

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
4 JUNE 2009**

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE HELD ON  
THURSDAY, 4 JUNE 2009 AT  
1100 HOURS IN COMMITTEE ROOMS  
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-** Councillor Douglas Osborn in the Chair;

Councillors Beauchamp, Maureen Cornish, Delaney, Bill Evans, Fazal, Jones, Kooner, Linnecor, Sharpe, Smith, G Sutton I Ward and Whorwood.

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## **PUBLIC ATTENDANCE**

5665 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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## 5666 **APOLOGIES**

Apologies were submitted on behalf of Councillor Gaved.

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## **CHAIRMAN'S ANNOUNCEMENTS**

### **A. Visit to 451-459 Stratford Road - Mushtaq's, Sparkhill and 60 Cole Bank Road, Hall Green**

5667 The Chairman informed Members that a visit to 451-459 Stratford Road - Mushtaq's, Sparkhill and 60 Cole Bank Road, Hall Green, was scheduled to take place on 11 June 2009.

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### **B. Annual Members' Training**

5668 The Chairman suggested, and it was agreed, that the annual Members' training take place on 25 June 2009. It was anticipated that training would last

## Planning Committee – 4 June 2009

approximately two hours. With regard to training in respect of householder permitted development, the Assistant Director (Planning Management) pointed out that it was a rather large subject and it was, therefore, agreed that separate training be held on 23 July 2009 on that issue.

Councillors Jones and Sharpe suggested, and it was agreed, that an information pack be circulated to Members prior to training.

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### **C. Information for New Members**

5669 The Chairman circulated copies of an A-Z street atlas to new Members of the Committee.

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### **MINUTES**

5670 **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**

5671 In response to a question by Councillor I Ward regarding a comment made by Councillor Hendricks (minute no 5633 refers), the Assistant Director (Planning Management) confirmed that the Committee did not have the power to instruct and could only request that consultation take place between the applicant and local residents on planning applications.

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

#### **A. Planning Application No S/01970/09/FUL – 743 Bristol Road South, Longbridge**

5672 Councillor Delaney requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns that the development would have an adverse impact on the amenities of neighbouring occupiers.

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#### **B. Planning Application No S/02153/09/FUL – 1209-1211 Stratford Road, Hall Green**

5673 Councillor Smith requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns that the development would have an adverse impact on the amenities of neighbouring occupiers.

**C. Planning Application No S/002114/09/FUL – 156 Highfield Road, Hall Green**

5674 Councillor Smith requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns that the development would have an adverse impact on the amenities of neighbouring occupiers.

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**D. Planning Application No S/01946/09/FUL – 1335 Stratford Road, Hall Green**

5675 Councillor Smith requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns that the development would have an adverse impact on the amenities of neighbouring occupiers.

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**REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 1)

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

**Report No 7 – Glastonbury Road, Land North of, Chinn Brook Recreation Ground, Selly Oak – S/01547/09/FUL**

The Area Planning Manager (South) advised that additional comments and letters of objection had been received. She added that Local Services objected to the proposal.

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

1. The scheme was totally unacceptable.
2. The proposed vehicular access road would have an adverse impact on the woodland and park.
3. Residents would be prohibited from using the park whilst work was carried out.
4. There had been a lack of consultation of local residents.
5. Information prepared by planning officers informing residents of the proposals had been brief.

## Planning Committee – 4 June 2009

A supporter spoke in favour of the application and made a number of points including the following:-

1. Severn Trent Water had an obligation to improve facilities.
2. An existing overflow was spilling contaminated water into Chinn Brook and needed to be rectified.
3. The access track would be for use only by maintenance vehicles.
4. The access track would not affect any mature trees in the recreation ground.
5. The composition of the track would be to a very high standard.
6. The report failed to demonstrate an understanding of the advantages of the proposal.
7. He suggested a site visit to gain a better understanding of the proposal.

The Area Planning Manager (South), in referring to the report, reiterated the reasons for refusal.

Councillor Sharpe was concerned that the proposal would destroy the recreation ground and stressed the importance of preserving parks and amenity space.

Councillor I Ward supported the recommendation to refuse the application but was concerned that the brook should not be contaminated. He was also disappointed that there had been a lack of communication and consultation regarding the proposals.

Councillor Linnecor stressed the importance of retaining the green space.

Councillors Cornish and Smith were concerned that waste water and sewage should not contaminate the brook but supported the recommendation to refuse the application.

In response to a comment by Councillor I Ward regarding the amount of information sent to local residents regarding the proposal, the Area Planning Manager (South) advised that the letter had given the description as set out in the title of the report now submitted. The Assistant Director (Planning Management) added that further information regarding all applications was available on the City Council's website and also at the offices at Alpha Tower.

5676

### **RESOLVED:-**

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

**Report No 8 – 251-257 Alvechurch Road, Land to Rear of, West Heath – S/00717/09/FUL**

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

1. Local residents were not opposed to the development but hoped that common sense would prevail on the grounds of safety.
2. The proposed access would be dangerous for pedestrians and other road users.
3. There was no footpath included in the proposal.
4. A site visit should be undertaken prior to any decision being made.

The Assistant Director (Planning Management) advised that the speaker in support of the application was not in attendance.

The Area Planning Manager (South) advised that the proposed access was unsatisfactory and therefore refusal was recommended.

Councillor G Sutton advised that a site visit had taken place when the previous application was considered and refused by the Committee.

5677

**RESOLVED:-**

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

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**Report No 9 – Land West of Ulwine Drive and South of Vineyard Road, Northfield – S/00376/09/OUT**

Councillor Delaney declared an interest and left the room during consideration of the item.

The Area Planning Manager (South) advised that she wished to amend the recommendations set out in the report and that the applicant had requested an extension of time from one to two years in view of the current economic climate.

5678

**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:-

Amended Condition 17

Application(s) for approval of any reserved matter(s) must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last matter to be approved.

REASON:

To comply with Section 92 of the Town and Country Planning Act 1990

- (ii) that no objections be raised to the stopping up of the public highway which fronts the site around Vineyard Road and Herbert Austin Way and that the Corporate Director of Governance 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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Councillor Delaney returned to the meeting.

**Report No 10 – 1256-1258 Pershore Road, Stirchley – S/07000/07/FUL**

The Area Planning Manager (South) advised that she had received a letter from Councillor Huxtable objecting to the proposal in light of concerns that there was a lack of parking provision and requesting a site visit.

5679

**RESOLVED:-**

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

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**Report No 11 – 70 Fountain Road, Harborne– S/02493/08/FUL**

The Area Planning Manager (South) made amendments to the report submitted. She advised that the building work had commenced and that the roof was not in accordance with the proposed plans and, therefore, wished to add a condition to ensure that work was carried out correctly.

## Planning Committee – 4 June 2009

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

1. Letters objecting to the proposals had been submitted by local residents.
2. Work had commenced prior to planning permission being granted.
3. Local residents were concerned that the proposal would lead to a loss of light and privacy.
4. The proposal was not in keeping with the surrounding area and would impact on the views from local residents' properties.
5. The scale and design would have a detrimental affect on the appearance of neighbouring properties.
6. There was concern that the proposal would lead to increased noise in the area.
7. The proposal would result in a loss of trees.

A supporter spoke in favour of the application and made a number of points including the following:-

1. The scheme had been developed in conjunction with planning officers, was sympathetic and complied with all policy guidelines.
2. There had been confusion regarding planning approval as there had been a long delay of about twelve months between submitting the application and receiving written confirmation. Therefore, building work had commenced even though an approval notice had not been received.

The Area Planning Manager (South) advised that a previous planning application had been refused and amended plans had been submitted.

Councillor Kooner was concerned that work had commenced even though the applicant had not received an approval notice. Councillors I Ward and Whorwood concurred with that comment.

In response to a question by Councillor Kooner, the Area Planning Manager (South) advised that the design would not have a detrimental impact on the street scene or nearby properties and that the impact on light had been minimised.

In response to a question by Councillor Smith, the Area Planning Manager (South) advised that the height of the original garage was not known.

It was proposed by Councillor Jones and seconded by Councillor Smith that the application premises be targeted.

**Planning Committee – 4 June 2009**

Councillor Beauchamp was concerned that the application had not received attention by officers for twelve months and considered that the applicant should have received confirmation of the outcome of the application sooner. The Assistant Director (Planning Management) agreed that the length of time taken to process the application was unacceptable and that steps had been put in place to ensure that it did not happen again.

Councillor Sharpe suggested and it was agreed that a further report be submitted to the Committee in two months' time on whether or not the condition had been adhered to ensuring that the building work complied with the application.

5680

**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 B

The roof of the rear single storey extension shall be constructed in accordance with the approved plans within 2 months of the date of this permission.

REASON:

In order to safeguard the visual amenity of the area

- (ii) that the application premises be targeted.

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**Report No 12 – 80 Russell Road, Moseley – S/00036/09/FUL**

5681

**RESOLVED:-**

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

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**Report No 13 – 300 Haunch Lane, Kings Heath– S/01526/09/FUL**

The Committee was advised that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

5682

**RESOLVED:-**

That it be noted that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

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**Report No 14 – 462 Stratford Road, Sparkhill – S/01212/09/FUL**

The Area Planning Manager (South) advised that she wished to amend a condition.

5683

**RESOLVED:-**

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

Amended Condition 4

PLB999 Non-Standard

The restaurant use shall not be open to customers outside the hours of 1100 – 2330.

REASON:

In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity.

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The Chairman agreed to vary the agenda order and brought forward the sites visited reports numbered 25 – 30.

**Sites Visited Reports**

**Report No 25 – Wentworth Gate, Land Adjacent No 7, Moor Pool (Site EI), Harborne – S/00873/08/FUL**

The Chairman reported the comments made on the site visit that had taken place on 21 May 2009 as follows:-

**Comments at the Public Meeting**

1. The estate was historic and comprised a special layout, topography and open spaces.
2. The proposed design and layout was inappropriate.
3. A conservation area appraisal, which was mandatory, was still awaited.
4. Residents' outlook would be affected with the backs of some properties facing the fronts of others.
5. There had been a lack of surveillance for parking at site 'c'.
6. The development would increase traffic and parking in the area.
7. Garages and allotments had been deliberately run down.

## Planning Committee – 4 June 2009

8. Improvement did not necessarily need to be new development.
9. There was a waiting list for allotments.
10. Garages remained in use, despite dereliction.
11. The development would have an affect on the ecology of the area and there was concern as to whether guidelines had been followed.
12. The development would result in a loss of trees.
13. There was concern that there could be problems with flooding in the future.

### Members' Comments After the Public Meeting

1. Whilst some considered that the development was needed, it was important that this should not be at the loss of a significant number of allotments.
2. Others had concerns about the development.
3. Some were concerned about the design and layout whilst others did not share that concern.
4. More work needed to be done to prevent flooding in the future.
5. More work needed to be done regarding the access to the site.
6. Points were raised, to which responses were required, regarding the character appraisal, ecology, allotments and open spaces.
7. The point, made at the public meeting, regarding the fact that the backs of some properties would be facing the fronts of others, was reiterated.
8. Members noted that there was a conflict of interests between residents and the estate owners.

In response to a question by the Chairman, the Assistant Director (Planning Management) advised that responses were still awaited to the points that had been raised at the site visit regarding the character appraisal, ecology, allotments and open spaces. The Chairman, therefore, suggested that consideration of the reports be deferred pending further information.

Members agreed that consideration of the reports be deferred and expressed their concerns that the information was not available.

The Chairman invited additional comments from Members regarding the application.

**Planning Committee – 4 June 2009**

Councillor Beauchamp, in referring to application no S/00873/08/FUL, Wentworth Gate, considered that the proposal should be more sympathetic and in keeping with the surrounding properties. With regard to application no S/00874/08/FUL, Ravenhurst Road, he expressed concern regarding the access to the site and considered that the garages were in a poor condition.

In response to a question by Councillor Smith regarding application no S/00874/08/FUL, Ravenhurst Road, the Assistant Director (Planning Management) confirmed that there were 40 garages that would require demolition if the development went ahead. Councillor Linnecor considered that the garages should not be permitted to become in a more dilapidated condition than they were at present.

In response to a question by the Chairman, the Assistant Director (Planning Management) advised that, as Members were minded to defer consideration of the reports today, it was hoped that they would be brought back to the Committee on 9 July 2009.

5684

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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**Report No 26 – Wentworth Gate, Land Adjacent No 7, Moor Pool (Site EI) – S/00871/08/CAC**

5685

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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**Report No 27 – Ravenhurst Road, Land Off, and Garden Land at 146 Ravenhurst Road, Moor Pool (Site C) – S/00874/08/FUL**

5686

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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**Report No 28 – Ravenhurst Road, Land Off, Moor Pool (Site C) – S/00870/08/CAC**

5687

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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**Report No 29 – Ravenhurst Road, Land Off (Site A), Moor Pool, Harborne – S/00872/08/FUL**

5688

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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**Report No 30 – Ravenhurst Road, Land Off, Moor Pool (Site A) – S/00869/08/CAC**

5689

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information.

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The Committee returned to the original agenda order.

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

**Report No 15 – 76-80 Bordesley Green Road, Bordesley Green – C/00829/09/FUL**

The Committee was advised that the application had been withdrawn from the planning register by the applicant.

5690

**RESOLVED:-**

That it be noted that the application had been withdrawn from the planning register by the applicant.

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**Report No 16 – Holyhead Road and Middlemore Road, Land at, Former Astra Training Centre Site, Handsworth – C/00818/09/FUL**

The Committee was advised that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

5691

**RESOLVED:-**

That it be noted that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

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**Report No 17 – 114 Greenwood Avenue, Acocks Green – C/01684/09/FUL**

The Constituency Planning Officer (Central) advised that additional letters in support of the application had been received. She added that she would wish to amend the conditions if planning permission was granted.

5692

**RESOLVED:-**

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

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**Report No 18 – Jennens Road/Howe Street/Cardigan Street, Eastside – C/01122/09/BCC**

Councillor I Ward declared an interest and left the room during consideration of reports nos 18 and 19.

The Constituency Planning Officer (Central), in referring to the report now submitted, advised that minor amendments had been made to the internal circulation route and the position of internal lifts. She advised that Transportation Development had no objections to the proposal and that Centro supported the scheme in principle. A letter objecting to the amount of car parking provision that was proposed to serve the vertical theme park had also been received.

Members, whilst acknowledging that there was a need for extra car parking provision in the area, were opposed to the design of the building which they considered was square and ugly and they particularly disliked the bright green acrylic panels.

It was proposed by Councillor Sharpe and seconded by Councillor Smith that consideration of the application be deferred and that the multi-storey car park be redesigned.

5693

**RESOLVED:-**

That consideration of the application referred to in the report be deferred and that the multi-storey car park be redesigned.

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**Report No 19 – Jennens Road/Howe Street/Cardigan Street, Eastside – C/01123/09/ADV**

5694

**RESOLVED:-**

That consideration of the application referred to in the report be deferred.

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Councillor I Ward returned to the meeting.

**Report No 20 – Soho Hill/St Michaels Road, Junction of, Handsworth – C/01647/09/BCC**

Councillor Kooner considered that the proposed sculpture was hideous.

Councillor Beauchamp did not think that the sculpture was in keeping with the area. However, beauty was in the eye of the beholder and it would be difficult to refuse the application without grounds.

Councillor Sharpe did not think that the sculpture was sympathetic with the surrounding area.

In response to a question by Councillor Linnecor, the Chairman advised that the cost of providing the sculpture would be funded by the Director of Planning and Regeneration.

Councillor Smith queried whether local residents had been consulted regarding the sculpture and if the design signified some local meaning. Councillors Kooner, Linnecor and Whorwood concurred with that comment and were concerned that the sculpture should not be refused if it had been designed in conjunction with the local community.

In response to a comment by Councillor I Ward, the Assistant Director (Planning Management), in referring to the design and access statement, outlined the message that the proposed sculpture sought to portray. Councillor I Ward considered that it would have been helpful if the information set out in the design and access statement had been included in the report. Councillor Sharpe concurred with that view.

5695

**RESOLVED:-**

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

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**Report No 21 – 1 Whittington Grove, Stechford – C/01633/09/FUL**

5696

**RESOLVED:-**

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

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**Report No 22 – Boughton Road/Howard Road (Junction of), Land Adjacent to 44 Howard Road, Yardley – C/00223/09/FUL**

The Constituency Planning Officer (Central), in referring to page 51 regarding visual amenity, advised that the proposed sub-station was 0.6m higher and not 5m higher and that the proposed sub-station would be 2.9m wider and not 2.1m wider than the existing, as stated in the report now submitted. She added that she wished to amend the recommendations contained therein.

Councillor Smith requested that the length of time be extended from 2 to 5 years for the replacement of any trees planted that died within that period.

In response to a comment by Councillor Whorwood, the Assistant Director (Planning Management) advised that security of the site would be covered by conditions.

In response to a comment by Councillor Smith, Councillor I Ward thought that the external steps to the side of the building were probably for emergency use.

Councillor Delaney requested that anti-graffiti paint be used on the security fencing.

5697

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement, as set out in the report and amended below:-

An agreed sum of £10,000 to be paid upon implementation (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision of improvements to public open space in the South Yardley Ward and maintenance thereof or on any other purpose that shall be agreed in writing between the Council and the party responsible for paying the agreed sum provided this has been approved by the Council's Planning Committee.

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 16 June 2009, 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 by 16 June 2009, 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:-

Amended Condition 8:

PLA999 Non-Standard

A landscaping scheme to include the planting of 2 trees to replace the 2 maple trees to be removed, agreed with the local planning authority is to be completed within a period of 1 year from the date the development commences on site or the approval of the landscaping scheme, whichever is the later, or within a period agreed in writing with the local planning authority.

**Planning Committee – 4 June 2009**

Any trees which are planted and die within five years of planting shall be replaced to the satisfaction of the local planning authority.

REASON:

In order to safeguard the visual amenity of the area.

- (iv) that the Corporate Director of Governance be authorised to prepare and seal the appropriate legal agreement;
- (v) that no objections be raised to the diversion of the footpath adjacent to the application site, and that the Corporate Director of Governance be requested to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

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**Report No 23 – 4 Cockshut Hill, Sheldon – C/01428/09/FUL**

In response to a request by Councillor Jones that the existing boundary fence be kept in a good state of repair and that it be coated with anti-graffiti paint, the Assistant Director (Planning Management) advised that the upkeep of the fencing was included in the conditions of the application.

5698

**RESOLVED:-**

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

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

**Report No 24 – 44 Four Oaks Road, Sutton Coldfield – N/00850/09/FUL**

In response to a comment by Councillor Cornish, the Constituency Planning Officer (North) advised that the application included conditions relating to the boundary and landscaping.

5699

**RESOLVED:-**

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

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**Policy Report**

**The Birmingham (103 Goosemoor Lane, Erdington) Tree Preservation Order 1997**

Councillor Linnecor stressed the importance of ensuring that only the two branches that were hanging low into the garden were removed.

5700

**RESOLVED:-**

That the minor pruning work be allowed.

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

5701

The Chairman reminded Members that a visit to 451-459 Stratford Road - Mushtaq's, Sparkhill and 60 Cole Bank Road, Hall Green, was scheduled to take place on 11 June 2009.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

5702

**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 Corporate Director of Governance be 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.

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**EXCLUSION OF THE PUBLIC**

5703

**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:-

Planning Committee – 4 June 2009

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

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The meeting ended at 1245 hours.

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CHAIRMAN