

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
17 SEPTEMBER 2015**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 17 SEPTEMBER 2015 AT 1100 HOURS IN COMMITTEE
ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 4048 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.

NOTICE OF RECORDING

- 4049 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) 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.

CHAIRMAN'S ANNOUNCEMENTS

A. Planning Committee Meetings

- 4050 The Chairman informed Members that meetings were scheduled to take place on 1, 15, 29 October and 12 November 2015.

B. Provision of Television Screen

- 4051 In response to a question, the Head of Planning Management advised that a screen would be provided at Eastside during the Rugby World Cup to televise matches.
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C. Councillor Beauchamp

- 4052 Councillor Linnecor informed the Committee that Councillor Beauchamp had recently gone into hospital. Members undertook to send him a 'get well' card wishing him a speedy recovery.
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APOLOGIES

- 4053 Apologies were submitted on behalf of Councillors Beauchamp and M Khan.
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MINUTES

- 4054 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public be noted.

MATTERS ARISING

- 4055 **A. Removal of Planning Application Notices (Minute no 4040 refers)**

The Head of Planning Management advised that he had brought the matter to the attention of the area teams, reminding them that it was good practice to remove such notices.

- 4056 **B. QR Codes on Planning Application Notices (Minute no 4041 refers)**

The Head of Planning Management advised that QR codes on planning application notices was being investigated. He pointed out that it would be necessary to see if it was possible and practical, including examining what cost would be involved. It had been determined that it was technically possible, with work continuing on the other issues.

Councillor Moore advised that he had seen such notices in the Scarborough area.

- 4057 C. **The Close, Selly Oak Campus, Birmingham University (Minute no 4042 refers)**

The Head of Planning Management reported that he had made conservation officers aware of the issue who had made contact with Birmingham University. The University had arranged for site security and undertaken to do necessary urgent repairs whilst the future use of the buildings was being decided. He added that the matter would be kept under review in the regular meetings between the City and the University to avoid formal action becoming necessary.

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

- 4058 No notifications were raised.
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PETITION

- 4059 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 North West Area

Report No 8 – 46 Maney Hill Road, Sutton Coldfield – 2015/06080/PA

The Area Planning Manager (North West) advised that there had been a number of additional letters and comments received from local residents and Members objecting to the proposal.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (North West) responded to comments made by the objector and supporter.

Members commented on the application. A site visit was proposed by Councillor Cornish and seconded by Councillor Moore. Upon being put to a vote it was 5 in favour, 7 against and 0 abstentions. Therefore, that proposal was lost.

The Area Planning Manager (North West) and Head of Planning Management responded to Members' comments and it was agreed that a condition be added requiring a management plan.

The Committee then voted on the recommendation and it was 8 in favour, 3 against and 1 abstention:-

4060

RESOLVED:-

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

New Condition 7:

Prior to the first use of the building for the proposed use, a management plan, to include a method statement detailing liaison arrangements with local residents, shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter operate in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

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

Planning Applications in Respect of the City Centre Area

Report No 9 – Westside Two, 20 Suffolk Street Queensway, City Centre – 2015/05552/PA

The Principal Planning Officer (City Centre) advised that two additional letters objecting to the proposal had been received.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Principal Planning Officer (City Centre) responded to comments made by the objector and supporter.

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 6 in favour, 4 against and 1 abstention.

4061

RESOLVED:-

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

Report No 10 – Land at and Bounded by Paradise Circus Queensway and Surroundings Including Chamberlain Square, Congreve Passage, Parade and Paradise Street, City Centre – 2015/05010/PA

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

Upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

4062

RESOLVED:-

- (i) That approval be given to the reserved matters relating to scale, appearance, layout and landscaping pursuant to outline planning permission no 2014/05319/PA, for phase 1 public realm and basement car park, subject to the conditions set out in the report;
- (ii) that no objection be raised to the stopping up of parts of both Paradise Circus Queensway and Chamberlain Square 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.

Report No 11 – Land at and Bounded by Paradise Circus Queensway and Surroundings Including Chamberlain Square, Parade and Paradise Street, City Centre – 2015/05009/PA

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

Upon being put to a vote it was 9 in favour, 0 against and 2 abstentions.

4063

RESOLVED:-

That approval be given to the reserved matters relating to scale, appearance, layout and landscaping pursuant to outline planning permission no 2014/05319/PA, for the erection of part eight, part nine storey office and retail building (Building E), subject to the conditions set out in the report.

Report No 12 – Land at and Bounded by Paradise Circus Queensway and Surroundings Including Chamberlain Square, Parade and Paradise Street, City Centre – 2015/05012/PA

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

Upon being put to a vote it was 9 in favour, 0 against and 2 abstentions.

4064

RESOLVED:-

That approval be given to the reserved matters relating to scale, appearance, layout and landscaping pursuant to outline planning permission no 2014/05319/PA, for the erection of an eight storey office and retail building (Building D), subject to the conditions set out in the report.

Councillor Cornish left the meeting at this point.

Report No 13 – Land at Junction of St Vincent Street and Lighthorne Avenue, City Centre – 2015/00687/PA

Members commented on the application.

4065

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 10 November 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 10 November 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 Fazal left the meeting at this point.

Report No 14 – Lee Bank Middleway (before Junction Ryland Road), City Centre – 2015/06283/PA

The Head of Planning Management explained that this was the first of a number of applications seeking temporary consent for the installation of double-sided digital advertising totems in the city centre area and non-illuminated post mounted signs in the east area in various locations throughout the city.

In referring to application no 2015/06283/PA, the Principal Planning Officer (City Centre) advised that the location of the proposed advertisement was slightly different from the site detailed in the report.

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

4066 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

Report No 15 – Smallbrook Queensway, City Centre – 2015/06285/PA

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

4067 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

Report No 16 – Lee Bank Middleway (S Side), City Centre – 2015/06281/PA

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

4068 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

Report No 17 – Dale End (NW Side), City Centre – 2015/06282/PA

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

4069 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

Planning Applications in Respect of the South Area

Report No 18 – 93A Alcester Road, Moseley – 2015/05448/PA

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the objector and supporter.

Members commented on the application and it was agreed that a condition be added regarding goods delivery, refuse storage and collection strategy.

The Area Planning Manager (South) responded to Members' comments.

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

4070

RESOLVED:-

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

New Condition 7:

Requires the prior submission of a goods delivery and refuse storage and collection strategy.

A Code of Best Practice for the management and operation of deliveries, and refuse storage and collection, at/in the rear extension, to include vehicle movements, reversing warnings, details of access doors (to be vertically-opening shutters or inward-opening doors), access and waiting while outside the doors, shall be submitted and approved in writing by the Local Planning Authority before the development hereby permitted is first implemented. The agreed Code shall be operated in its entirety thereafter whenever deliveries and collections are carried out.

Reason: In order to safeguard the amenity and safe use of the shared access, in accordance with Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the NPPF.

Report No 19 – Plot 5 – Fronting Pebble Mill Road, Site of Former Pebble Mill Studios, Edgbaston – 2015/05000/PA

Members commented on the application.

4071

RESOLVED:-

That approval be given to the reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning permission no 2014/00203/PA, subject to the conditions set out in paragraph 8.2 of the report and as amended by planning application no 2015/05000/PA, subject to the conditions set out in the report.

Report No 20 – Unit 1 – Former Birmingham Battery Site, Land at, Aston Webb Boulevard, Selly Oak – 2015/04615/PA

The Area Planning Manager (South) advised that he wished to amend the recommendations and condition regarding the floorspace.

4072

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:-

Recommendation 9.1 i):

That the Supermarket consented under 2013/02178/PA is not constructed any larger than 3,903 sqm Convenience Retail Gross Internal Area.

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 2 October 2015, planning permission be refused for the reasons set out in the report and amended below:-

- i) In the absence of a planning obligation to ensure no more than 3,903 sqm Convenience Retail Gross Internal Area is constructed for the Supermarket elsewhere on the application site (2013/02178/PA), the proposed Unit 1 would allow the wider site's maximum Convenience retail floorspace to materially exceed that considered under application 2013/02178/PA without due consideration of the effects of that increased floorspace upon retail and transportation matters.

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by 2 October 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 3:

Restricts further Convenience floorspace

No more than 1,022 sqm Gross Internal Area shall be used for Convenience floorspace.

Reason: In order to define the permission, in accordance with Paragraphs 6.38, 6.39, 7.21-7.23A of the Birmingham UDP 2005 and the National Planning Policy Framework.

- (iv) that the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate legal agreement.
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**Report No 21 – Selly Oak Hospital, Raddlebarn Road, Bournville
– 2015/04617/PA**

4073

RESOLVED:-

- (i) That approval be given to the reserved matters relating to appearance, landscaping, layout and scale pursuant to outline planning permission no 2012/02303/PA, as amended by planning application no 2015/04617/PA subject to the conditions set out in the report;
 - (ii) that approval be given to the details submitted pursuant to conditions 12, 13, 23, 24 and 31 of outline planning permission no 2012/02303/PA in respect of phase 2.
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Report No 22 – Meteor Building, St Mary's Row, Moseley – 2015/05202/PA

The Area Planning Manager (South) advised that he wished to amend the condition regarding floorspace.

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

4074

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 25 September 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 25 September 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 38:

Restricts Convenience floorspace

There shall be no future use of any other part of the development for Class A1 Convenience Retail, other than Unit 1 (comprising 836 sq m with 806 sq m storage/staff facilities).

Reason: In order to ensure that there is sufficient car parking available on the site to accommodate retail need in accordance with Paragraphs 6.49A, 6.49B and 6.51A of the Birmingham UDP 2005, the Car Parking Guidelines SPD 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 23 – 26-32 Aldersmead Road, Northfield – 2015/05544/PA

4075

RESOLVED:-

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

Report No 24 – 21 Poplar Avenue, Land Adjacent to, Edgbaston – 2015/06190/PA

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

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

4076

RESOLVED:-

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

Report No 25 – 9 Reddings Road, Moseley – 2015/04438/PA

4077

RESOLVED:-

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

Report No 26 – Shenley Hill, Northfield – 2015/06225/PA

The Area Planning Manager (South) advised that Transportation Development had raised no objection to the proposal.

A Member commented on the application.

4078

RESOLVED:-

That no prior approval is required.

Planning Applications in Respect of the East Area

Report No 27 – Unit 2, 90 Wharfdale Road, Tyseley – 2014/01608/PA

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

The Principal Planning Officer (East) advised that a representation had been received from Jess Phillips MP objecting, on behalf of local residents, to the proposal.

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

Upon being put to a vote it was 6 in favour, 2 against and 1 abstention.

4079 **RESOLVED:-**

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

Councillor C Jones returned to the meeting.

Report No 28 – Bromford Lane, Nechells – 2015/05583/PA

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

4080 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

Report No 29 – Roundabout at Heartlands Parkway, Nechells – 2015/05664/PA

Upon being put to a vote it was 7 in favour, 1 against and 2 abstentions.

4081 **RESOLVED:-**

That temporary advertisement consent be granted subject to the conditions set out in the report.

POLICY REPORT

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

The following schedule was submitted:-

(See document No 2)

The Head of Planning Management introduced the report and responded to Members' comments.

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

4082 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

4083 There were no site visits pending.

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:-

A. Planning Speakers

4084 The Head of Planning Management informed Members of the results of a survey conducted regarding public speaking at the Committee, including a request to remind Members to speak directly into their microphones.

B. Engineering Works by Virgin Cable

4085 In response to a comment by Councillor Douglas Osborn, the Transport Manager undertook to try to ensure that residents affected were notified in advance of any engineering works due to be carried out by Virgin Cable.

C. Engineering Works in New Street

- 4086 Councillor F Williams, in referring to the trenches that had been excavated during engineering works carried out in New Street, pointed out that it appeared that at least one of the trees had died. She suggested that in order to avoid damage to the trees any work in close proximity thereto should have been carried out by using pick axes rather than mechanical diggers. The Transport Manager undertook to liaise with the Tree Officer regarding the matter.
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AUTHORITY TO CHAIRMAN AND OFFICERS

- 4087 **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.

EXCLUSION OF THE PUBLIC

- 4088 **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