 20-24 Elmdon Road).
- Increased car parking problems.
- General concerns about changing nature of road and potential Conservation Area and therefore this location is unsuitable for the proposed use.

The applicant and brother will be the registered directors of the company running the home. They were currently Directors of an elderly care home based in Chesterfield which they have owned for two years. They were governed by the Care Qualities Commission and will work closely with their experienced registered manager to ensure that the home was operated correctly. The manager will go through an intensive interview process with OFSTED.

The home will be integrated within the community.

Comments in the report by Councillor O'Shea were noted and a response was provided to him and the local community by letter.

At the beginning of the process, letters were sent to all residents on the road to explain their intentions and they were invited to discuss anything further. Some residents did approach the applicant and their concerns were addressed.

The home will operate as a normal family home. Each child will have their own bedroom with communal lounge, dining room and garden. No structural changes will be made to the building, therefore in keeping with the surrounding area. This property will be used to provide a service for children in need of support and a safe environment, whilst being integrated into the local community.

An objector spoke against the application.

The applicant spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objector and supporter.

Members commented on the application and the Area Planning Manager (East) responded thereto.

Councillor Lou Robson proposed and Councillor Mike Ward seconded that the application be deferred for further information in relation to the discrepancy between the police comments and the other points that had been raised.

The Chair put the proposal of the deferral for further information to the vote and it was 13 in favour, 0 against and 0 abstentions.

7125

RESOLVED:-

That consideration of the application referred to in the report be deferred for further information.

Report No 11 – Former Smith and Nephew Site, Alum Rock Road, Saltley, Birmingham B8 3BX - 2019/04566/PA

The Area Planning Manager (East) indicated that a further response was received from Councillor Mohammed Idrees stating that he fully supports the application.

He continued that the Skills and Employability, Education and Skills Directorate have raised no objections, subject to construction employment plan condition – which had already been attached to the report.

Additionally Condition 28 (S.278/ TRO Agreement) should be removed and merged with Condition 27 (S.278/ TRO Agreement)

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7126

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report and amended below:-

Condition 28 be deleted

Revised Condition 27

Requires the submission and completion of works for the S278/TRO Agreement.

The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include removal of redundant sections of footway crossings/vehicular accesses and reinstatement with full height kerbs, installation of pedestrian guardrail, 1-way Traffic Regulation Order to Rockville Road and Alderson Road, construction of new vehicular access on Alum Rock Rd midway between Foxton Road and Brook Hill Road, modification of all necessary Traffic Regulation Order(s) on Alum Rock Road (including provision of School Keep Clear markings) and all associated costs relating to carriageway markings, highway signage (illuminated/non-illuminated), future maintenance, power, design/road safety audit/supervision fees and accrual charges and are to be carried out at the applicants expense to Birmingham City Council specification. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 12 – Lyndhurst Estate and Former Normanhurst Care Home, Sutton Road, Erdington, Birmingham B23 5UJ - 2019/02213/PA

The Area Planning Manager (East) stated that there were no updates.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7127

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report.

Report No 13 – Former Lyndhurst Estate, Sutton Road, Erdington, Birmingham B23 - 2018/10061/PA

The Area Planning Manager (East) there were no updates.

Councillor Bob Beauchamp stated that the site was known as the Abbeyfields Estate.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7128 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 14 – Land Off Alum Drive (Land Rear of 24-54 Alum Drive) Bordesley Green, Birmingham B5 5PF - 2019/01038/PA

The Area Planning Manager (East) there were no updates.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7129 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 15 – 93 Fourth Avenue, Bordesley Green, Birmingham B9 5RG - 2019/05338/PA

The Area Planning Manager (East) indicated that additional comments had been received from a neighbouring resident, stating concerns with regard to:

- The removal of the shared garden wall;
- No permission had been given to build foundation on the adjoining property boundary;
- No permission had been given for the roof gutters to hang over the property boundary; and
- It was not clear whether the extension would be built onto the existing garden boundary wall

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The Area Planning Manager (East) stated that the concerns were noted, but that they related to civil matters and therefore could not be considered as part of this planning application.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7130 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Planning Applications in respect of the South Area

Report No 16 – 46 Selly Hill Road, Selly Oak, Birmingham B29 7DL - 2019/01933/PA

The Area Planning Manager (South) stated that there were no updates.

The agent spoke in favour of the application.

Members commented on the application and the Area Planning Manager (South) and the Assistant Director, Development responded thereto.

Upon being put to a vote on the original recommendation to approve, it was 9 in favour, 2 against and 2 abstentions -

7131 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Report No 17 – Turves Green Girls School, Turves Green, Birmingham B31 4BP - 2019/03573/PA

The Area Planning Manager (South) stated that there were no updates.

Councillor Peter Griffiths indicated that he may have a conflict of interest as a non-executive Director of Acivico (Building Consultancy) Ltd and withdrew from the meeting.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions -

7132 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

Councillor Peter Griffiths returned to the meeting having had no part in the discussion or the decision that took place.

Planning Applications in respect of the North West Area

**Report No 18 – 24 Roughley Drive, Sutton Coldfield, Birmingham B75 6PN
- 2019/03757/PA**

The Area Planning Manager (North West) stated that there were no updates.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7133

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report.

**Report No 19 – Report Back Following Site Visit – 22 August 2019 – 61
Kingstanding Road, Kingstanding, Birmingham B44 8BA - 2018/10315/PA**

The Area Planning Manager (North West) indicated that representation was received in support of the application.

A further objection was received containing 6 signatures making the following additional comments:

- If this development was allowed, it will open the door for future developers to buy up bungalows and convert them to houses for private landlords. It was hard to believe that Birmingham City Council would condone this act of land grabbing in its worst form.
- The windows at the back will take away the privacy and security, which would lead to the property price drop because privacy was a major selling factor.
- There were no other bungalows in this community of bungalows that had an upstairs window.
- The applicant had no consideration to her fellow neighbours' space, peace and privacy.

Members commented on the application and the Area Planning Manager (North West) responded thereto.

Upon being put to a vote it was 10 in favour, 0 against and 3 abstentions -

7134

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report.

Policy Reports

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Appeal Decisions Received from the Planning Inspectorate in July 2019

The following report of the Corporate Director, Economy was submitted:-

(See Document No. 2)

Members commented during which they thanked officers for their hard work.

7135 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in July 2019 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7136 None submitted.

OTHER URGENT BUSINESS

7137 No other urgent business was raised.

AUTHORITY TO CHAIR AND OFFICERS

7138 **RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

7139 In light of the fact that there were no private Minutes submitted to the meeting and no Members were indicating that they wished to raise an item of private business, the Chair indicated that there was no need to exclude the public and she was closing the meeting.

The meeting ended at 1215 hours

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CHAIR