

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
8 DECEMBER 2016**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 8 DECEMBER 2016 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 5104 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.

NOTICE OF RECORDING

- 5105 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) 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.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 5106 The Chairman informed Members that meetings were scheduled to take place on 22 December 2016, 5, 19 January and 2 February 2017.

APOLOGIES

- 5107 Apologies were submitted on behalf of Councillor K Jenkins.

MINUTES

5108 **RESOLVED:-**

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

MATTERS ARISING

5109 There were no matters arising.

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

5110 No notifications were received.

PETITIONS

5111 No petitions were received.

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 1)

Planning Applications in Respect of the East Area

Report No 8 – 16 Flint Green Road, Acocks Green – 2016/08228/PA

The Area Planning Manager (East) advised that the applicant was unable to attend the meeting.

She added that further representations had been received and gave details of the issues raised.

An objector spoke against the application and the Area Planning Manager (East) responded thereto.

Members pointed out that when the application was approved on 21 July 2016 they had been assured that no changes to the external appearance of the building were proposed and were disappointed that further

permission was now being sought for an extension which they considered would be out of character with the existing properties and surrounding area.

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

Upon being put to a vote it was 4 in favour, 5 against and 4 abstentions. Therefore the recommendation was lost.

Councillor Jones proposed, Councillor Moore seconded and upon being put to a vote it was 10 in favour, 2 against and 1 abstention.

5112 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds that the proposal was an inappropriate commercialisation of a residential property which would be out of character with the surrounding area.

Councillor Linnecor wished to be recorded as having abstained from voting on the original recommendation.

Report No 9 – 296-298 Gravelly Lane, Erdington – 2016/07499/PA

An objector spoke against the application and the Area Planning Manager (East) responded thereto.

Members commented on the application and it was agreed that the replacement of any shrubs or trees that die be extended to a period of 4 years.

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

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

5113 **RESOLVED:-**

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

Amended Condition 5:

Requires the Prior Submission of Hard and/or Soft Landscape Details.

No development shall take place until full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a

scale of 1:100 (landscape officer to advise), showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass.

Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another and the locations of any individual specimen shrubs.

Other information shall include planting schedules, noting species, plant sizes and proposed numbers/densities and details of the proposed planting implementation programme.

All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained.

Any trees or shrubs which, within a period of four years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005.

Report No 10 – Warwick Road, Greet – 2016/08764/PA

The Area Planning Manager (East) referred to the revised location plan that had been circulated to Members prior to the meeting.

Upon being put to a vote it was 9 in favour, 4 against and 0 abstentions.

5114 **RESOLVED:-**

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

Report No 11 – R9 – Chester Road, Kingsbury Road, Erdington – 2016/08740/PA

Upon being put to a vote it was 9 in favour, 4 against and 0 abstentions.

5115 **RESOLVED:-**

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

Planning Applications in Respect of the South Area

Report No 12 – Fitness First Health Centre, Pershore Road, Selly Oak – 2016/00664/PA

The Area Planning Manager (South) advised that condition 3 should read ‘limits the hours of use to 0700-2200 hours Monday to Saturday and Bank Holidays and 1000-1700 hours on Sundays’.

Objectors 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 objectors and supporter.

Members expressed concern at the loss of the ten pin bowling centre and gymnasium, querying the need for another supermarket in the locality and the impact it could have on traffic in the area.

The Area Planning Manager (South) and Transport Manager responded thereto.

Upon being put to a vote it was 5 in favour, 6 against and 2 abstentions. Therefore the recommendation was lost.

Councillor Henley proposed, Councillor Moore seconded and upon being put to a vote it was 7 in favour, 4 against and 0 abstentions.

5116

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds that the proposal was contrary to the NPPF, unsustainable, in the wrong location and would remove well used leisure facilities.

Councillor Linnecor wished to be recorded as having abstained from voting on the original recommendation.

Councillor Moore left the meeting at this point.

Report No 13 – Uplands Nursing Home, 43 Upland Road, Selly Oak – 2016/08368/PA

The Area Planning Manager (South) gave details of an additional objection letter to the proposal that had been received.

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 Head of Planning Management responded thereto.

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

5117 **RESOLVED:-**

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

Report No 14 – 15 Highfield Road, Hall Green – 2016/07538/PA

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

5118 **RESOLVED:-**

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

Planning Applications in Respect of the North West Area

Report No 15 – 5 Turnberry Road, Great Barr – 2016/00858/PA

Objectors spoke against the application and the Area Planning Manager (North West) responded thereto.

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

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

5119 **RESOLVED:-**

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

Report No 16 – 34 Holyhead Road, Former Handsworth Social Club, Handsworth – 2016/05698/PA

Members commented on the application.

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

5120

RESOLVED:-

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

Report No 17 – 401-416 New John Street West, Newtown – 2016/05697/PA

The Area Planning Manager (North West) advised that the application was for determination and drew Members' attention to the details of the further discussions that had taken place between officers, the applicant and West Midlands Police as set out in the report.

He pointed out that following the discussions a further condition set out in paragraph 1.2 of the report, requesting details of the proposed obscure glazing, had been submitted by West Midlands Police.

The Area Planning Manager (North West) reminded Members that at the meeting held on 10 November 2016 Transportation Development had submitted extra information regarding the access points, requested additional conditions relating to highway works and a further recommendation concerning the stopping up of the highway (Minute No 5057 refers).

Members commented on the application and additional information set out in the report.

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

5121

RESOLVED:-

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

New Condition 23:

Requires a Package of Highway Measures.

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 new vehicular footway crossings, alterations to any existing footway crossing, reinstatement of redundant footway crossings (Summer Lane and New John Street West), extending the splitter island on Summer Lane and associated relocation of bus-stop

and associated adjustments relating to any street furniture/statutory undertakers' apparatus.

Reason: In order to secure the satisfactory development of the application site in the interests of highway 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.

New Condition 24:

Requires a Pedestrian Visibility Splay.

A pedestrian visibility splay of 3.3 metres by 2.4 metres by 0.6 metres shall be incorporated at the access point before the access point is first used and thereafter maintained.

Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

New Condition 25:

Requires Details of Obscure Glazing.

Prior to the first occupation of the new build rear element, details of the proposed obscure glazing to bedrooms on the east and west facing elevations and the circulation areas on the east facing elevation of the link block including type and height of obscurity and degree of obscurity to level 5 or equivalent shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed in accordance with the approved details and retained thereafter.

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.

- (ii) that no objection be raised to the stopping up of the area of public highway on Summer Lane and within the application site and that the Department of Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
-

Report No 18 – 401-416 New John Street West, Newtown – 2016/05775/PA

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

5122

RESOLVED:-

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

Report No 19 – 139 and 141 The Broadway, Aston – 2016/07893/PA

The Area Planning Manager (North West) advised that the recommendation regarding the completion of the S106 agreement had been omitted from the report and he wished to add the wording as set out in resolution 5123 (iii) below.

A Member commented on the application.

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

5123

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 15 December 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 15 December 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report;
 - (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
-

Report No 20 – 364-366 Birmingham Road, Wylde Green, Sutton Coldfield – 2016/06675/PA

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

Upon being put to a vote it was 7 in favour, 3 against and 2 abstentions.

5124 **RESOLVED:-**

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

Report No 21 – 51 Upper Holland Road, Sutton Coldfield – 2016/06059/PA

Members requested further information concerning the application, particularly regarding the access to the rear of the property where it was proposed to store and maintain classic cars.

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

Councillor Cornish proposed, Councillor Douglas Osborn seconded and upon being put to a vote it was 5 in favour, 4 against and 0 abstentions.

5125 **RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information regarding the access to the rear of the property where it was proposed to store and maintain classic cars.

The Committee adjourned at 1310 hours and reconvened at 1318 hours.

Issues Report – Land bounded by Sheepcote Street/Broad Street/Oozells Way, City Centre – 2016/08890/PA

Representatives of the applicant, Regal (West Point) Limited, and the agent, WYG, gave a powerpoint presentation which included reference to the history of the proposal, a response to issues raised by Regulatory Services and highlighted the benefits of the scheme.

The Area Planning Manager (City Centre) drew Members' attention to each of the issues detailed in the report.

Members considered and commented on each of the issues set out in the report and the following were amongst the points made:-

Issues 1 and 2 – Members concurred with the views of Regulatory Services and considered Broad Street would be an inappropriate location for residential

apartments. Members were concerned about noise emanating from nearby entertainment/commercial venues which might create a disturbance for residents.

Issues 3 and 4 – The scale of the proposed development was very large when compared with existing properties on Broad Street and it was suggested that the building should be stepped upwards away from the listed building.

There was concern that the development might overshadow existing buildings.

It was important to ensure that any impact the development might have on listed buildings would be minimal.

Issue 5 – Members noted that no on-site car parking was proposed and pointed out that parking was very limited in the area. Reference was made to the possible establishment of a car club.

Issue 6 – Members were concerned that there was no on-site affordable housing proposed.

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

5126 **RESOLVED:-**

That the report be noted and Members' comments forwarded to the Director of Planning and Regulation.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5127 There were no site visits pending.

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:-

Environmental Sub-Committee

5128 In response to a question by Councillor Linnecor, the Chairman advised that further information regarding the establishment of an Environmental Sub-Committee was awaited from the Director of Planning and Regeneration.

AUTHORITY TO CHAIRMAN AND OFFICERS

5129

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

5130

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