

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>12 OCTOBER 2017</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 12 OCTOBER 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors T Ali, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, Henley, C Jones, Linnecor, Moore, Straker Welds and Williams.

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### **PUBLIC ATTENDANCE**

- 5749      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**

- 5750      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 except where there were confidential or exempt items.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **A. Planning Committee Meetings**

- 5751      The Chairman informed Members that meetings were scheduled to take place on 26 October, 9, 23 November and 7 December 2017.

**B. Simon Hodge – Area Planning Manager (North West)**

- 5752 The Chairman informed Members that, after 34 years, Simon Hodge, Area Planning Manager (North West) was leaving the Council and this was his last meeting. The Chairman thanked Simon for all the advice he had given to Members of the Planning Committee and wished him well for the future.

Members echoed those sentiments and thanked Simon for his major contribution both in the Committee and behind the scenes.

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**APOLOGIES**

- 5753 Apologies were submitted on behalf of Councillors Azim and K Jenkins.
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**MINUTES**

- 5754 **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**

**A. Request for an Article 4 Direction in Erdington**

- 5755 In response to a question by Councillor Moore, the Chairman advised that he was currently investigating the matter concerning a request for an Article 4 Direction in Erdington.
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**B. Stechford Retail Park, Flaxley Parkway, Stechford – 2017/06725/PA (Minute No 5727 Refers)**

- 5756 In response to a question, the Chairman undertook to speak to Councillor Douglas Osborn after the meeting regarding the provision of electric vehicle charging points at retail parks.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**A. Planning Application No 2017/08693/PA – 38-50 Orphanage Road, Erdington**

- 5757 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 the character of the area and highway safety.

**B. Planning Application No 2017/07813/PA – 41 Newman Road, Erdington**

- 5758 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 the character of the area.
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**C. Planning Application No 2017/07947/PA – Kingsbury Road, Outside 416, Erdington**

- 5759 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 and highway safety.
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**PETITION**

- 5760 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 CORPORATE DIRECTOR, ECONOMY**

The following reports were submitted:-

(See document No 1)

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

**Report No 8 – Former Hardy Spicer Sports Ground and Land between Signal Hayes Road and Weaver Avenue, Walmley, Sutton Coldfield – 2017/06231/PA**

The Area Planning Manager (North West) gave details of further representations received from the YMCA and comments from Sport England.

Objectors spoke against the application.

Supporters spoke in favour of the application.

The Area Planning Manager (North West) responded to comments made by the objectors and supporters.

Some Members expressed concern that a deed of variation was being sought and considered that the developers had a moral obligation to honour the

original agreement. Other Members feared that the final phase of the housing development might be halted if the deed of variation was not agreed.

Members sought assurance that a community facility would be built within the proposed timescale and would include the same facilities as the original S106 agreement.

Members questioned the logic of the Council providing the community facility rather than the developer.

The Area Planning Manager (North West), Head of Planning Management and Senior Solicitor responded to Members' comments and made particular reference to paragraph 6.21 of the report explaining that Counsel's advice had been sought on the matter.

Upon being put to a vote it was 4 in favour, 6 against and 2 abstentions. Therefore the recommendation was lost and it was:-

5761

**RESOLVED:-**

That this Committee does not endorse the Deed of Variation to the existing S106 legal agreement attached to outline planning approval 2009/04661/PA.

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**Report No 9 – Land Bounded by Ventnor Avenue/Melbourne Avenue/  
Wheeler Street (Former Wheeler Tavern), Newtown – 2017/07183/PA**

A Member commented on the application.

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

5762

**RESOLVED:-**

- (i) That planning permission be granted subject to the conditions set out in the report;
  - (ii) that no objection be raised to the stopping up of a highway link between Ventnor Avenue and properties to the rear of Wheeler Street and that the Department for Transport be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
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**Report No 10 – 81-89 Water Orton Lane, Land Between, Sutton Coldfield – 2017/06759/PA**

A Member commented on the application.

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

5763

**RESOLVED:-**

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

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**Report No 11 – 378 Boldmere Road, Sutton Coldfield – 2017/05130/PA**

Members commented on the application and it was proposed by Councillor Moore, seconded by Councillor Beauchamp and agreed that a condition be added preventing the use of the property from changing without planning permission.

The Area Planning Manager (North West) responded to Members' comments.

Upon being put to a vote it was 11 in favour, 1 against and 0 abstentions.

5764

**RESOLVED:-**

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

New Condition 5:

Prevents the Use from Changing without Planning Permission.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the premises shall be used as Class C3 (Dwellings) and for no other purpose including any other purpose in Class C4 (Small Houses in Multiple Occupation) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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**Report No 12 – 2 Grounds Drive, Land Adjacent, Sutton Coldfield – 2017/06546/PA**

The Area Planning Manager (North West) drew Members' attention to paragraph 6.7 of the report pointing out that the design now proposed a hipped and not a gable roof.

He gave details of additional comments received.

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

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

5765

**RESOLVED:-**

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

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Councillor Cornish left the meeting at this point.

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

**Report No 13 – 17A Norfolk Road, Edgbaston – 2017/06473/PA**

The Area Planning Manager (South) advised that the objector had contacted officers informing them that she was unable to attend the meeting and, therefore, there would be no public speaking.

He drew Members' attention to paragraph 4.7 of the report which set out details of a letter that had been received from the objector who had been due to speak at the meeting.

Upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

5766

**RESOLVED:-**

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

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**Report No 14 – Burnel Road, Weoley Castle – 2017/05529/PA**

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

Upon being put to a vote it was 11 in favour, 0 against and 0 abstentions.

5767 **RESOLVED:-**

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

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**Report No 15 – Units 7-8 Selly Oak Industrial Estate, Elliott Road, Selly Oak – 2017/07286/PA**

Members commented on the application.

Upon being put to a vote it was 11 in favour, 0 against and 0 abstentions.

5768 **RESOLVED:-**

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

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**Report No 16 – 93 Alcester Road, Moseley – 2017/07118/PA**

Members commented on the application.

Upon being put to a vote it was 10 in favour, 1 against and 0 abstentions.

5769 **RESOLVED:-**

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

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**Report No 17 – Land to the Rear of 30 Frederick Road, Edgbaston – 2017/05518/PA**

The Area Planning Manager (South) gave details of further representations received from Councillor D Alden on behalf of local residents.

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.

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

Councillor Booton proposed and Councillor Linnecor seconded a site visit and upon being put to a vote it was 3 in favour, 5 against and 3 abstentions. Therefore, the proposal was lost.

Members then voted on the recommendation and it was 5 in favour, 2 against and 4 abstentions.

5770

**RESOLVED:-**

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

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**Report No 18 – Queen Elizabeth Hospital, Mindelsohn Way, Edgbaston – Section 106 Agreement Associated with Planning Approval 2003/04585/PA**

The Area Planning Manager (South) gave details of comments received from Councillor McCarthy regarding the proposal.

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, 0 against and 2 abstentions.

5771

**RESOLVED:-**

- (i) That this Committee concurs that the University Hospital Birmingham NHS Foundation Trust has met its obligation set out in the seventh schedule of the S106 agreement attached to 2003/04585/PA in respect of the retained estate;
- (ii) that use of the whole of the retained estate at North, West and East Blocks for a combination of clinical use, associated office uses, the Institute of Translational Medicine, storage, training, plant and circulation space be permitted subject to a deed of variation requiring payment of a further sum of £65,700 in the form of a S106 contribution towards the implementation of on-street car parking management measures in adjoining residential areas;
- (iii) that the updated Green Travel Plan dated July 2017 be endorsed.

Councillor Williams was not present for the whole of the debate and therefore did not vote on the recommendation.

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The Committee agreed to vary the agenda and consider the site visited report at this point.

**SITE VISITED REPORT**

**334 Lordswood Road, Quinton – 2017/05890/PA**

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

(See document No 2)

The Area Planning Manager (South) highlighted the points raised by local residents and Members who attended the site visit held on 5 October 2017

Members commented on the application and expressed concern regarding the impact the proposal would have on the neighbouring property, particularly the loss of sunlight and the size and view of the brick wall of the extension. Concern was also expressed regarding the loss of trees.

The Head of Planning Management responded to Members' comments.

Members voted on the original recommendation and it was 2 in favour, 1 against and 6 abstentions:-

5772 **RESOLVED:-**

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

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The Committee returned to the original agenda order.

**Planning Application in Respect of the City Centre Area**

**Report No 19 – Warstone Lane, Jewellery Quarter – 2017/07027/PA**

A Member commented on the application.

Upon being put to a vote it was 8 in favour, 3 against and 0 abstentions.

5773 **RESOLVED:-**

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

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

**Report No 20 – 162-166 Yardley Road, Acocks Green – 2017/04098/PA**

Upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

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**RESOLVED:-**

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

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**Report No 21 – R10 Chester Road Roundabout, Tyburn Road, Erdington – 2017/07670/PA**

A Member commented on the application.

Upon being put to a vote it was 8 in favour, 3 against and 0 abstentions.

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**RESOLVED:-**

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

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The Committee adjourned at 1315 hours and reconvened at 1321 hours.

**POLICY REPORT**

**Birmingham Design Guide Vision Document and Birmingham Design and Conservation Review Panel**

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

(See document No 3)

The Head of City Design introduced the report and drew Members' attention to the structure and development stages of the design guide vision document and highlighted the proposal to create a new Birmingham Design and Conservation Review Panel which would replace the current Conservation and Heritage Panel.

Members welcomed the proposals including the creation of a new Birmingham Design and Conservation Review Panel and suggested that at least two members of the Planning Committee, but preferably three members with representation of all political parties, should be appointed to serve thereon and that the Chair and Deputy Chair of the Panel should be Members of the Planning Committee.

With regard to the design guide vision document, the suggestions by Members included taking into account green infrastructure, tackling parking issues such

as adopting a minimum rather than maximum standard, bio-diversity and green corridors and that all West Midlands local authorities and other organisations such as the railway and highway authorities and the appropriate committee of the West Midlands Combined Authority be consulted on the document.

The Head of City Design and Head of Planning Management responded to Members' comments.

5776 **RESOLVED:-**

That the report be noted.

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

5777 No site visits were 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:-

##### **Arena Central**

5778 The Head of Planning Management referred to the recent announcement that HM Revenues and Customs had entered into a 25 year lease and would be relocating all its regional offices to a single bespoke hub building located at Arena Central in Birmingham which was great news for the city.

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#### **AUTHORITY TO CHAIRMAN AND OFFICERS**

5779 **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 3  
meeting.