

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>26 MAY 2016</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 26 MAY 2016 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, Cornish, Douglas Osborn, Fazal, Henley, C Jones, Linnecor, Moore and Williams.

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### **PUBLIC ATTENDANCE**

- 4676      The Chairman welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. He stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.

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### **NOTICE OF RECORDING**

- 4677      The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.

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### **APOLOGIES**

- 4678      Apologies were submitted on behalf of Councillors T Ali, Booton and K Jenkins.

**APPOINTMENT OF COMMITTEE , CHAIR AND DEPUTY CHAIR**

4679

**RESOLVED:-**

- (i) That the resolution of the City Council appointing the Committee and Chair, with membership set out below for the period ending with the Annual Meeting of the City Council in May 2017 be noted:-

**Labour Group**

Councillors T Ali, Azim, Booton, Fazal, Henley, K Jenkins, Kooner, Linnecor, Sharpe (Chair) and Williams.

**Conservative Group**

Councillors Beauchamp, Cornish, Douglas Osborn and Moore.

**Liberal Democrat Group**

Councillor C Jones.

- (ii) that Councillor Linnecor be elected Deputy Chair, for the purpose of substitution for the Chair if absent, for the period ending with the Annual Meeting of the Council in 2017.

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**FUNCTIONS, POWERS AND DUTIES**

The following schedule was submitted:-

(See document No 1)

4680

**RESOLVED:-**

That the schedule of functions, powers and duties of the Committee be noted.

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**DECLARATIONS OF INTEREST**

4681

Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

No declarations were made.

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**CHAIRMAN'S ANNOUNCEMENTS**

**Planning Committee Meetings**

4682 The Chairman informed Members that meetings were scheduled to take place on 9, 23 June and 7, 21 July 2016.

The Head of Planning Management advised that extra training was scheduled to take place on 30 June 2016 and that annual training was due to take place in July 2016.

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**MINUTES**

4683 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public be noted.

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**MATTERS ARISING**

4684 There were no matters arising.

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**NOMINATIONS TO SERVE ON VARIOUS BODIES**

The following schedule was submitted:-

(See document No 2)

Councillor Douglas Osborn advised that the Birmingham Conservation Trust was no longer accepting nominations from the Planning Committee. The Chairman undertook to investigate the matter.

4685 **RESOLVED:-**

- (i) That Councillors Azim, Douglas Osborn and Williams (Chairman) be appointed to serve on the Conservation and Heritage Panel for the period ending with the Annual Meeting of the City Council in 2017;

## **Planning Committee – 26 May 2016**

- (ii) that meetings of the Conservation and Heritage Panel be held on the following Mondays commencing at 1000 hours:-

### **2016**

13 June  
11 July  
8 August  
12 September  
10 October  
14 November  
12 December

### **2017**

9 January  
13 February  
13 March  
10 April  
8 May

- (iii) that the Chairman investigate the position regarding the appointment of representatives of this Committee to serve on the Birmingham Conservation Trust.

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## **SCHEDULE OF DATES AND TIMES OF MEETINGS**

The following schedule was submitted:-

(See document No 3)

4686

### **RESOLVED:-**

That approval be given to the dates and times of meetings of the Committee set out in the attached schedule.

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

### **A. Planning Application No 2016/03755/PA – 7 Osborne Road South, Land Adjacent to, Erdington**

4687

Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on residential amenity.

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### **B. Planning Application No 2015/10290/PA – Land Adjacent to 33 Yenton Grove, Erdington**

4688

Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on residential amenity.

**C. Planning Application No 2016/03481/PA – 102 Turfpits Lane, Erdington**

- 4689 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on residential amenity.
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**PETITIONS**

- 4690 No petitions were received.
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**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 OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 4)

**Planning Applications in Respect of the South Area**

**Report No 13 – Martineau Centre, 74-100 Balden Road, Harborne – 2016/00346/PA**

The Area Planning Manager (South) advised that he wished to add a condition regarding emergency vehicle access.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

Upon being put to a vote it was 8 in favour, 2 against and 0 abstentions.

- 4691 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 9 June 2016, planning permission be refused for the reasons set out in the report;

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 9 June 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

New Condition 21:

Requires the Prior Submission of Details of Emergency Vehicle Access.

No development shall take place until full details of emergency vehicle access across the link between Plots 41 and 83 (i.e. to the front (east) of Plots 85 – 87) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use and thereafter retained.

Reason: To ensure acceptable access for emergency vehicles, in the interests of highway and pedestrian safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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**Report No 14 – 4 Gordon Road, Harborne – 2016/00399/PA**

The Area Planning Manager (South) advised that an additional letter had been received regarding the proposal.

An objector spoke in favour of the recommendation to refuse planning permission.

A supporter spoke against the recommendation to refuse planning permission.

The Area Planning Manager (South) and Transport Manager responded to comments made by the supporter.

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

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

4692

**RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report.

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**Report No 15 – 5 Dyott Road, Moseley – 2016/02211/PA**

The Area Planning Manager (South) advised that additional photographs regarding the application were displayed at the meeting, while photographs submitted by anyone commenting on the application would not be displayed or circulated.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the objector and supporter, including agreement to amend the conditions concerning levels.

Members commented on the application and it was agreed that an extra condition regarding permitted development rights be included.

The Area Planning Manager (South) and Head of Planning Management responded to Members' comments.

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

4693

**RESOLVED:-**

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

Amended Condition 6:

Requires the Prior Submission of Level Details.

No development shall take place until details of finished site (including retaining wall(s)), ground floor and basement floor levels in relation to the existing site levels, adjoining land and buildings and boundary wall levels have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

New Condition 9:

Removes Permitted Development Rights for Extensions.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order amending, revoking and/or re-enacting that order, with or without modification), no enlargement, improvement or other alteration of the dwellinghouse or its roof shall be carried out without further subsequent planning approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Places for Living SPG and the National Planning Policy Framework.

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Councillor Cornish left the meeting at this point.

**Report No 16 – Buckingham Court, College Walk, Selly Oak – 2016/01649/PA**

Upon being put to a vote it was 9 in favour, 0 against and 0 abstentions.

4694 **RESOLVED:-**

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

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Councillor Cornish returned to the meeting.

**Report No 17 – Land at Corner of Mary Vale Road and Franklin Way, Bournville – 2015/10296/PA**

A Member commented on the application and the Head of Planning Management responded thereto.

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

4695 **RESOLVED:-**

- (i) That the proposed Deed of Variation to reduce the level of contribution to £0 (zero) be approved;
  - (ii) that the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.
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**Report No 18 – 1-23 (Odds) Ithon Grove,  
2-40 (Evens) and 1-21 (Odds) Leith Grove, 2-22 (Evens) Medway Grove,  
1-35 (Odds) and 2-28 (Evens) Swale Grove, Kings Norton – 2016/01926/PA**

The Area Planning Manager (South) advised that he wished to add a condition requiring the prior submission of a bat survey and therefore the recommendation needed to be revised to 'that prior approval is required and that planning permission be granted subject to the condition set out below'.

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

4696

**RESOLVED:-**

That prior approval is required and that planning permission be granted subject to the condition set out below:-

New Condition 1:

Requires the Prior Submission of a Bat Survey.

No demolition shall take place until a bat survey has been carried out and a report of findings submitted to and approved in writing by the Local Planning Authority. The report will include, where the presence of bats or bat roost is established, and consequent dusk emergence and dawn return surveys may also be required, appropriate measures to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report and agreed in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

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**Planning Application in Respect of the East Area**

**Report No 19 – The Leopard, Jerrys Lane, Erdington – 2016/01628/PA**

The Area Planning Manager (East) advised that Councillor Robert Alden had submitted a letter and a petition, signed by local residents, objecting to the proposal.

She advised that she wished to add a condition regarding the roof terrace.

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

Upon being put to a vote it was 5 in favour, 4 against and 1 abstention.

4697

**RESOLVED:-**

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

New Condition 18:

Requires the Prior Submission of Roof Terrace Details.

No development shall take place until details of the roof terrace proposed to be located on the single storey roof to the rear of the existing public house, including means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with 3.8, 3.10 and 3.14 of Birmingham UDP, Places for Living SPD and the National Planning Policy Framework.

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**Planning Applications in Respect of the North West Area**

**Report No 20 – 137 Aldridge Road, Perry Barr – 2016/02425/PA**

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

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

4698

**RESOLVED:-**

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

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**Report No 21 – Nobel Way, Hub 55, Witton Road, Perry Barr – 2016/01416/PA**

A Member commented on the application.

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

4699

**RESOLVED:-**

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

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**Report No 22 – Apollo Surgery, 619 Kings Road, Great Barr – 2016/02424/PA**

Councillors Beauchamp and Linnecor declared an interest and left the room during consideration of the item.

The Area Planning Manager (North West) advised that Councillor Linnecor had requested that the application be determined by the Committee.

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

Upon being put to a vote it was 8 in favour, 0 against and 0 abstentions.

4700

**RESOLVED:-**

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

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Councillors Beauchamp and Linnecor returned to the meeting.

**Report No 23 – Queen Parade Island, Sutton Coldfield – 2016/01939/PA**

Members considered that the roundabout was very attractive and well maintained. They expressed concern regarding the size and amount of the signs proposed and suggested that they should be smaller and reduced in number.

The Area Planning Manager (North West), Transport Manager and Head of Planning Management responded to Members' comments.

Upon being put to a vote it was 2 in favour, 8 against and 0 abstentions. Therefore, the recommendation was lost.

The Head of Planning Management advised that advertisements could only be refused on the grounds of public safety or amenity.

The Committee suggested that the signs should be refused because of the scale and number which was contrary to public amenity.

The Head of Planning Management suggested and it was:-

4701

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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**Report No 24 – Thimble End Road Island, Sutton Coldfield – 2016/01943/PA**

Members commented on the application.

Upon being put to a vote it was 6 in favour, 4 against and 0 abstentions.

4702 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

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**POLICY REPORTS**

**APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE IN APRIL 2016**

The following schedule was submitted:-

(See document No 5)

The Head of Planning Management introduced the report and responded to Members' comments.

4703 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in April 2016 be noted.

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**DRAFT EXTENDED LOCAL DEVELOPMENT ORDER – ADVANCED MANUFACTURING HUB, ASTON, BIRMINGHAM**

The following report of the Director of Planning and Regeneration was submitted:-

(See document No 6)

The Head of Planning Management introduced the report and responded to Members' comments.

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

4704 **RESOLVED:-**

That the report be noted and approval given to the draft extended Local Development Order for consultation purposes.

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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

4705 There were no site visits pending.

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**OTHER URGENT BUSINESS**

The Chairman was of the opinion that the following item should be considered as a matter of urgency in view of the need to expedite consideration thereof and instruct officers to act:-

**Ecology Sub-Committee (Minute No 4673 refers)**

4706 In response to the suggestion by Councillor Linnecor at the last meeting, to set up an Ecology Sub-Committee (Minute No 4673 refers), the Chairman undertook to speak to the Head of Planning Management regarding the matter.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

4707 **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.

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**EXCLUSION OF THE PUBLIC**

4708 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

**Agenda Item etc**

**Paragraph of Exempt  
Information Under Revised  
Schedule 12A of the Local  
Government Act 1972**

Private section of the Minutes of the last meeting 3