

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
20 AUGUST 2015**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON  
THURSDAY, 20 AUGUST 2015 AT 1100 HOURS IN COMMITTEE ROOMS 3  
AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-**

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, J Clancy, Cornish, Douglas Osborn, Fazal, Griffiths, C Jones, M Khan, Linnecor, Moore, Straker Welds and F Williams.

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**PUBLIC ATTENDANCE**

- 3974 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**

- 3975 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**

- 3976 The Chairman informed Members that meetings were scheduled to take place on 3, 17 September, 1 and 15 October 2015.

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**APOLOGIES**

- 3977 Apologies were submitted on behalf of Councillor Booton.

**MINUTES**

3978 **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**

3979 There were no matters arising.

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

3980 No notifications were raised.

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**PETITION**

**8-16 High Street, Erdington – 2015/03504/PA**

A petition presented by Councillor Moore on behalf of local residents objecting to the demolition of the existing buildings and the proposed mixed use development was received.

3981 **RESOLVED:-**

That the petition be referred to the Director of Planning and Regeneration.

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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 Applications in Respect of the City Centre Area**

**Report No 8 – Land at Corner of Granville Street and Holliday Street, City Centre – 2015/00737/PA**

The Head of Planning Management advised that as there was no-one present to speak in opposition to the proposal there would be no public speaking.

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

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

3982

**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 within a period of three months of the date of this resolution, 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 within a period of three months of the date of this resolution, 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 9 – Ridley House, Ridley Street, City Centre – 2015/00739/PA**

Members commented on the application and the Head of Planning Management responded thereto.

Upon being put to a vote it was 12 in favour, 1 against and 0 abstentions.

3983

**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 within a period of three months of the date of this resolution, 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 within a period of three months of the date of this resolution, 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.

- (v) that no objection be raised to the stopping up of part of Ridley Street/ Washington Street and that the Department for Transport 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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**Planning Applications in Respect of the North West Area**

**Report No 10 – 24 Trenchard Close, Sutton Coldfield – 2015/05181/PA**

The Head of Planning Management advised that as there was no-one present to speak in opposition to the proposal there would be no public speaking.

Members commented on the application and the Principal Planning Officer (North West) and Transport Manager responded thereto.

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

3984

**RESOLVED:-**

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

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**Report No 11 – 669-671 Kings Road, Kingstanding – 2015/04107/PA**

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

The Principal Planning Officer (North West) advised that objections had been received from Councillors Chatfield, Dring and Linnecor.

Members commented on the application and it was agreed that a condition be added limiting the number of children that could be accommodated in the rear amenity area to no more than 12 at any one time.

The Principal Planning Officer (North West) and Transport Manager responded to Members' comments.

Upon being put to a vote it was 7 in favour, 1 against and 4 abstentions.

3985

**RESOLVED:-**

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

New Condition 8:

Limits the number of children that can be accommodated within the rear amenity area to no more than 12

The number of children that shall be allowed within the rear amenity area shall be limited to no more than 12 at any one time.

Reason: In order to safeguard the amenity of nearby residential occupiers and in order to define this permission in accordance with parts 3.8 and 3.10 of the adopted UDP (2005) and policies contained within the National Planning Policy Framework.

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Councillor Linnecor returned to the meeting.

**Report No 12 – Waterlinks House, Richard Street, Nechells – 2015/03996/PA**

The Principal Planning Officer (North West) advised that Transportation had raised no objection to the proposal subject to amendments to conditions 1 and 5.

Members commented on the application.

3986

**RESOLVED:-**

That it be noted that prior approval be required and that planning permission be granted subject to the conditions set out in the report and amended below:-

Amended Condition 1:

Requires the prior submission and completion of works for the S278/TRO Agreement

Prior to implementation of this prior approval consent which permits the use of the building as a state funded school for a second academic year and thereafter, a package of highway measures shall have been approved by the Local Planning Authority and the approved measures shall have been substantially completed. The package of measures shall include the provision of a new pedestrian crossing on Dartmouth Middleway in the vicinity of the site including associated pedestrian safety guard railings, yellow box carriageway marking at the junction of Adams Street/Great Lister Street, provision/alteration/removal of vehicular accesses onto Adams Street and any other associated works (based upon the preliminary layout SK1 Rev A contained within the

Transport Assessment) and are to be carried out at the applicant's expense to Birmingham City Council specification.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 5:

Requires the prior submission of a school travel plan

Prior to implementation of this prior approval consent which permits the use of the building as a state funded school for a second academic year and thereafter, a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be reviewed annually until the school has reached full pupil capacity. This should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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

#### **Report No 13 – 202-204 Robin Hood Lane, Hall Green – 2015/03824/PA**

The Head of Planning Management advised that as there was no-one present to speak in opposition to the proposal there would be no public speaking.

The Area Planning Manager (South) advised that he wished to add a new condition concerning cycle storage. He also confirmed that West Midlands Fire Service had raised no objection to the proposal.

Members commented on the application.

It was proposed by Councillor F Williams and seconded by Councillor C Jones that temporary consent for one year be granted.

Upon being put to a vote it was 4 in favour, 7 against and 2 abstentions and therefore the proposal was lost.

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

The Committee then voted upon the recommendation and it was 9 in favour, 3 against and 1 abstention.

3987

**RESOLVED:-**

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

New Condition 5:

Requires the prior submission of cycle storage details

No development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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**Report No 14 – 805 Pershore Road, Selly Oak – 2015/05224/PA**

The Area Planning Manager (South) advised that one additional letter objecting to the proposal and eight letters of support had been received.

Members commented on the application, expressing concern regarding the loss of a family home and considered that the proposal was not in keeping with the existing building and character of the conservation area.

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

3988

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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**Report No 15 – Punch Bowl Public House,  
153 Wolverhampton Road South, Quinton – 2015/02438/PA**

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

The Area Planning Manager (South) advised that an additional letter objecting to the proposal had been received. He added that he wished to amend recommendation 8.1 1b).

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

3989

**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:-
    - 1b) Payment of a monitoring and administration fee associated with the legal agreement subject to a minimum contribution of £1,500.
  - (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 29 September 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 29 September 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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Councillor J Clancy returned to the meeting.

The Chairman agreed to vary the agenda and consider the following items at this point:-

**OTHER URGENT BUSINESS**

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

**778-800 Bristol Road, Selly Oak – 2015/04194/PA**

The Area Planning Manager (South) advised that he wished to amend condition 27.

An objector spoke against the application.

The Area Planning Manager (South), Transport Manager and Head of Planning Management responded to comments made by the objector.

A Member commented on the application.

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



3990

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a deed of variation to the legal agreement as set out in the report;
- (ii) that, in the event of the above deed of variation not being completed to the satisfaction of the local planning authority by 24 August 2015, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the deed of variation being completed to the satisfaction of the local planning authority by 24 August 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 27:

Limits the approval to 3 years from date of consent of 2014/05948/PA

The development hereby permitted shall be begun on or before 21 November 2017.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

- (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.

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**778-800 Bristol Road, Selly Oak – 2015/04195/PA**

The Area Planning Manager (South) advised that he wished to amend condition 27 and pointed out that the description in the report title should refer to 'roof top plant'.

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**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a deed of variation to the legal agreement as set out in the report;
- (ii) that, in the event of the above deed of variation not being completed to the satisfaction of the local planning authority by 24 August 2015, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the deed of variation being completed to the satisfaction of the local planning authority by 24 August 2015,

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favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 27:

Limits the approval to 3 years from date of consent of 2014/05948/PA

The development hereby permitted shall be begun on or before 21 November 2017.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

- (iv) that the Director of Legal and Democratic Services be authorised to prepare and seal the appropriate legal agreement.
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The Committee returned to the original agenda order.

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

#### **Report No 16 – 29 Cambridge Way, Acocks Green – 2015/03330/PA**

The Head of Planning Management advised that as there was no-one present to speak in opposition to the proposal there would be no public speaking.

3992 **RESOLVED:-**

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

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#### **Report No 17 – Former Tram Depot, Highgate Road, Sparkbrook – 2015/00799/PA**

The Area Planning Manager (East) advised that an additional e-mail had been received from the applicant objecting to the recommendation to refuse planning permission.

A supporter spoke against the recommendation to refuse planning permission.

The Area Planning Manager (East) responded to comments made by the supporter.

Members commented on the application.

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

3993 **RESOLVED:-**

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

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**Report No 18 – Stechford Masonic Hall, Richmond Road, Stechford – 2015/04281/PA**

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

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

3994 **RESOLVED:-**

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

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**Report No 19 – 1323 Coventry Road, South Yardley – 2015/04386/PA**

The Area Planning Manager (East) referred to the addendum circulated to Members and advised that she wished to amend the conditions.

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

3995 **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 28 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 28 August 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 4:

Limits the hours of use to 0800-2200 Monday to Saturday and 1000-1800 Sundays.

The premises shall only be open for customers between the hours of 0800-2200 Monday to Saturday and 1000-1800 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.

- (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 20 – Starbank Primary School Annexe, 256 Hob Moor Road, Bordesley Green – 2015/03119/PA**

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

3996 **RESOLVED:-**

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

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**POLICY REPORTS**

**The Birmingham (1B Hartopp Road, Four Oaks, Sutton Coldfield) Tree Preservation Order 2015**

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

(See document No 2)

3997 **RESOLVED:-**

That the Birmingham (1B Hartopp Road, Four Oaks, Sutton Coldfield) Tree Preservation Order 2015 be confirmed with minor modification in respect of the location of the tree.

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**The Birmingham (62 Irnham Road, Sutton Coldfield) Tree Preservation Order 2015**

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

(See document No 3)

3998 **RESOLVED:-**

That the Birmingham (62 Irnham Road, Sutton Coldfield) Tree Preservation Order 2015 be confirmed without modification.

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

The following schedule was submitted:-

(See document No 4)

The Head of Planning Management introduced the report.

Members congratulated officers in achieving 100% dismissals in July 2015.

3999 **RESOLVED:-**

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

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

4000 There were no site visits pending.

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**OTHER URGENT BUSINESS**

4001 No other urgent business was raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

4002 **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**

4003 **RESOLVED:-**

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

**Agenda Item etc**

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

Private section of the Minutes of the last meeting 3