

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>23 JULY 2015</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 23 JULY 2015 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Linnecor in the Chair;

Councillors Azim, Beauchamp, Booton, J Clancy, Cornish, C Jones, M Khan (1120 hours), Moore, Straker Welds and F Williams.

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### **PUBLIC ATTENDANCE**

- 3913      The Chairman welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. He stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.
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### **NOTICE OF RECORDING**

- 3914      The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.
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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Planning Committee Meetings**

- 3915      The Chairman informed Members that meetings were scheduled to take place on 6, 20 August, 3 and 17 September 2015.
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### **APOLOGIES**

- 3916      Apologies were submitted on behalf of Councillors Douglas Osborn, Fazal, Griffiths and Sharpe.
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**MINUTES**

3917 **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**

3918 There were no matters arising.

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

3919 No notifications were raised.

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**PETITION**

3920 No petitions were received.

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**The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.**

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

The following reports were submitted:-

(See document No 1)

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

**Report No 8 – Land at Bristol Street, Rickman Drive, Bell Barn Road, Spring Street and Lee Bank Middleway (Zone 11 Park Central) – 2015/03524/PA**

The Principal Planning Officer (City Centre) advised that she wished to amend the conditions.

Members commented on the application and the Principal Planning Officer (City Centre), Head of Planning Management and Transport Manager responded thereto.

3921

**RESOLVED:-**

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

**Amended Condition 7:**

Requires the prior submission of hard, soft landscaping and ecology details.

No development shall take place on any phase until full details of hard and/or soft landscape works for that phase of development have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefact and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100 showing shrubs, hedges, bulbs, areas of grass and ecological enhancement measures based on the recommendations contained in the Middlemarch ecology report (RT- MME-118826). The development shall thereafter be implemented in accordance with the approved details prior to the occupation of any phase and any plants that die in the first 2 years of planting shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment, reinforce local landscape character and the ecological value of the site in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16A and 3.37-3.40 of the Birmingham UDP 2005 and the National Planning Policy Framework.

**Amended Condition 13:**

Requires the prior submission of any external lighting scheme in a phased manner.

Prior to the installation of any external lighting to the facades of the buildings hereby approved, details including location, design, external appearance, lighting levels and times of illumination shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall then be implemented in accordance with the approved details and maintained thereafter.

Reason: To ensure a high quality of external environment, to complement the development proposals and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

Delete Condition 14.

Delete Condition 17.

Amended Condition 19:

Limits the hours of use of the D1 premises to 0700 and 1900 on Mondays to Fridays and 0800 - 1800 Saturdays and Sundays.

The D1 premises shall only open during the hours of 0700 and 1900 on Mondays to Fridays and 0800 - 1800 Saturdays and Sundays.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- (ii) that no objection be raised to the stopping up of the areas of public highway becoming redundant around the junction of Rickman Drive and Bristol Street and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

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**Report No 9 – Former Kettleworks, Land Bounded by Icknield Street/ Pope Street/Camden Street, Jewellery Quarter – 2014/07978/PA**

The Principal Planning Officer (City Centre) advised that the planning application number referred to in recommendation 8.1 of the report was incorrect and should read 2014/07978/PA. She added that she wished to amend recommendations 8.2 (b) and (c).

Members commented on the application and the Principal Planning Officer (City Centre) and Head of Planning Management responded thereto.

Upon being put to a vote it was 8 in favour, 1 against and 0 abstentions.

3922

**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:-

Planning application number to read 2014/07978/PA

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 30 July 2015, planning permission be refused for the reasons set out in the report and amended below:-

Delete the words ‘improvements and/or’ from recommendations 8.2 (b) and (c).

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by 30 July 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.

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**Report No 10 – Phase 2, Former Post and Mail Printing Works,  
Weaman Street, City Centre – 2015/02639/PA**

A Member commented on the application.

Upon being put to a vote it was 8 in favour, 1 against and 1 abstention.

3923

**RESOLVED:-**

That approval be given to the reserved matters relating to layout, scale, access, appearance and landscaping subject to the conditions set out in the report.

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

**Report No 11 – 25 Mountford Drive, Land Adjacent, Sutton Coldfield –  
2015/03920/PA**

The Area Planning Manager (North West) advised that he wished to amend the conditions.

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

Upon being put to a vote it was 6 in favour, 3 against and 1 abstention.

3924 **RESOLVED:-**

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

Amended Condition 12:

No development shall take place until a site specific arboricultural method statement and tree protection plan, in accordance with British Standard 5837 (Trees in relation to design, demolition and construction – recommendations, and any subsequent additions) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved plans.

REASON: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.

Delete Condition 13.

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**Report No 12 – 23 Park Avenue, Hockley – 2015/03051/PA**

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

Upon being put to a vote it was 8 in favour, 2 against and 0 abstentions.

3925 **RESOLVED:-**

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

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**Report No 13 – Coppice Primary School, Trinity Road, Four Oaks, Sutton Coldfield – 2015/04086/PA**

Members commented on the application. Councillor Cornish proposed and Councillor Moore seconded that temporary planning permission be granted in order to monitor the hours of use of the floodlighting.

Upon being put to a vote it was 2 in favour, 6 against and 0 abstentions. Therefore the proposal was lost.

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

Members then voted on the recommendation 7 in favour, 0 against and 3 abstentions.

3926 **RESOLVED:-**

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

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**Report No 14 – 17A Four Oaks Road, Sutton Coldfield – 2015/04114/PA**

Councillor Cornish after seeking legal advice declared an interest and left the room during consideration of the item.

The Area Planning Manager (North West) advised that an additional letter objecting to the proposal had been received. He added that adjoining occupiers had been given the opportunity to speak on the application at today's meeting but had not pursued that option.

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

A proposal by Councillor Moore for a site visit was not seconded.

The Committee then voted on the recommendation and it was 4 in favour, 4 against and 1 abstention. Therefore, the Chairman used his casting vote in favour of the recommendation and it was:-

3927 **RESOLVED:-**

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

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Councillor Cornish returned to the meeting.

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

**Report No 15 – Clarendon Suites, Stirling Road, Edgbaston – 2015/04036/PA**

A Member commented on the application.

3928 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 18 August 2015, 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 18 August 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.

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**Report No 16 – Land at Longbridge West, North of Bristol Road South, Longbridge – 2015/03064/PA**

Members commented on the application.

3929

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 4 August 2015, 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 4 August 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.

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**Report No 17 – Land at Weather Oaks, Harborne – 2015/03396/PA**

The Area Planning Manager (South) advised that an additional letter objecting to the proposal had been received.

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

Upon being put to a vote it was 8 in favour, 0 against and 2 abstentions.

3930

**RESOLVED:-**

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

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**Report No 18 – Land between 23 and 28 Derwent Grove, Stirchley – 2015/04275/PA**

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**RESOLVED:-**

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

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**Report No 19 – Land off Woodville Road, Kings Heath – 2015/03979/PA**

The Area Planning Manager (South) advised that he wished to add a condition.

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

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

3932

**RESOLVED:-**

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

New Condition 10:

Kerb to be reinstated at redundant footway.

The redundant footway crossing serving the site shall be reinstated with full height kerbs to City specification at the applicant's expense, prior to first occupation of the development.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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**Report No 20 – Land off Heathfield Road, Kings Heath – 2015/03978/PA**

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

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

3933

**RESOLVED:-**

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

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**Report No 21 – Fountain Court Hotel, 339 Hagley Road, Harborne – 2015/03893/PA**

The Area Planning Manager (South) advised that the agent had requested an amendment to condition 2 which was considered acceptable.

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

Upon being put to a vote it was 8 in favour, 2 against and 0 abstentions.

3934 **RESOLVED:-**

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

Amended Condition 2:

Requires the prior submission of extraction and odour control details.

No occupation as student accommodation shall take place until details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application.

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**Report No 22 – 4 Linden Road, Bournville – 2015/03811/PA**

3935 **RESOLVED:-**

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

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**Report No 23 – Hollymoor Way, Northfield – Plots 301 and 302 Birmingham Great Park – 2006/02421/PA**

The Head of Planning Management advised that he wished to amend the recommendation and replace the words 'Director of Planning and Regeneration' with 'Committee'.

Members commented on the application.

3936 **RESOLVED:-**

That the Committee dismisses the applicant's financial viability evidence of April 2014 as not sufficient to justify a Deed of Variation.

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**APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE  
IN JUNE 2015**

The following schedule was submitted:-

(See document No 2)

The Head of Planning Management reported on the decisions received from the Planning Inspectorate in June 2015.

Members congratulated officers for achieving 100% dismissals in June 2015.

3937 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in June 2015 be noted.

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

3938 There were no site visits pending.

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**OTHER URGENT BUSINESS**

3939 No other urgent business was raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

3940 **RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

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**EXCLUSION OF THE PUBLIC**

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**RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

**Agenda Item etc**

**Paragraph of Exempt  
Information Under Revised  
Schedule 12A of the Local  
Government Act 1972**

Private section of the Minutes of the last 3  
meeting