

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
12 OCTOBER 2006**

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE HELD ON  
THURSDAY, 12 OCTOBER 2006 AT  
1030 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, C Jones, N Kooner, K Linnecon, P Smith,  
R Spector, G Sutton and M Waddington.

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**PUBLIC ATTENDANCE**

2435 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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**APOLOGIES**

2436 Apologies for non-attendance were submitted on behalf of Councillors E Hendricks and M Nangle.

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**MINUTES**

With reference to the fourth paragraph to the preamble to Minute No. 2211 (Report No. 8 – 109-138 Northwood Street and 5-6 Graham Street, Hockley – Land At (C/02600/06/OUT)), the Assistant Director (Planning Control) requested that reference to “square metre” be substituted with “square foot”. In respect of the last sentence of the sixth paragraph to the aforementioned preamble, he suggested that the word “finally” be substituted with “finely”.

In referring to Minute No. 2221 (Report No. 18 – Great Park, Rubery – Parklands Chapel (S/05825/05/LBC), the Assistant Director (Planning Control) requested that the words “Planning Permission” referred to in the resolution, be deleted and replaced with “Listed Building Consent”.

The amendments were agreed.

2437

**RESOLVED:-**

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

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

**A Planning Application No. C/05617/06/FUL 364 Barrows Lane, Sheldon**

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Councillor C Jones requested that a report relating to the above Planning Application be submitted to a future meeting of the Committee in the light of concerns relating to the impact of the proposed development on neighbouring properties and concerns that the scheme would be out of keeping with the surrounding area.

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**B Planning Application No. N/05957/06/FUL – 82 Handsworth Wood Road, Handsworth Wood**

2439

Councillor N Kooner requested that a report relating to the above Planning Application be submitted to a future meeting of the Committee in the light that the proposed electronics base station was close to a play centre and two schools.

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**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 to expedite consideration thereof and instruct officers to act if necessary:-

**Site Visited - Issues Report – New Street Station including Land Bounded by New Street, Smallbrook Queensway, Hill Street, Navigation Street, Station Street, Stephenson Street, City**

The following report of the Director of Planning and Regeneration was submitted:-

(See document No. 1)

The Chairman made reference to the site visit undertaken to New Street Station and the presentation made to Members on the refurbishment and redevelopment proposals. He stressed that Members of the Committee had agreed that their thanks and appreciation should be extended to the applicant in connection with assistance and support given during the site visit.

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The Area Planning Manager (Central) advised that officers had arranged to meet with the applicant during the week commencing 16 October 2006 to discuss issues related to the application. He added that particular attention would be given to priorities relating to access (which had been the subject of discussion with the Development Directorate's Access Officer) and concerns relating to the impact of the proposals on the transmission of BBC frequencies.

In response to a point raised by the Chairman, Mr S Evans, Legal and Democratic Services Department, advised that, given the comprehensive nature of the information in the report, it was appropriate for those Members in attendance at the Committee (who were not present during the site visit and earlier discussion on the application) to remain in the meeting and consider the proposals set out in the report.

The Chairman went through the report and requested that Members comment on the statements set out in bold typeface on pages 6, 11, 13, 14, 15 and 16 of the document. For ease of reference, these statements are set out below:-

**Page 6 - As an Outline Application, detailed information has only been provided in respect of access, the submission of details pertaining to the masterplan are to be considered in principle only.**

The Committee noted the above statement.

At this juncture, Councillor R Spector referred to the third bullet point set out in paragraph 4.3.4 of the report and stressed that an alternative means of emergency fire exit provision for people with disabilities should be considered in addition to the proposed stair and lift facilities.

**Page 11 - Your Committee may wish to comment on the acceptability of the proposals in the light of the long term rail strategy to serve Birmingham.**

The Committee agreed that it was necessary to support a long term rail strategy to serve Birmingham.

**Page 13 - Your Committee may wish to comment on the principles of the indicative/ illustrative material presented by the applicant for the external appearance of the building.**

Whilst the Chairman noted that Members had not objected to the illustrative materials presented by the applicant, he considered that decisions relating to use of materials should be reserved as aspects of the materials proposed were somewhat lacking in terms of quality and design.

The Director of Planning and Regeneration stressed that as Birmingham was a world class city, a world class railway station was required. He considered that excellent design practices should be encouraged and that such an approach would not have particular additional cost implications.

**Page 13 - Your Committee may wish to comment on the principle of erecting two new towers and any design constraints that may be appropriate.**

With regard to the above matter, the Chairman advised that Members were not opposed to the principle of erecting two new towers, however, there were concerns that such towers should be of iconic design.

**Page 14 - Your Committee may wish to comment on the potential impact on the Conservation Area and nearby Listed Buildings.**

Councillor P Douglas-Osborn noted that there was broad support for the retention of the existing Grade II Listed signal box. He added that he would not wish to see those unsympathetic buildings on the triangular corner of the site which was bounded by Hill Street and Navigation Street retained.

Councillor R Spector emphasised that it was necessary for the development proposals to have due regard to local Listed Buildings.

**Page 14 - Your Committee may wish to comment on works to the Pallisades Shopping Centre and improvements that could be sought to improve the relationship between uses and surrounding facilities.**

The Chairman expressed the view that, whilst there needed to be an ongoing dialogue with respect to the matters referred to in the above statement, there was a degree of contentment with regard to current progress. The Chairman's views were supported by the Committee.

**Page 15 - Your Committee may wish to comment on the proposed new pedestrian routes around and through the station and on the new area of public space to the east of the station between the station and the Bullring.**

The Chairman commented that, with regard to the re-development proposals, Members were keen to avoid any conflict between pedestrians and traffic and that some clarification was required in respect of the proposed access-way to the Station. He added that some Members felt that the Navigation Street entrance/exit which led to Victoria Square should be retained, given the volume of people using the facility. He was also of the opinion that it was necessary to undertake further work on access proposals and ensure that any revised access-way arrangements did not result in pedestrians having to walk longer distances than they do currently.

**Page 16 - Your Committee's views on the proposed changes to the vehicular access to the station are requested.**

The Chairman noted that Members had acknowledged that the proposals related to vehicular access represented an improvement. Councillor P Douglas-Osborn considered that the creation of a vehicular access to the western side of the site was advantageous and would provide a solution to current problems.

Councillor R Spector stressed that it was necessary to ensure that access routes for car users were clearly defined and that there would need to be a relationship between the Station designers and the City Council in respect of the effective implementation of design measures.

**Page 16 - Your Committee's views as to the level of parking and its role as part of the strategic parking provision for the City Centre and level of residential parking are requested.**

The Chairman made reference to Members' concerns with regard to the loss of 500 car parking places and to the assurances given that there were over 8000 publicly available car parking spaces within 5 minutes walking distance of New Street Station. He went on to add that Members had also drawn attention to the provision of dedicated parking for the residential element of the scheme and had sought further clarification on the issue.

**Page 16 - Your Committee may wish to comment on the adequacy and balance of the package of benefits that would accrue from the development.**

The Chairman indicated that Members wished to await suggestions with regard to the above.

**Page 16 - Your Committee's views as to the priority S106 obligations required as a consequence of the development are requested.**

The Chairman indicated that, in respect of the above statement, Members had suggested that a seamless approach should be adopted. He added that members acknowledged that more work needed to be done in relation to the scheme.

Councillor R Spector was of the opinion that it was necessary to consider appropriate planting schemes in relation to the application site and its immediate surroundings. She added that it was also necessary to have regard to the importance of the relationship between New Street Station and other aspects of public transport provision. In that respect she stressed that appropriate signage for bus stops should be provided and that the associated costs should not be borne by the City Council. She went on to highlight inadequacies with regard to current signage to identify the route to Victoria Square from New Street Station.

The Chairman emphasised that the redevelopment proposals should pay particular attention to persons with limited mobility. Councillor P Smith echoed the aforementioned comments, stressing the necessity for facilities to be provided to enable persons with disabilities to be able to access and egress Station platforms without the need for assistance.

Councillor R Spector emphasised that full regard should be given to the needs of persons with disabilities together with those using buggies, prams and wheeled luggage in terms of the design proposals. She noted that there were significant problems with regard to use of wheeled luggage etc. on stairs. She went on to refer to the possibility of increased rail at capacity at New Street Station at some point in the future facilitated by means of additional tunnels and suggested that the redevelopment proposals should be capable of accommodating any such future provision.

Councillor P Douglas-Osborn commented that, in respect of the proposals, it was necessary to identify Station platforms etc. clearly in order to address the needs of persons with eyesight problems.

The Chairman considered that the approaches to both the eastern and western parts of New Street station should be improved for train passengers. In that regard, he referred to the possibility of subdued tunnel lighting being installed in order to make a more welcoming approach to the Station. He considered that such a lighting scheme would not be too costly to provide. He went on to suggest that, during the construction phase, he would wish to see the applicant working with the City Council to cover building works with advertisements which were attractive in appearance (on similar lines to the approach adopted during the refurbishment of the Town Hall).

The Director of Planning and Regeneration suggested that the opportunity should be taken to provide a multi-faith prayer room within the refurbished Station. He was concerned that the lack of such provision could influence persons to visit other areas in order to shop. He went on to comment on the status of the City and the significance of providing a world class railway station as the principal gateway to it.

The Chairman briefly reiterated several of the points made during the discussion and echoed comments made by the Director of Planning and Regeneration. He drew attention to the approvals sought for the indicative masterplan and means of access referred to in paragraph 4.1.4 of the document and it was-

2440

**RESOLVED:-**

- (i) That the report be noted;
- (ii) that the comments set out in the above preamble be referred to the Director of Planning and Regeneration.

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**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 – Church Road, Yardley – Swan Shopping Centre  
(C/02923/06/FUL)**

An addendum was submitted in connection with the report and is included at document No. 2.

An objector spoke against the application and made several points, including the following:-

- He resided at 113 Church Road and the application would have a significant impact on his property.
- The proposed new road was to be sited very close to his property and it would become a source of noise and pollution.
- The new road layout arrangements would make it difficult for him to access his property. (He noted that it was illegal to reverse from a driveway onto a main road).
- He wanted amendments to be made to the new road layout in order to allow him to gain access to his property from both directions of travel.

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

- The application before the Committee, if approved, would represent a major milestone.
- A recent article in the Birmingham Post had been misleading, particularly with regard to concerns relating to the scale of the development.
- It was only intended to increase the gross floorspace by a small amount.
- The overall footprint of the scheme had been reduced and the site boundary had not been amended subsequent to the year 2000.
- It was not proposed to replace the Market Hall on the grounds that the facility would not operate effectively within the new scheme. However, an enormous amount of retail space was to be provided in the shopping centre in addition to the Tesco store.
- It was proposed to provide the occupier of 113 Church Road with a turning facility to assist with access and egress.

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The Principal Planning Manager (Central) drew attention to the contents of the addendum to the report. Mr Cowan, Development Directorate, advised that an amended scheme relating to access to 113 Church Road would need to meet safety audit requirements and that options from the applicant's design consultants would be considered.

Councillor R Spector noted that, with regard to the original design proposals for the scheme, the road layout did not require motorists to travel around the Swan Island.

Councillor K Linnecor expressed concern with regard to the impact of the proposed development on the ecology of the site. He was particularly concerned that the scheme could have an adverse impact on up to 20 species of birds.

Councillor C Jones noted that the application had taken seven years to come to fruition and that during that time the area had deteriorated. She was supportive of the redevelopment proposals and requested that the building process be commenced without delay, particularly as empty shop premises were being targeted by vandals.

The Deputy Group Leader (Major Developments) made reference to the conditions set out in the report relating to tree planting together with those proposed to address highway concerns. He also commented on the proposals for improvements at the Oaklands recreation Ground, adding that additional tree planting could be undertaken at that site. He went on to advise that referral of the application to the Secretary of State for Communities and Local Government and the Section 106 Agreement could be progressed simultaneously in order to allow construction at the site to proceed as soon as possible.

The Assistant Director (Planning Control) suggested that the objector in attendance at the Committee consult officers outside the meeting in connection with progress to address his concerns. He also suggested, and it was agreed, that the Director of Housing be requested to report to a future meeting of the Committee on proposals for improvements to the elevations of Bakeman House in order to secure a comprehensive uplift to the Swan Shopping Centre.

The Director of Planning and Regeneration noted that the Swan Shopping Centre had been identified within the 'health checklist' of 68 local centres and that the proposal before the Committee was in harmony with the aims of the checklist.

Mr S Evans, Legal and Democratic Services Department, advised that, in connection with the application before the Committee, he had received an e-mail from an individual named Mr Jackson citing the outcome of European and English legal cases. He went on to add that the issues and comments raised in the cases quoted by Mr Jackson were not relevant to the application before the Committee.

In reply to a question from Councillor Z Choudhry concerning the impact of the proposed development on the Post Office on Coventry Road, the Principal Planning Officer (Central) advised that essential facilities were to be relocated in a group of refurbished units. The Chairman stressed that a Post Office should be included within the refurbished facilities as it provided an essential service.

It was then-

2441

**RESOLVED:-**

- (i) That consideration of Application No. C/02923/06/FUL be deferred pending referral to the Secretary of State for Communities and Local Government in accordance with the Town and Country Planning (Shopping Developments) (England and Wales) Direction 1993;
  - (ii) that the Secretary of State for Communities and Local Government be informed that this Committee is minded to grant conditional planning permission for the development subject to the completion of a satisfactory legal agreement as set out in the report now submitted;
  - (iii) that in the event of the Secretary of State 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 6 months from the date of this Resolution, favourable consideration would be given to Application No. C/02923/06/FUL subject to the conditions listed in the report;
  - (iv) that wherever in the Schedule of Conditions set out in the report the Local Planning Authority is given power within a condition to approve a variation to the requirement imposed by that condition, it shall only do so if it is satisfied that the relevant variation would not have significantly different environmental effects from that which would otherwise be permitted by that condition;
  - (v) that the Chief Legal Officer be authorised to prepare and seal an appropriate legal agreement;
  - (vi) that the Chief Legal Officer be authorised to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990 for the stopping up of The Causeway, Milton Crescent, and part of Church Road, Yardley;
  - (vii) that the Director of Housing be requested to report to a future meeting on proposals for improvements to the elevations of Bakeman House in order to secure a comprehensive uplift to the Swan Shopping Centre.
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**OTHER URGENT BUSINESS (CONTINUED)**

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

**MACDERMID S106 AGREEMENT – DEED OF VARIATION**

Following introductory comments from the Assistant Director (Planning Control), Mr S Evans, Legal and Democratic Services Department, suggested a minor amendment to recommendation 3.1 of the report together with an additional Recommendation 3.2.

Responding to comments from Councillor R Spector, the Assistant Director (Planning Control) confirmed that approval of the Recommendation (as amended) would allow consideration of further planning applications around the MacDermid site to take place.

Councillor P Douglas Osborn welcomed the approach set out in the report.

It was then-

2442

**RESOLVED:-**

- (i) That the proposed Deed of Variation to remove Obligation 4 of the Second Schedule of the Council's obligation of the Principal Agreement 'Land and Buildings at Palmer Street' dated 21 July 2006 be endorsed and that the Chief Legal Officer be authorised to prepare and seal the agreement;
- (ii) that the words 'Subject to the imposition of the Grampian Condition referred to in paragraph 4 of the Second Schedule in the period between the completion of the Deed and approval of the application' of the agreement dated 21 July 2006 made between MacDermid PLC and Birmingham City Council relating to land and Buildings at Palmer Street, Bordesley, Birmingham be deleted from Obligation 5 of the First Schedule and that the Chief Legal Officer be authorised to prepare and seal the agreement.

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**Report No 8 – Curzon Street, City – Curzon Gateway (C/01734/03/FUL)**

The Committee was advised that the applicant did not wish to take the opportunity to speak in support of the application.

In response to comments from Councillor R Spector, the Assistant Director (Planning Control) commented on the arrangements for traffic flows within the area. He added that such arrangements were outside the remit of the application.

2443

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

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**Report No. 9 – 12-14 Summer Lane, City (C/04131/05/OUT)**

Councillor L Clinton questioned the adequacy of parking provision proposed in relation to the application. The Principal Planning Manager (Central) drew attention to Condition No. 19 of the report which set out details for parking provision for residential units and required that any request for a lower proportion by the applicant should be supported by reasoned justification.

On the recommendation of the Chairman it was then-

2444

**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 not being completed to the satisfaction of the Local Planning Authority before 5 January 2007, Planning Permission be refused for the reasons set out in the report;
- (ii) that in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority before 3 January 2007, 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.

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**Report No. 10 – 121-137 Camden Street Hockley (C01959/05/FUL)**

The Chairman noted that the above application was linked to the proposal referred to in report No. 11 on the Committee's agenda.

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The Area Planning Manager (Central) advised that Transportation Officers were satisfied with the proposed details submitted in relation to the application.

Councillor L Clinton was concerned that the provision of 31 car parking spaces proposed for the development (which would include 29 one bed roomed apartments in addition to other accommodation) was inadequate.

The Assistant Director (Planning Control) advised that, in respect of the Jewellery Quarter, it was necessary to achieve a balance with regard to the provision of parking spaces and the desirability to retain Listed Buildings. In that regard he stressed that the Committee placed an emphasis on the quality of the environment it was intended to create. He went on to add that there was adequate on street parking provision within the area.

The Chairman indicated that he had slight reservations with regard to the adequacy of parking provision. However, it was then-

2445

### **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 not being completed to the satisfaction of the Local Planning Authority within a period of 3 months from the date of this resolution planning permission be refused for the reason set out in 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;
- (iv) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreement.

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### **Report No. 11 – 121-137 Camden Street, Hockley (C/01961/05/CAC)**

2446

### **RESOLVED:-**

That, subject to the satisfactory completion of a planning obligation for Planning Application No. C/01961/05/CAC, Conservation Area Consent be granted for the reasons set out in the report, subject to the conditions specified therein.

At this point in the proceedings, Councillor Clinton left the meeting.

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**Report No. 12 - 23 Sheepcote Street, City - Round House and Victorian Corner House**

The Chairman noted that the application was linked to the application set out in Report No. 13 on the Committee's agenda.

The Area Planning Manager (Central) drew attention to the main aspects of the application and advised that unauthorised signage had been removed from the building.

Councillor P Douglas-Osborn welcomed the scheme which he considered was very attractive. With regard to the Listed Buildings referred to in the report, he hoped that consideration would be given to the re-use of the premises occupied by the former Fiddle & Bone Public House.

Councillor R Spector regretted the closure of the Fiddle & Bone Public House following noise problems. She was, however, pleased to see further use given to canal side buildings. With regard to the application premises she expressed concern that a large sign was currently propped up on the adjoining pavement and that the sign constituted an advertisement.

2447

**RESOLVED:-**

That the application set out in the report be referred to the Department for Communities and Local Government and should Listed Building Consent be granted, the conditions set out therein be imposed.

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**Report No. 13 - 23 Sheepcote Street and Round House, City C/02934/06/FUL)**

2448

**RESOLVED:-**

That consideration of the application be deferred and, subject to the Department for Communities and Local Government approving Application No. C/00372/06/LBC, planning permission be granted for the reasons set out in the report subject to conditions specified therein.

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**Report No. 14 - 36 Glebe Farm Road, Stechford (C/05113/06/FUL)**

Councillor M Fazal noted that planning consent for Change of Use from retail to hot food takeaway had been refused on 31 March 2006 due to concerns related to late night noise nuisance and disturbance.

Councillor C Jones expressed surprise that the West Midlands Police had not commented on the application given the occurrence of problems within the locality. The Area Planning Manager (Central) commented that, with regard to refusal of the application for change of use of the premises in March 2006, the hours of opening differed from those proposed in the current application.

Councillor C Jones suggested that a litter bin be provided in the vicinity of the application premises.

On the recommendation of the Chairman it was then-

2449

**RESOLVED:-**

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

**Additional A999 Condition**

A litter bin shall be provided in the immediate vicinity, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such litter bin shall be provided prior to commencement of use hereby approved and thereafter retained.

**REASON:**

In order to secure the satisfactory use of the application premises.

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**Report No. 15 - 57 Park Road Sparkhill (C/02604/06/BCC)**

Councillor M Fazal spoke in support of the application and thanked officers for their work undertaken in respect of the proposal.

Mr Cowan, Development Directorate, made reference to the adequacy of parking facilities proposed in relation to the application and, on the recommendation of the Chairman, it was-

2450

**RESOLVED:-**

- (i) That planning permission be granted for the reasons set out in the report subject to the conditions specified therein;
  - (ii) that the development shall not commence until the applicant shall have entered into arrangements with the Highway Authority to fund, at the applicant's expense, procedures to pursue the amendment of a Traffic Regulation Order at Park Road.
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**Report No. 16 - Irving Street/Bow Street/Holloway Head, City – Land Between (C/04800/06/FUL)**

The Area Planning Manager (Central) proposed an amendment to Recommendation 1 set out in the report and suggested that the word “new” set out in the second paragraph of the text contained on page 91 of the document be deleted and substituted with “revised”.

On the recommendation of the Chairman, it was then-

2451

**RESOLVED:-**

- (i) That consideration of Application No. C/04800/06/FUL be deferred pending the completion of a suitable Deed of Variation to the Section 106 Agreement 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 by 27 October 2006, 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 27 October 2006, favourable consideration would be given to the planning application for the reasons 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;
- (v) that the applicants enter into a Section 278 and Section 38 Agreements with the Local Highway Authority to secure improvements to the existing public highway and proposed new highway for each phase of the development and which will be in place prior to the occupation of the relevant phase. The scope of the highways works includes alterations to the existing highway with new access points provided, redundant access points reinstated, improvements to footway and carriageway areas and lighting where necessary, and modifications and/or provisions to necessary Traffic Regulation Orders in and around the site and any other works as required by the Local Highway Authority.

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**Report No. 17 - Bordesley Green East, Land at and adjoining Birmingham Heartlands Hospital, Bordesley Green (C/06258/03/OUT)**

2452

**RESOLVED:-**

That no objection be raised to the clearance of condition B14 attached to outline application C/06258/03/OUT requiring the preparation of a masterplan for the site.

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

**Report No. 18 - 180-186 Minstead Road and 93-95 Oval Road, Erdington (N/04600/06/OUT)**

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

- The aim of the outline application was to establish a higher residential density for the site.
- The applicant had not been requested to submit details of external appearance of the proposed buildings during the course of discussions relating to the application. However, the applicant had submitted a streetscene.
- Both external and interior details were to be submitted at a later date.
- The application would provide a catalyst for further improvement within the area.
- Letters of support had been submitted in relation to the application.
- The proposals were sustainable and accorded with City Council guidelines.

The Area Planning Manager (North) stressed that, whilst no objections had been raised in principle to the redevelopment of the residential site, the level of detail submitted in support of the application was insufficient to enable a full assessment of the impact of the proposal to be made. She went on to suggest an amendment to the recommendations set out in the report and, on the recommendation of the Chairman, it was then-

2453

**RESOLVED:-**

That planning permission be refused for the reasons set out in the report subject to the amendment referred to below-

The following words to be added to the first sentence of Condition No. 1 “nor adequately demonstrates that 18 units can be satisfactorily accommodated within the development”.

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**Report No.19 - Wingfoot Way, Gravelly Hill – land off (N/04214/06/FUL)**

2454

**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. 20 - 123 Shawsdale Road, Castle Bromwich (N/00400/06/FUL)**

Councillor Z Choudhry declared an interest in the report on the grounds that the applicant was a friend. The Councillor then withdrew from the meeting.

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

- Anti social behaviour problems Had been linked to empty shop premises and local Ward Councillors had supported regeneration of the local area.
- Considerable investment had been made in the application premises and there had been no complaints from local residents in relation to noise and disturbance during the previous one and a half years of trading.
- There were concerns that Planning officers had taken 6 months to process the application.
- 187 residents supported the application and there would be no impact on neighbouring properties arising from the renewal of the expired planning permission.

In response to a request from the applicant, the Chairman advised that it was the Committee's practice not to receive late evidence from supporters/objectors.

The Area Planning Manager (North) drew attention to the consultation/public participation responses referred to in the report and advised that officers had recently met with the applicant. She added that, as of 11 October 2006, the Head of Regulatory Services had withdrawn the recommendation for refusal of the application on the grounds of adverse impact on residential amenities in terms of noise, smell and disturbance.

The Chairman suggested that consideration of the application should be deferred pending further clarification of details relating thereto and it was-

2455

**RESOLVED:-**

That consideration of the application be deferred pending further clarification of issues relating to the thereto.

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**Report No. 21 - 117 Shawsdale Road, Castle Bromwich (N/01123/06/FUL)**

The Assistant Director (Planning Control) advised that Councillor Choudhry would maintain his absence from the meeting on the grounds that he knew Mr M Khalid (the previous applicant before the Committee who had an interest in the application premises).

## **Planning Committee – 12 October 2006**

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

- The proposed closing times of the premises accorded with the Unitary Development Plan.
- There had been no objections to the application from the West Midlands Police and Regulatory Services.
- The local area had been revitalised as a result of approvals in respect of the application premises and 123 Shawsdale Road.
- Planning permission should be granted in accordance with general planning policy for the locality.
- With regard to similar premises located in a small shopping parade, an appeal decision of 16 December 2002 had been upheld in respect of an increase in opening hours from 1900 to 2300 hours.

The Area Planning Manager (North) advised that the application premises had been operating in breach of planning conditions and that an Enforcement Notice had been served.

The Chairman considered that the recommendation was both clear and robust and it was-

2456

### **RESOLVED:-**

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

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

### **Report No. 22 - 146-156 Sarehole Road, Hall Green (S05052/06/OUT)**

The Area Planning Manager (South) proposed amendments to Recommendation Nos. 1 and 4 of the report.

In response to comments from Members, the Assistant Director (Planning Control) pointed out that the application sought outline planning permission only and that the issues raised by the Committee would be dealt with at a later stage.

2457

**RESOLVED:-**

- (i) That determination of application S/05052/06/OUT be deferred pending completion of an appropriate legal agreement relating to provision and/or improvement of public open space and/or children's play facilities within Hall Green Ward and maintenance thereof (in the event of construction of 20 or more dwellings on the site) and provision of affordable housing (in the event of construction of 25 or more dwellings on the site);
- (ii) that subject to the completion of an appropriate legal agreement by 3 November 2006, favourable consideration be given to redevelopment of the site for residential purposes at 146-156 Sarehole Road, Hall Green, in accordance with application S/05052/06/OUT, subject to the conditions listed in the report now submitted;
- (iii) that in the event of an appropriate legal agreement not being completed by 8 November 2006, planning permission be refused for the reasons set out in the report;
- (iv) that the Chief Legal Officer be authorised to complete an appropriate legal agreement.

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**Report No. 23 - Rednal Road, West Heath – West Heath Hospital (S/04305/OUT)**

The Area Planning Manager (South) advised that the Environment Agency had withdrawn its objections, subject to the undertaking of a flood risk assessment. She then proposed amendments to the Recommendations of the report.

Councillor G Sutton advised that Councillor Margaret Sutton had requested that Section 106 monies in respect of the application be spent wholly within the Kings Norton Ward. He added that, the Councillor had also drawn attention to the situation regarding educational provision in the area and the need for an increase in affordable/social housing allocations. Additionally, she had cited concerns regarding the public footpath adjoining the eastern boundary of the site and it was suggested that it either be closed off or reused. Councillor G Sutton went on to comment on a previous request for the provision of a pedestrian crossing near to the site.

The Area Planning Manager (South) explained that the application site was very close to the boundary between two wards and that the issue had been reflected in the legal agreement referred to in the first recommendation of the report. She went on to advise that the footpath to the eastern boundary of the site was not owned by the applicant, however, a request for surveillance of the footpath would be made at a future date when the detailed application for the site was submitted to the Committee.

Some further discussion ensued with the regard to progress relating to the request for a pedestrian crossing near to the application site and Mr Cowan, Development Directorate, undertook to provide a statement on this issue to the next appropriate meeting of the Committee.

2458

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement relating to provision and/or improvement of public open space and/or children's play facilities at West Heath Recreation Ground and/or Kings Norton or Northfield Wards and maintenance thereof equivalent to the ratio of 2 hectares per 1000 population and on-site provision of 25% affordable housing in conjunction with a registered social landlord and 10% low cost market housing;
- (ii) 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 listed therein as amended below:-

**Additional A999 Condition**

A Flood Risk Assessment to address the requirements of the Environment Agency set out in its letter dated 22 September 2006 shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development shall not be occupied until any attenuation measures that are identified to address surface water run off from the site have been implemented in accordance with the approved scheme.

**REASON:**

To secure satisfactory drainage of the site and to reduce the risk of flooding;

- (iii) that in the event of a legal agreement not being completed to the satisfaction of the Local Planning Authority within a period of three months from the date of this resolution, the application be refused for the reason set out in the report;
- (vi) that the Chief Legal Officer be authorised to prepare and seal the appropriate legal agreements.

**Report No. 24 - Waterworks Drive, Frankley – Frankley Waterworks Treatment Works**

2459

**RESOLVED:-**

- (i) That consideration of planning application No. S/00238/06/BCC be referred to the Department for 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 this Committee is minded to grant conditional planning permission for the development;
- (iii) that in the event of the Department for Communities and Local Government not intervening in the determination of the planning application, favourable consideration will be given to the planning application for the reason(s) set out in the report subject to the conditions specified therein.

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**Report No. 25 - 113 Ladypool Road and 180 Ombersley Road, Sparkbrook (S/04059/06/FUL)**

2460

**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. 26 - 13 Portland Road, Edgbaston (S/03526/06/FUL)**

Councillor M Waddington declared an interest in the report and the following report on the Committee's agenda (13 Portland Road, Edgbaston (S/03527/06/LBC) on the grounds that the agent referred to in the reports was a friend. The Councillor then left the meeting.

2461

**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. 27 - 13 Portland Road, Edgbaston (S03527/06/LBC)**

2462

**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. 28 - 23 Oak Tree Lane, Selly Oak (S/04029/06/FUL)**

2463

**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. 29 - 5 Bristol Road, City – McDonald's Restaurant**

The Area Planning Manager (South) advised that, with regard to 'Planning Considerations' referred to on the second page of the report, the words 'and restaurant' should be inserted after reference to 'thru'.

2464

**RESOLVED:-**

That temporary 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. 30 - 6 Silver Street Kings Heath (S/03832/06/FUL)**

2465

**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. 31 - Vineyard Road, Merritts Brook Lane and Colworth Road, Northfield (S/03385/97/FUL)**

Councillor P Douglas-Osborn declared an interest in the report on the grounds that he had raised issues relating to the application previously in the year 2000. The Councillor then left the meeting.

2466

**RESOLVED:-**

That the Chief Legal Officer be authorised to prepare and seal the appropriate Deed of Variation to the S106 attached to application S/03385/97/FUL to allow:-

- (a) The spend deadline for the remaining sum of £347,000 to be extended until 12 October 2008.
- (b) Improvements to Senneleys Park Pavilion.

At this point in the proceedings Councillor P Douglas-Osborn returned to the meeting.

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**OTHER URGENT BUSINESS (CONTINUED)**

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

**54 Wellington Road, Edgbaston (S/04651/06/FUL)**

2467

**RESOLVED:-**

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

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

2468

The Chairman noted that a site visit was to take place on 2 November 2006.

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**OTHER URGENT BUSINESS (CONTINUED)**

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. Planning Application C/04184/05/FUL – Land at Portland Road, rear of Shireland House**

Mr S Evans, Legal and Democratic Services Department, requested a two week extension to the timescale for the completion of the Section 106 Agreement in respect of the above planning application.

2469

**RESOLVED:-**

The Chief Legal Officer be granted a two week extension to the timescale relating to the completion of the Section 106 Agreement in respect of planning application No. C/04184/05/FUL.

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**B. Member Training**

2470

Councillor N Kooner requested that separate Member training be targeted at new Members of the Committee. The Chairman noted that a Member training session was due to be held on 26 October 2006.

The Assistant Director (Planning Control) advised that, with regard to Member training, additional assistance would be provided to Members upon request. In that regard he asked those Members requiring additional assistance to consult officers outside the meeting.

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**AUTHORITY TO CHAIRPERSON AND OFFICERS**

2471

**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 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**

2472

**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 1 Schedule  
12A of the Local  
Government Act 1972**

Private Section of the Minutes of Last Meeting

3

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The meeting ended at 1223 hours.

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CHAIRMAN