

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
30 NOVEMBER 2006**

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE HELD ON
THURSDAY, 30 NOVEMBER 2006 AT
1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Councillor D Roy in the Chair;

Councillors Z Choudhry, L Clinton, A Delaney, P Douglas
Osborn, M Fazal, E Hendricks, C Jones, N Kooner, K Linnecor,
M Nangle, P Smith, R Spector, G Sutton and M Waddington.

PUBLIC ATTENDANCE

2633 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.

MINUTES

With reference with Minute No. 2620 (Report No. 28 – Ryland Road, Erdington – Erdington Hall Primary School (N/03435/06/BCC)), the Assistant Director (Planning Management) indicated that in the condition the word ‘safely’ should be replaced by the word ‘solely’. That amendment was agreed.

2634 **RESOLVED:-**

That, subject to the above amendment, the Minutes of that part of the last meeting of the Committee open to the public be noted.

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

A. Planning Application No. N/06783/06/FUL – 570 Kingstanding Road, Land Adjacent to

2635 Councillor K Linnecor requested that a report relating to the above planning application be submitted to a future meeting of the Committee due to concerns relating to litter, traffic and parking.

B. Planning Application No. N/06459/06/FUL – 580 Kingstanding Road, Kingstanding

2636 Councillor K Linnecor requested that a report relating to the above planning application be submitted to a future meeting of the Committee due to the loss of trees and concerns relating to the access.

C. Planning Application No. C/06747/06/FUL – 20-22 Francis Road, Stechford

2637 Councillor C Jones requested that a report relating to the above planning application be submitted to a future meeting of the Committee due to the impact on neighbouring properties and the size of the proposed extension.

D. Planning Application No. C/07143/06/OUT – Station Road, Land Adjacent to Manor House Public House, Stechford

2638 Councillor C Jones requested that a report relating to the above planning application be submitted to a future meeting of the Committee due to its location on a busy junction and the height of the proposed building.

E. Planning Application No. N/06915/06/OUT – Yardley Green Hospital, Yardley Green Road, Bordesley Green

2639 Councillor Z Choudhry requested that a report relating to the above planning application be submitted to a future meeting of the Committee due to the scale of the building.

PETITIONS

Planning Application No. S/05728/06/OUT – Ulwine Drive (Land West Of) and Vineyard Road (Land South Of), Northfield

Councillor A Delaney submitted a petition containing 39 signatures from residents, together with a letter, objecting to the proposal to build a petrol filling station and office building:-

(See document No. 1)

2640

RESOLVED:-

That the petition and letter be referred to the Director of Planning and Regeneration for appropriate consideration.

REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION

The following reports were submitted:-

(See document No.2)

Planning Applications in Respect of the Central Area

Report No. 7 – New Street Station, Stephenson Street/Navigation Street/Station Street and Smallbrook Queensway, City (C/05066/06/OUT)

The Chairman indicated that he had received a late letter from Network Rail.

The Area Planning Manager (Central) made reference to some alterations to the report as follows:-

- | | |
|--------|---|
| Page 3 | Reference to the retail floor space within the Pallasades Shopping Centre complex – it should be noted that not all the replacement retail floorspace would be within the domain of the Pallasades leaseholders and that that would form part of the subsequent commercial negotiation. |
| Page 3 | Tall buildings reference to 30 storeys – it should be noted that this refers to 30 storeys equivalent height (which is set by condition No. 43 (page 23) as 242m above Ordnance Datum) and actual storeys may vary slightly. |
| Page 4 | Stephenson Tower – reference to being City owned – it should be noted that the tower is actually on a long lease and administered by the City Council, with Network Rail having the freehold. |
| Page 5 | New St Station originally opened in 1854 not 1864 and was rebuilt (rather than refurbished) in the 1960's. |

Planning Committee – 30 November 2006

Page 6 Stephenson Tower – no parking – it should be noted that the tower has 24 spaces (for the 80 flats).

Page 11 Further reference to maximum height of 30 storeys – should read 30 storeys equivalent.

The Area Planning Manager (Central) explained that in the recommendation 2 – on page 18 part i of the Legal agreement heads of terms should read after the words 'two towers' 'to provide appropriate parking spaces including a parking management plan relating to the utilising of existing parking spaces and the making good of any shortfall in provision together with any other appropriate measures.'

The Area Planning Manager continued that in condition No 30 the following words should be added:-

'including any necessary measures to protect the route for the Metro City Centre extension.'

The Area Planning Manager (Central) then made reference to late submissions as follows:

- Letter received 28 November 2006 from Donaldsons on behalf of the Alliance (Bull Ring) relating to linkages to east side of station nearest the Bull Ring.
- Letter from Turley Associates acting for Agora (Warners), the long leaseholders of Pallasades Shopping Centre, received on 29 November 2006. The main points are:-
 - * Re-iterate objections from previous letter (reported to Committee).
 - * Confirm their support for the principle of the Gateway scheme.
 - * Refer to the impact of the change to existing retail floorspace - The Area Planning Manager (Central) stressed that that did not change significantly, although some is lost from the Pallasades domain but commercial negotiations continue.
 - * Impact on pedestrian accessibility between station, Pallasades Shopping Centre, and Bull Ring Shopping Centre - The Area Planning Manager (Central) indicated that officers considered that that is generally improved, with access around and through the station, with potential for further direct link to Pallasades Shopping Centre from the Bull Ring Shopping Centre as indicated by condition No. 17 on page 19 of the report.
 - * Principle of an outline approach with minimal detail - The Area Planning Manager (Central) indicated that that was necessary to secure finding and establish the principles. Officers were satisfied that the City can exercise sufficient control through conditions, and by subsequent working with CABE and our City Design Advisor to achieve

Planning Committee – 30 November 2006

the high quality of design required for a transformational, successful scheme.

- * Lack of information within Environmental Assessment to allow a robust determination - The Area Planning Manager (Central) indicated that officers did not agree with that point. The applicants have submitted a Planning Statement, Design and Access Statement, Retail Policy Statement, Environment Assessment (non-technical summary attached to Committee report) and Consultation Statement which set out in detail the considerations that have gone into the submission. He noted that the Committee had been fully appraised of that through the Issues Report and the Committee site visit together with the subsequent consideration of that prior to bringing the current report before Committee.

The Area Planning Manager (Central) indicated that the letter from Turley Associates also raised other matters as follows:-

- The letter refers to an overall loss of retail space, which is not the case.
- It refers to a reduced quality of pedestrian linkages which officers consider not to be the case as there is room for further improvement and that is required by conditions (conditions Nos. 15,17, and 42).
- Concern about outline approach, including for the tall buildings – Officers are content that the approach is satisfactory as there is an existing tall building on the site, and officers are satisfied that adequate safeguards are in place.
- Environmental Statement flawed, due to net loss of retail floorspace – there is not a net loss, and officers are satisfied that the conditions recommended deal adequately with the concern raised, including the issues relating to the two tall buildings.

The Area Planning Manager (Central) indicated that the scheme represented the best opportunity in many years to achieve the transformation of New Street Station to which the City has aspired in its ambitions to be an International City. It is a scheme which is likely to attract the necessary funding, and is deliverable because of the commitment of the key parties, including the City Council. He noted that there was clearly a need to deal with the details very carefully to ensure the quality of the finished product, and the City is in a position to do that. The scheme, as well as delivering a significantly better station, offered major regeneration benefits to the City, and officers are therefore supporting the proposal with a positive recommendation to Committee.

The Chairman noted that Members had concerns relating to traffic and pedestrian movement around the station. He stressed the need for Birmingham to have an iconic station along the lines of stations around the world, examples of which were displayed in the room.

Planning Committee – 30 November 2006

Councillor E Hendricks felt that the City deserved a world class design for the station but stressed the need to ensure the same design quality was applied to the proposed two towers.

Councillor M Nangle stressed that he was supportive of the redevelopment of the station which currently was an example of mistakes made in the 1960's. His main concern related to parking and the observation that sufficient parking was available 5 minutes walk away. The Councillor continued that the design of the new station should take into account increase in population and car take up in the next 25 years. He made reference to the proposed Metro and hoped that the Metro extension would take place. With regard to the demolition of Stephenson Tower, he stressed the need for careful consideration to be given to the decanting programme so the residents did not get moved into blocks that were due to be demolished and thus receiving 2 compensation payments from the Council. Councillor M Nangle continued that people on low and middle income who worked in the bars etc in the City Centre wanted to live in the City Centre and should not be priced out. He therefore requested that that issue be addressed in the application.

Councillor R Spector was concerned that the public transport access was not good enough and she felt that bus services should stop as close to the railway station as possible. She noted that of the 20 or so bus routes along Broad Street only a few went anywhere near New Street Station. The Councillor stressed the need for an integrated transport system particularly for people with pushchairs and luggage. Councillor R Spector then made reference to the affordable housing proposed in the scheme which, at 10%, was below the City Council's wish for 25%. She felt that the condition should reflect a need to improve the percentage.

Councillor N Kooner made reference to the charges been made to taxis to enter the drop off and pick up point at New Street Station which was being passed on to the customer. She felt that in the new arrangements there should be no charges.

Councillor P Douglas Osborn noted that the opportunity for redevelopment should be taken to improve the environment for people coming to and from Birmingham. He stressed the experience of Members in touring the station during the site visit had adequately highlighted the difficulties of the current station and the need for redevelopment. He made reference to the proposed line of the Midland Metro in Stephenson Street, in particular the sharp turn and he hoped that the proposals for the station would provide adequate space for both trams and pedestrians so that pedestrians were not discouraged from using that area.

The Team Leader, Local Planning, stressed that the proposals had been drawn up giving due consideration to transport needs in the long term and the increase in the population. He confirmed that there was available car parking space within a 5 minute gentle walk of the station. He further stressed that Birmingham New Street Station was not a park and ride facility as many people used Birmingham International when travelling to London. With regard to the Metro nobody could predict whether it would be introduced through the City

Centre although parliamentary approval had been given and on that basis the Metro had been integrated into the scheme. He also stressed that the line of the Metro extension including the curve in Stephenson Street was fixed by that approval. The Team Leader continued that with regard to Stephenson Tower there had been a lot of discussion with Housing colleagues and he stressed that no residents would be decanted twice. He continued that discussions were ongoing with bus operators to re-route bus services to provide the station with suitable public transport access. He also noted that, with the new access points to the station, bus operators would have the opportunity of repositioning bus stops to increase customers. The Team Leader continued that, in respect of affordable housing, the 10% reflected percentages achieved elsewhere in the city centre in particular the Martineau Galleries development. With regard to the charges for taxes that was a way of controlling access and could be pursued through the Council's Licensing Committee. He stressed that the Planning Committee would have a further opportunity to decide on the quality of the towers as only the principle and maximum height were to be agreed at this stage.

The Chairman noted that Member's concerns regarding the 10% minimum affordable housing and affordable housing in general had been noted by officers and could be reconsidered during discussions with the applicant.

The Director of Planning and Regeneration stressed that should the Committee approve the application before them it would be a historic moment as it would allow the City improve its international profile with a world class station. He continued that the need to redevelop the station was obvious and would bring economic benefits along with improved facilities for passengers. He also noted that Birmingham New Street Station was an important 'hub' on the national Rail Network. He noted that the retail element would remain the same as that currently in the Pallasades Shopping Centre. Any shops that had to move out of the Pallasades Shopping Centre would be relocated elsewhere in the City Centre where there were opportunities such as in Martineau Galleries when developed. The Director agreed that there was need for a stunning design and he felt that the proposals were an excellent design. He continued that ongoing discussions with Network Rail were taking place and he felt that the design of the station and the two towers would be equally stunning.

2641

RESOLVED:-

- (i) That application No. C/05066/06/OUT be referred to the Department for Communities and Local Government for consideration under the provisions of the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993,

Planning Committee – 30 November 2006

- (ii) That' subject to the Department for Communities and Local Government not intervening in the determination of the application, consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report and amended below;

In part i) all words after 'two towers' be deleted and replaced with the following ', to provide appropriate parking spaces including a parking management plan relating to the utilising of existing parking spaces and the making good of any shortfall in provision, together with any appropriate measures.'

- (iii) that subject to the Department for Communities and Local Government not intervening in the determination of the application and in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority within a period 3 months from the date of this resolution planning permission be refused for the reason(s) set out in the report;

- (iv) that, subject to the Department for Communities and Local Government not intervening in the determination of the application and in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority within a period of 3 months from the date of this resolution, favourable consideration would be given to the planning application for the reason(s) set out in the report, subject to the conditions specified therein and amended below;

In condition No.30 the following words be added 'including any necessary measures to protect the route for the Metro City Centre extension.'

- (v) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreement;
- (vi) that the applicant be required to enter into an agreement under section 278 of the Highways Act to secure
 - a) alterations to the junctions of
 - i. Navigation Street
 - ii. Stevenson Street
 - iii. Hill Street
 - iv. Station Street
 - v. Smallbrook Queensway.
 - b) Traffic Regulation Orders to secure on-street waiting restrictions, traffic management signage, signal changes, road markings, highway works, street lighting and other associated measures.

- c) City Centre way finding and the VMS signage.
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Report No. 8 – 115 Flaxley Road, Stechford (C/06226/06/FUL)

Responding to comments from Members of the Committee relating to the takeaway element of the proposals, the Area Planning Manager (Central) indicated that there had been issues relating to the home delivery service as the driveway adjacent to the application property was narrow and therefore it was conditioned that the deliveries would only be made by moped. He noted that the takeaway part of the proposals could be given 2 year temporary approval and targeting could take place.

It was-

2642

RESOLVED:-

- (i) That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein and amended below:-

New Condition

17 PLT999 Non-Standard

The takeaway element attached to the use hereby approved shall cease on or before 30 November 2008.

REASON:

In order to assess the impact of the takeaway use on highway safety in the immediate vicinity of the site.

- (ii) that the application premises be targeted.
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Report No. 9 – 24-28 Francis Road/59 Redhill Road, Yardley (C/00259/06/OUT)

Following a comment from Councillor A Delaney expressing concern at the loss of an industrial site, the Area Planning Manager (Central) indicated that officers shared the concern raised by the Councillor but as the application site was within a residential area and the applicant had offered forward an agreement to relocate the business to within 10 mile radius of the site and offer continued employment to all existing employees. On those grounds the application was acceptable. He stressed that the application would be referred to the Department of Communities and Local Government.

2643

RESOLVED:-

- (i) That consideration of planning application No. C/00259/06/OUT be referred to the Department of Communities and Local Government as a departure from the Birmingham Unitary Development Plan;
- (ii) that the Department for Communities and Local Government be informed that the Committee is minded to grant planning permission for the development subject to conditions and the satisfactory completion of a Legal Agreement as set out in the report;
- (iii) that in the event of the Department for Communities and Local Government not intervening in the determination of the planning application and the legal agreement being completed to the satisfaction of the Local Planning Authority within a period of 1 month from the date of the decision of the Department for Communities and Local Government, favourable consideration would be given to the planning application for the reason(s) set out in the report subject to the conditions specified therein;
- (iv) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreement .

Report No. 10 – 50 Malvern Road, Acocks Green (C/03016/06/OUT)

2644

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein.

Report No. 11 – Armoury Road, Small Heath – Rear Of Unit 101 (C/02515/06/FUL)

The Area Planning Manager (Central) noted that the Environmental Agency had now indicated that they were happy with the proposals due to the low risk of the site.

During the ensuing discussion, Members of the Committee queried whether the razor wire proposed was necessary and would be legal.

The Area Planning Manager (Central) explained that previous approval had been given to fencing which included razor wire. The application premises were within an industrial area and it was appropriate to grant permission. He stressed that it was not illegal to erect razor wire and, whilst the police had not directly commented on the application, their previous advice had been that any such deterrent should not be hidden. He further noted that the razor wire would

be cantilevered into the site to reduce the visual impact. He further noted that the area was vulnerable to crime.

The Chairman proposed that the application be approved without the addition of the razor wire and it was-

2645

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein and amended below:-
Condition No. 3 deleted and replaced by

PLB999 Non-Standard

No consent is granted for the erection of razor wire.

REASON:

In the interest of safety and visual amenity.

**Report No. 12 – Coventry Road, Yardley – Swan Office Centre
(C/06054/06/FUL)**

2646

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein.

**Report No. 13 – George Street/Newhall Street, Corner Off, City
(C03143/04/FUL)**

Councillors E Hendricks and R Spector felt that the reduction in the number of affordable housing units and the proposed sum of £10,000, which was inadequate, was unacceptable. Councillor R Spector added that she had requested a report previously setting out the total number of residential units approved in the Jewellery Quarter and the amount of affordable housing provision.

The Area Planning Manager (Central) indicated that the revised package was now providing four 2 bedroom apartments at 50% discount on the open market as opposed to five 2 bedroom apartments and three 1 bedroom apartments at 30% and therefore in terms of affordability the package was worth more. He stressed that the £10,000 was to be used towards public realm improvement. The Assistant Director (Planning Management) indicated that a report would come forward in the new year relating to the information requested by Councillor R Spector.

2647

RESOLVED:-

That approval be given to the deed of variation to the section 106 agreement attached to application No. C/03143/04/FUL to secure.

- 1) an index linked contribution of £10,000 improvements to existing public open space within the Jewellery Quarter.
- 2) Four, 2 bedroom apartments to be transferred to a registered social landlord at 50% discount on the open market value.

Planning Applications in Respect of the South Area

Report No. 14 – Prince of Wales Lane, Warstock – Land Adjoining (S/04960/06/FUL)

The Area Planning Manger (South) indicated that the resident of Waterway Court who had indicated an intention to undertake public speaking had advised that she was unable to attend the meeting. The Area Planning Manager continued that, with the Committee's agreement she wished to read out the resident's comments as follows:-

- Whilst the resident did not have any objection to the scheme in principle, she was very concerned at the scale and bulk of the development, particularly as she is on a corner site with a clear view of the whole development.
- The resident's main concern, however, was that her property may be overlooked to an unacceptable degree, leaving little or no privacy. She felt that is important as she also works from home.
- If the Committee was mindful to approve, the resident was asking that substantial boundary treatment be provided, so that it prevented any overlooking that could take place.
- The resident also had concerns regarding the disturbance and dust generated during the construction period, as when the site was originally cleared, dust greatly affected her property which she had to have professionally cleaned on two occasions.
- Due to the number of units proposed, the resident was wondering if the local schools had enough capacity .

The Area Planning Manager (South) made reference to the addendum attached to the report at document No. 2. She further noted that after consultation with transportation colleagues an additional condition was proposed relating to a Construction Traffic Management Plan. The Area Planning Manager (South), responding to a comment from Councillor L Clinton, explained that in order to meet the relevant policies a legal agreement was required and should it prove

impossible to conclude that legal agreement then the application could be refused as it was against appropriate policies.

Responding to a comment from Councillor P Douglas Osborn, Mr Cowen, Development Directorate, explained that the traffic impact had been measured in comparison with the previous use of the site and it was found that the application would not create any extra traffic to further damage the highway network. He added that there was no need to make modification to the Local Highway Network.

2648

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report as amended by the addendum to the report;
- (ii) that in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority within a period 3 months from the date of this resolution planning permission be refused for the reasons set out in the report as amended by the addendum to the report;
- (iii) that in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority within a period of 3 months from the date of this resolution, favourable consideration would be given to the planning application for the reason(s) set out in the report, subject to the conditions specified therein as amended by the addendum and below;

New Condition

24 PLB999 Non-Standard

A Construction Traffic Management Plan is to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the agreed Plan.

REASON:

In order to secure the satisfactory development of the application site.

- (iv) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreement.
-

Report No. 15 – Fellow Lane, Harborne – Baskerville School
(S/06128/06/FUL)

An objector spoke against the application and made a number of points including the following:-

- She lived opposite the school gates.
- Whilst she supported the school and the work that it did, she was concerned that the proposals would add to the hazardous traffic situation at the school entrance on Fellows Lane.
- She noted that there would not be an increase in staff or pupils but felt that parking issues on the site needed to be addressed.
- She felt that the views of the transportation department on the previous application were incorrect as there were parking difficulties in Fellows Lane.
- Due to parking in Fellows Lane there was only sufficient width for one way traffic and should cars meet one would have to reverse or mount the pavement which was dangerous.
- The situation was particularly bad at school opening and closing times.
- She requested that the application be refused pending the provision of suitable on-site parking.

A representative of the agent spoke in support of the appeal and made a number of points including the following.

- His clients recognised that there were parking problems in Fellows Lane but noted that it was historical.
- There would be no increase in staff or students as the application was for an extension to the existing facilities.
- Development work elsewhere in Court Oak Road was adding to car parking problems.

The Area Planning Manager (South) stressed that the proposal was a small one and would not increase the number of staff or students. He noted that car parking on site had been looked at again but based on the current application it could not be justified to extend car parking on the site. She suggested that a travel plan condition be added which may reduce staff car parking around the site.

Councillor L Clinton welcomed the proposals and noted that all schools had problems relating to parking and she hoped that the opportunity could be taken to address the issue of parking.

The Assistant Director (Planning Control) responding to comments from Councillors L Clinton and K Linnecor clarified that the supporter had indicated that a residential development nearby would create 10 parking spaces and would reduce on street parking. He continued that the school travel plan condition could be added and that a resolution could be passed to give a clear signal to the applicant that a permanent solution to the problem was required.

2649

RESOLVED:-

- (i) That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein and amended below:-

New Condition

5 PLB914R206 Travwise/Transport

- (ii) that the applicant be requested to address the current parking situation, to provide a long term parking solution.

Report No. 16 – 40 Woodbridge Road, Moseley (S/06141/06/FUL)

A representative of the applicant spoke in support of the application and made a number of points including the following:-

- The premises were vacant.
- The proposals were applicant's first venture in business.
- The application would create 5 jobs and add vitality to the area.
- Many of the customers would be local.
- Most of the business would be for home delivery so there would be no car parking problems. It was intended to close the premises at 2300 hours so there would be no late night noise.
- 24 letters of support have been received mainly in the Woodbridge Road and Church Road area.

The Assistant Director (Planning Management) noted that the Chantry Road Residents' Association had objected to the proposals and his wife and himself were members of that Association. He stressed that he had had no involvement in the application on an individual basis or through the Association.

The Area Planning Manager (South) made reference to the policy issues in respect of the application and stressed that such applications would not normally be granted. She also referred to the comments raised by officers from Transportation Strategy indicating that two accidents had taken place including

one on a zebra crossing. She stressed that hot food takeaways tended to attract customers that would be tempted to park illegally. He further stressed that no letters of support had been received.

Councillor E Henricks indicated that, whilst he would like to support the application, he understood the issues involved. He suggested that officers work with the applicant to find alternative premises for his business. Councillor M Nangle made reference to the parking issues in the area, whilst the Assistant Director (Planning Management) confirmed that there was parking problems in the area of the application site with abundant illegal parking taking place. He indicated that the Director of Planning and Regeneration could be requested to assist the applicant in finding a suitable premises for his business.

2650

RESOLVED:-

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

Report No. 17 – 1209-1211 Stratford Road, Hall Green (S/05907/06/FUL)

The Chairman indicated that he had received a late letter from Councillor O'Brien which he had referred to officers. The Area Planning Manager (South) confirmed that Councillor O'Brien had submitted an email commenting on the parking issues of the application particularly in respect of the nearby library. The Councillor was also suggesting a site visit. The Area Planning Manager noted that it was proposed that the application be approved for one year temporary to assess the parking situation. Following a comment from the Chairman, she confirmed that the application premises could be targeted.

Councillor P Smith noted that there had been discussions between the library and the applicant relating to parking issues. She also noted that the applicant had on occasion introduced stewards to manage parking issues which appeared to alleviate the problem.

2651

RESOLVED:-

- (i) That temporary planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein;
- (ii) that the application premises be targeted.

Report No. 18 – 50 Ellesboro Road, Harborne – Rear Garden of (S/06305/06/FUL)

The Area Planning Manager (South) indicated that the proposed dwelling was to be built in the side garden and the heading of the report should be revised accordingly. She further noted that in the penultimate sentence of the final

paragraph of planning consideration the words 'be resinded' should be replaced by the words 'not be implemented'.

2652

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 legal agreement being completed to the satisfaction of the Local Planning Authority by 6 December 2006, favourable consideration would be given to the planning application for the reason(s) set out in the report, subject to the conditions specified therein;
- (iii) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreement.

Report No. 19 – 126 Springfield Road, Kings Heath (S/05627/06/FUL)

2653

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein.

Report No. 20 – 14-18 Greville Drive, Edgbaston – Land Rear Of (S/05812/06/FUL)

In response to a comment from Councillor P Douglas Osborn, Mr Sidhu, Legal and Democratic Services Department, indicated that it would be inappropriate for the City Council to advise on legal matters arising out of the application. In response to a comment from Councillor E Hendricks, the Area Planning Manager (South) indicated that should anyone wish to build a house on the land a planning application would have to be submitted for the Local Planning Authority to determine.

2654

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein.

Report No. 21 – Bristol Road, Former Birmingham Battery Site and Adjoining Land, Selly Oak (S/04932/00/OUT)

Councillor A Delaney indicated that he had shares in Sainsbury's Supermarkets Limited and he withdrew from the meeting.

The Assistant Director (Planning Management) made introductory comments relating to the report highlighting that the benefits of the application would allow for the reclamation of the site and the provision of phase 1a of the Selly Oak New Road to a condition to allow construction traffic currently using Leasowe Drive access to the new hospital site.

The Chairman indicated that he had received a communication from Councillor Hutchings requesting that local Councillors be kept informed of any developments that may adversely affect local residents.

2655

RESOLVED:-

That the Chief Legal Officer be authorised to prepare and seal a section 106 Deed of Variation in connection with planning application No. S/04932/00/OUT to

- a) Omit remediation, flood compensation and tree clearance work from the definition of 'Implementation Work'.
- b) Subject to the City Council funding Sainsburys shall commence construction of phase 1a of the Selly Oak New Road, Sainsburys construction of the Selly Oak New Road no later 1 April 2007 and construct the road to a programme agreed by the Local Planning Authority. Sainsburys to reimburse the cost of construction of phase 1a of the Selly Oak New Road in full to the Council on the implementation of this consent or any other planning consent for the development site and shall not occupy any building within the development site until full reimbursement of costs has taken place.
- c) Defer payment of the open space/SLINC contribution to 12 months after the commencement of the flood compensation works, or implementation of any revised application to be approved, whichever is the sooner.

Councillor Delaney returned to the meeting.

OTHER URGENT BUSINESS

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

7 Church Road, Edgbaston (S/03991/06/FUL)

The Area Planning Manager (South) indicated that a further consideration of the history of the site had been made and it could be confirmed that the property was used as a dwelling in 1991. In 2005 temporary approval was given for the use of the premises as a marketing suite which ceased in July 2006 following which the property reverted to its lawful use as a dwelling house.

The Chairman indicated that he had received a letter of support from a representative of the applicant.

During the ensuing discussion, Councillors R Spector and M Nangle commented on the marketing of the property for residential purposes and what would happen should the Committee refuse the application and the property remained empty. They questioned how long that situation could be maintained.

The Assistant Director (Planning Management) made reference to the information presented to the Committee which still lacked sufficient detail to allow the Committee to reach a proper decision. He noted that an internationally renowned chef had been attracted to the scheme and should the application be refused the applicant could be encouraged to find a alternative site in the locality for the restaurant. He noted that the property would remain empty until the applicant decided on how they would wish to proceed.

The Chairman put the recommendation of refusal to the Committee and, by 10 votes in favour to 4 votes against with 1 abstention, declared the recommendation carried.

2656

RESOLVED:-

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

Planning Applications in Respect of the North Area

**Report No. 22 – 2a Somerville Road, Sutton Coldfield, B73 6JA
(N/03065/05/FUL)**

The Chairman indicated that he was a life member of The Friends of Sutton Park Association and The Sutton Civic Society. He stressed that he had had no involvement in the application.

An objector spoke against the application and made a number of points, including the following:-

- In 1996 planning permission had been granted for the erection of a bungalow and swimming pool and now it was proposed to build 10 apartments with 18 parking spaces.

Planning Committee – 30 November 2006

- The proposed development was considerable in terms of height, scale and mass, and would directly impact on Wyndley Pool and Wyndley Cottage.
- The application site was on a dangerous junction where there had been a number of accidents.
- The application would be very close to Sutton Park, which was a SSSI site and Wyndley Pool with its wildlife etc.
- The proposed building would have a visual impact upon people using the park.
- A site visit was requested.

A representative of the applicant spoke in support of the application and made a number of points, including the following:-

- There was an extent planning permission for the site which created the principle of developing the site.
- The design was a good one with positive aspects.
- The design followed the principles set out in guidance.
- Through negotiations the mass had been reduced, particularly the block adjoining Wyndley Cottage.
- Block B was narrower than the building that had permission.
- The new buildings reflected the Arts and Craft style of surrounding properties.
- Transportation Officers had accepted the proposals.
- He recommended the scheme to the Committee.

The Area Planning Manager (North) noted that on page 6 of the report in the first sentence of the last paragraph relating to impact on character reference should be made to Wyndley Pool not Wyndley Lane.

The Area Planning Manager (North) indicated that following re-consultation of the revised Plans, 18 letters of objection had been received, relating to issues already raised such as parking provision and the appeal decision. She continued that there was permission for a large bungalow with swimming pool for which the footings had been started and that building could be completed at any time. Officers had negotiated with the applicant for improvements, which had resulted in a reduction in the number of flats and the height and scale of the

Planning Committee – 30 November 2006

proposed buildings. The Department's Tree Officer had been fully involved in the application and she made particular reference to Condition No. 22. She also noted that Conditions 14 and 15 related to drainage.

Councillor M Waddington expressed concern that the application site was on a dangerous corner and there may have been a fatality in the area. She requested that further consideration to the traffic implications of the application be considered. Councillor L Clinton expressed concern at the visual impact of the proposal and noted that there was a landfill site nearby. Councillor K Linnecor reiterated concerns relating to traffic.

The Chairman suggested it may be difficult to refuse the application, but felt that the application should be deferred so that a photomontage of the proposal from Sutton Park could be created and that the impact on the park could be further considered. He felt that further work on the transport aspects of the proposals was needed as he felt that the junction was dangerous. He felt that some police statistics relating to accidents in the vicinity of the application site should be provided.

2657

RESOLVED:-

That consideration of the application referred to in the report be deferred to allow further information relating to traffic, accident statistics and the provision of a photomontage of the proposals seen from Sutton Park.

Report No. 23 – 47 Daniels Road, Little Bromwich (N/06275/06/FUL)

Councillor Z Choudhry indicated that he had visited the site but had not expressed a view on the application and following advice from Mr Sidhu, Democratic and Legal Services Department, he remained in the meeting.

Following comments from Councillor P Douglas Osborn, it was suggested that the applicant should be advised on how to erect a store in his rear garden more in keeping with the Ideal Village Conservation Area.

2658

RESOLVED:-

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

Report No. 24 – 75-79 Wright Street, Small Heath (N/02338/06/FUL)

2659

RESOLVED:-

That planning permission be granted for the reason(s) set out in the report, subject to the conditions specified therein.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

2660 The Chairman noted that he had previously suggested that a visit would take place either on the 7 or 14 December 2006 but he had now asked officers to delay that visit until the new year.

Councillor M Fazal indicated that he hoped the visit could be made after 4 January 2007 as he would not be able to attend before then.

OTHER URGENT BUSINESS

The Chairman was of the opinion that the following items could be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act if necessary:-

A. Presentation by Sainsburys in Respect of the Battery Site, Selly Oak

2661 The Chairman confirmed that after the meeting on 7 December 2006 Sainsburys would make a presentation on an informal and private basis.

Councillor A Delaney, noting that he had declared an interest in applications in respect of Sainsburys, queried whether it would be in order for him to attend the presentation on the understanding that when an application came before Committee he would have to declare an interest. The Chairman indicated that it would be in order for the Councillor to attend the presentation so that he could hear information which would be helpful to him as a local Councillor.

B. Moseley Hall Hospital

2662 Councillor E Hendricks indicated that local residents had been assured that they would be consulted over materials and quality of the build but were unhappy that the promised consultation had not taken place. It was noted that residents had written to the Chairman along those lines and he or officers would respond in due course. The Chairman requested that Councillor Hendricks be included in any correspondence.

C. Appeal Decision – 124-128 Jockey Road, Sutton Coldfield

2663 The Chairman reported that at an appeal in respect of the proposed development at 124-128 Jockey Road it was pleased to announce that the Council had been successful in defending its position.

D. Planning Application No. N/05749/05/OUT – Aldridge Road, Great Barr, North Birmingham College Campus

Mr Sidhu, Legal and Democratic Services Department, requested a 4 week extension to the timescale for the completion of the section 106 agreement in respect of the above planning application.

2664

RESOLVED:-

That the Chief Legal Officer be granted a 4 week extension to the timescale relating to the conclusion of the section 106 agreement in respect of planning application No. N/05749/05/OUT

AUTHORITY TO CHAIRMAN AND OFFICERS

2665

RESOLVED:-

That the Chairman (or in his absence, the Vice-Chairman if appropriate) is hereby authorised to act until the next meeting of the Committee except that, in respect of the exercise of the Council's non-Executive functions, the appropriate Chief Officers are hereby authorised to act in consultation with the Chairman and that the Chief Legal Officer is authorised to affix the Corporate Seal to any document necessary to give effect to a decision of the said officers acting in pursuance of the power hereby delegated to them; further that a report of all action taken under this authority be submitted to the next meeting and that such report shall explain why this authority was used.

EXCLUSION OF THE PUBLIC

2666

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 Last Meeting

3

Planning Committee – 30 November 2006

The meeting ended at 1310 hours.

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CHAIRMAN