

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
29 MARCH 2018**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 29 MARCH 2018 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Mike Sharpe in the Chair;

Councillors Tahir Ali, Mohammed Azim, Bob Beauchamp, Steve Booton, Maureen Cornish, Keith Linnecor, Peter Douglas Osborn, Mohammed Fazal, Kerry Jenkins, Carol Jones, Gareth Moore, Martin Straker Welds and Fiona Williams.

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### **PUBLIC ATTENDANCE**

- 6080 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**

- 6081 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.civico.net/birmingham](http://www.civico.net/birmingham)) and members of the press/public could record and take photographs except where there were confidential or exempt items.

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### **DECLARATIONS OF INTEREST**

- 6082 The Chairman 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.

No declarations of interest were notified.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Planning Committee Meetings**

- 6083 The Chairman informed Members that meetings were scheduled to take place on 12 and 26 April and 10 May 2018.

**APOLOGIES**

- 6084 An apology was submitted on behalf of Councillor Barry Henley for his inability to attend the meeting.
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**MINUTES**

- 6085 **RESOLVED:-**

It was agreed that the Minutes of the last meeting be submitted to the next meeting of the Planning Committee.

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**MATTERS ARISING**

- 6086 There were no matters arising.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**A. Planning Application No 2018/01735/PA – Change of use from Children’s Day Nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store – 252 Short Heath road, Birmingham, B23 6JY**

- 6087 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of this Committee in light of concerns with regard to the impact that the planning application will have on highway safety and impact on residents.

**B. Planning Application No 2018/01889/PA – Change of use of ground floor from Travel Agents (Use Class A1) to Pay Day Loan Shop HMO (Sui Generis) – 107 High Street, Erdington, Birmingham, B23 6SA**

- 6088 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of this Committee in light of concerns with regard to the impact that the planning application will have on the loss of retail use and crime and disorder.
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**PETITION**

- 6089 **Planning Application 2017/10747/PA – 191 Sheldon Heath Road, Former Police Station**

Councillor Carol Jones requested an update on the progress of the above Petition that was submitted to City Council on 6 February 2018.

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The Chairman proposed and it was agreed that the order of the agenda be changed and that Agenda item No. 23 be the next item for discussion.

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**THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 – ANNUAL SCHEME OF CHARGES**

The following report of the Chief Operating Officer was submitted:-

(See Document No 1)

The Officer present introduced the report. Members had no further questions and it was –

6090

**RESOLVED:-**

- (i) That approval be given to the proposed adjustments to the existing fee scheme for domestic (homeowner) and small commercial projects with effect from 2 April 2018;
  - (ii) That approval be given to the continued negotiation of charges within either volume or higher value commercial projects to the head of Acivico (Building Consultancy) Ltd;
  - (iii) That approval be given to the recommendation to maintain any other published charges at existing levels to mitigate against an increased threat from competition and a consequential impact on workload.
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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 CORPORATE DIRECTOR, ECONOMY**

The following reports were submitted:-

(See Document No 2)

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

**Report No 9 – 2 Addison Road, Kings Heath, Birmingham, B14 7EW – 2017/09557/PA**

A supporter spoke in favour of the application and the Principal Planning Officer (South) responded thereto.

Members commented on the application and agreed with the comments made by Regulatory Services in paragraph 4.2 of the report.

The Principal Planning Officer advised that the recommendation was to refuse the planning application and upon being put to a vote it was 12 in favour, 0 against and 1 abstention.

6091

**RESOLVED:-**

That planning permission be refused on the grounds that the proposed change of use from retail (Class A1) to restaurant (Class A3) with ancillary take away would adversely affect the amenities of occupiers of residential properties in the vicinity particularly No. 4 Addison Road due to noise and disturbance, contrary to policy PG3 of the Birmingham Development Plan (2017), saved policies 8.6 and 8.7 of the Unitary Development plan (2015); guidance contained within the 'Shopping and Local Centres' Supplementary Planning Guidance (2012), and the National Planning Policy Framework (2012).

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**Report No 10 – Cotteridge Park, Franklin Road, Cotteridge, Birmingham, B30 2HG – 2017/10748/PA**

The Principal Planning Officer (South) introduced the report and stated that a further eight letters of objection had been received and drew Members attention to paragraph 4 in the report which outlined the responses gathered from the public consultation exercise.

Two objectors spoke against the application.

A supporter spoke in favour of the application.

The Principal Planning Officer (South) responded to comments made by the objectors and supporter.

Councillor Peter Douglas Osborn proposed and it was seconded by Councillor Keith Linnecor that the Friends Group should carry out a further extensive public consultation exercise with local residents and interested parties and that the planning application be deferred pending the result of that consultation exercise.

Upon being put to a vote it was 5 in favour, 8 against and 0 abstentions. Therefore, the proposal to defer the planning application was lost.

The Principal Planning Officer (South) responded to Members' comments.

Members then voted on the recommendation and it was 8 in favour, 0 against and 5 abstentions.

6092

**RESOLVED:-**

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

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**Report No 11 – Land to the rear of 68 Wellington Road, Edgbaston, Birmingham, B15 2ET – 2017/10596/PA**

- 6093 The Committee were advised that the applicant had withdrawn their application from the register.
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**Report No 12 – Land at former Yewcroft Centre, Court Oak Road, Harborne, Birmingham, B17 9AB – 2017/10321/PA**

The Principal Planning Officer (South) introduced the report and stated that one further letter of objection to the removal of trees had been received. He made reference to paragraph 1.6 of the report and stated that 'sycamore' be replaced by 'yew' from the list of trees to be felled and that the categories be amended to read '(2 category C and 2 category B)'.

Members commented upon the application and the Principal Planning Officer responded thereto.

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

- 6094 **RESOLVED:-**

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

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**Report No 13 – University of Birmingham, Learning Building, North of New Library, Edgbaston, Birmingham, B15 2TT – 2017/09816/PA**

The Principal Planning Officer (South) introduced the report.

Members welcomed the planning application and wished the University of Birmingham well in their teaching and learning building.

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

- 6095 **RESOLVED:-**

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

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

**Report No 14 – 29 – 31 Broadway Avenue, Bordesley Green, Birmingham, B9 5LY – 2017/09879/PA**

- 6096 The Committee were advised that the Corporate Director of Economy had withdrawn the application from the agenda.
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**Planning Applications in Respect of the North West Area**

**Report No 15 – Moor Lane Industrial Estate, Land in the South-East corner, Moor Lane, Witton, Birmingham, B6 – 2017/09673/PA**

The Area Planning Manager (North West) introduced the report and responded appropriately to Members questions.

The Area Planning Manager advised Members to endorse the recommendation to refuse the planning application and upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

6097

**RESOLVED:-**

That advertisement consent would have been refused on the following grounds had the Committee still had the opportunity to do so:

- (i) That the advertisement hoarding would present an unduly obtrusive feature in the street scene, adversely affecting the visual amenity of the area and wider impact on the image of the City. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2005, guidance in Location of Advertisements Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework;
- (ii) The advertisement hoarding would present an unduly distracting feature in the street scene, adversely affecting public safety on the adjoining highway. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C of the Birmingham Unitary Development Plan 2005, guidance in Location of Advertisements Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.

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**Report No 16 – Brookvale Trading Estate, Moor Lane, Witton, Birmingham, B6 – 2017/09554/PA**

The Area Planning Manager (North West) introduced the report and responded appropriately to Members questions.

The Area Planning Manager advised members to endorse the recommendation to refuse the planning application and upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

6098

**RESOLVED:-**

That advertisement consent would have been refused on the following grounds had the Committee still had the opportunity to do so:

- (i) That the advertisement hoarding would present an unduly obtrusive feature in the street scene, adversely affecting the visual amenity of the area and wider impact on the image of the City. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2005, guidance in Location of Advertisements Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework;
  - (ii) The advertisement hoarding would present an unduly distracting feature in the street scene, adversely affecting public safety on the adjoining highway. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C of the Birmingham Unitary Development Plan 2005, guidance in Location of Advertisements Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
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Councillor Fiona Williams left the meeting at this point.

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**Report No 17 – R50 Minworth Island, Kingsbury Road, Sutton Coldfield, Birmingham, B76 9RQ – 2018/01155/PA**

The Area Planning Manager (North West) introduced the report and responded appropriately to Members questions.

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

6099 **RESOLVED:-**

That advertisement consent be granted on a temporary basis subject to the recommendations and conditions as set out in the report.

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At this point Councillor Fiona Williams returned to the meeting.

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**Report No 18 – Former Kent Street Baths, Land bounded by Bromsgrove Street, Gooch Street north, Kent Street and Henstead Street, Southside, Birmingham, B5 6QB – 2017/09434/PA**

The Principal Planning Officer (City Centre) introduced the report and responded appropriately to Members questions.

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

6100 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a legal agreement being completed to the satisfaction of

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the Local Planning Authority on or before the 20 April 2018, subject to the conditions 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 the 20 April 2018, planning permission be refused for the reasons as set out in the report;
- (iii) That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

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### **Report No 19 – 150 – 159 Moseley Street, Digbeth, Birmingham, B12 0RY – 2017/10701/PA**

The Principal Planning Officer (City Centre) introduced the report and responded appropriately to Members questions thereto.

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

6101 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 5 April 2018, subject to the conditions 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 the 5 April 2018, planning permission be refused for the reasons as set out in the report;
- (iii) That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

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### **Report No 20 – 28 Vittoria Street, Birmingham, B1 3PE – 2017/09263/PA**

The Principal Planning Officer (City Centre) introduced the report.

Members welcomed that from a heritage point of view the building will retain its original frontage.

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

6102 **RESOLVED:-**

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



**Report No 21 – 28 Vittoria Street, Birmingham, B1 3PE – 2017/09935/PA**

The Principal Planning Officer (City Centre) introduced the report.

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

6103 **RESOLVED:-**

That listed building consent be granted subject to the conditions as set out in the report.

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**POLICY REPORTS**

**Appeal Decisions Received from the Planning Inspectorate in February 2018**

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

(See Document No. 3)

The Area Planning Manager (South) introduced the report and responded appropriately to Members questions.

6104 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in February 2018 be noted.

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

6105 There were no site visits pending.

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**OTHER URGENT BUSINESS**

6106 No other urgent business was raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

6107 **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**

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**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 meetings.

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