

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 6 JULY 2017

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 6 JULY 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

Councillors T Ali (1113 hours), Azim, Beauchamp, Booton, Douglas Osborn, Fazal, Henley, K Jenkins, C Jones, Linnecor, Moore, Straker Welds and Williams.

PUBLIC ATTENDANCE

- 5548 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

- 5549 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 except where there were confidential or exempt items.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 5550 The Chairman informed Members that meetings were scheduled to take place on 20 July, 3, 17 and 31 August 2017.

APOLOGIES

- 5551 Apologies were submitted on behalf of Councillor Cornish.

MINUTES

5552 **RESOLVED:-**

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

MATTERS ARISING

5553 There were no matters arising.

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

5554 No notifications were received.

PETITIONS

5555 No petitions were received.

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 CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See document No 1)

Planning Applications in Respect of the East Area

Members agreed to consider reports nos 8 and 9 together but voted on the recommendations separately.

Report No 8 – Rookery House, The Lodge and Adjoining Depot Sites, 392 Kingsbury Road, Erdington – 2016/08285/PA

The Area Planning Manager (East) advised that she wished to amend the recommendation to 'approve subject to Section 106 and 111 Legal Agreements'.

She added that, as Historic England had not objected to the proposal, recommendation 8.1.1 'pending no call-in for decision by the Department for Communities and Local Government for the associated listed building consent application 2016/08352/PA' was no longer required and could be deleted.

The Area Planning Manager (East) also wished to amend recommendation 8.1.2 (i), delete condition 18 and amend conditions 22 and 30.

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

Members commented on the application.

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

5556

RESOLVED:-

- (i) That recommendation 8.1.1 'pending no call-in for decision by the Department for Communities and Local Government for the associated listed building consent application 2016/08352/PA' be deleted;
- (ii) that consideration of the application be deferred pending the completion of suitable legal agreements under Section 111 of the Local Government Act 1972 and Section 106 of the Town and Country Planning Act 1990 which requires the applicant to complete a Section 106 Planning Obligation simultaneously with the completion of the land sale as set out in the report and amended below:-

Amended Recommendation 8.2(i):

Rookery House (listed Building) is substantially repaired and restored (demolition and complete repair of external fabric of the building) prior to the occupation of 50% of the new dwelling on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.

- (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 6 September 2017, planning permission be refused for the reasons set out in the report;
- (iv) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 6 September 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Delete Condition 18.

Amended Condition 22:

Requires the Prior Submission of Boundary Treatment Details for Each Phase of the Development.

No development for each phase shall take place until full details of the proposed boundary treatment of the site for that phase have been submitted to and approved in writing by the Local Planning Authority.

These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling(s) hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3, TP7 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Amended Condition 30:

Limits the Hours of Operation for Community/Cafe Uses (1000-2200 Hours Monday to Saturday and 1000-1630 Hours Sundays and Bank Holidays).

The community/cafe uses hereby approved shall only take place between the hours of 1000-2200 Monday to Saturday and 1000-1630 hours on Sundays and Bank Holidays.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- (v) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

(Councillor T Ali arrived during consideration of the application and did not vote on the recommendation).

**Report No 9 – Rookery House, The Lodge and Adjoining Depot Sites,
392 Kingsbury Road, Erdington – 2016/08352/PA**

The Area Planning Manager (East) advised that, as Historic England had not objected to the proposal or requested referral, it was no longer necessary to refer the application to the Department for Communities and Local Government. She therefore requested that the recommendation be amended

to 'that listed building consent be granted subject to the conditions set out in the report'.

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

5557 **RESOLVED:-**

That listed building consent be granted subject to the conditions set out in the report.

(As Councillor T Ali had arrived during consideration of the related report no 8, Minute No 5556 refers, he did not vote on the recommendation).

Report No 10 – 57 Stoney Lane, Yardley – 2017/04018/PA

The Area Planning Manager (East) advised that she wished to delete conditions 1, 2 and 8, amend condition 12 and, following a request from Transportation Development in respect of the use of the first floor function room, add a new condition.

She gave details of a further representation received from Councillor Choudhry.

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

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

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

5558 **RESOLVED:-**

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

Delete Conditions 1, 2 and 8.

Amended Condition 12:

Requires the Scheme to be in Accordance with the Listed Approved Plans.

The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 1455 (P) 000, 001B, 110B, 111A, 115B, 116A, 130, 131, 132B, 140B and 141B ('the approved plans').

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

New Condition 14:

Requires the use of the first floor function room to cease prior to first occupation of any of the guest bedrooms.

Prior to first occupation of any of the guest bedrooms hereby permitted the use of the first floor function room within the public house building shall cease.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

Report No 11 – 262 High Street, Erdington – 2017/03915/PA

The Area Planning Manager (East) gave details of comments received from Councillor R Alden regarding the proposal.

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

In response to concerns raised by Members, the Head of Planning Management suggested and it was agreed that a condition requiring the provision of suitable refuse storage be added.

Upon being put to a vote it was 6 in favour, 5 against and 2 abstentions.

5559

RESOLVED:-

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

New Condition 6:

Requires Facilities for the Storage of Refuse.

No development shall take place until details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 12 – 54 Kitsland Road, Shard End – 2017/03810/PA

The Area Planning Manager (East) gave details of a further objection received from Councillor Cotton.

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

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

5560 **RESOLVED:-**

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

Report No 13 – Stechford Retail Park, Flaxley Parkway, Stechford – 2017/02934/PA

The Area Planning Manager (East) advised that Transportation Development had requested an amendment to condition 5.

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5561 **RESOLVED:-**

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

Amended Condition 5:

Requires the Submission of a Car Park Management Plan for Parent and Child Spaces and Disabled Spaces within 6 Months of Approval.

Within 6 months of approval a scheme for the management of parent and child parking spaces and parking spaces for people with disabilities, to ensure that increased provision of such spaces is provided and measures to ensure that they are only occupied by authorised persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan and thereafter maintained.

Reason: In order to secure the satisfactory provision of facilities and access in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for All SPD and the National Planning Policy Framework.

Planning Applications in Respect of the South Area

Report No 14 – 261 Vicarage Road, Kings Heath – 2017/02895/PA

Members commented on the application.

Upon being put to a vote it was 6 in favour, 4 against and 3 abstentions.

5562

RESOLVED:-

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

Report No 15 – 49 High Street, Harborne – 2017/03562/PA

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

Members agreed that a condition requiring the provision of litter bins be added.

Upon being put to a vote it was 7 in favour, 5 against and 1 abstention.

5563

RESOLVED:-

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

New Condition 6:

Requires the Prior Submission of a Litter Bin.

The development hereby approved shall not be brought into use until a suitable receptacle for the disposal of litter has been provided and thereafter maintained on or close to the front of the premises in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Planning Applications in Respect of the City Centre Area

Members agreed to consider reports nos 16 and 17 together but voted on the recommendations separately.

Report No 16 – Curzon Street Station, New Canal Street, Digbeth – 2017/02927/PA

Members commented on the application.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5564 **RESOLVED:-**

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

Report No 17 – Curzon Street Station, New Canal Street, Digbeth – 2017/03033/PA

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5565 **RESOLVED:-**

That listed building consent be granted subject to the conditions set out in the report.

Report No 18 – Land Bounded by Paradise Circus Queensway and surroundings including Chamberlain Square and Paradise Street, City Centre – 2017/03356/PA

The Area Planning Manager (City Centre) in referring to recommendations 8.1 (ii) and 8.3 of the report advised that she wished to amend the completion date from 11 to 18 July 2017.

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5566 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a Deed of Variation 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 on or before 18 July 2017, 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 on or before 18 July 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report;

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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Report No 19 – Land at Sloane Street, Camden Street, Camden Drive, Camden Grove and Legge Lane, Jewellery Quarter, City Centre – 2017/00002/PA

Members commented on the application.

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

5567

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 on or before 14 July 2017, 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 on or before 14 July 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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Report No 20 – Sloane House, Sloane Street, Jewellery Quarter, City Centre – 2017/00012/PA

The Area Planning Manager (City Centre) advised that the Victorian Society had withdrawn its objection to the proposal.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5568

RESOLVED:-

That listed building consent be granted subject to the conditions set out in the report.

**Report No 21 – Land Fronting Carver Street and 120 Pope Street,
Jewellery Quarter, City Centre – 2017/03225/PA**

Members commented on the application.

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

5569 **RESOLVED:-**

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

**Report No 22 – Edgbaston Street (Outside Markets), City Centre –
2017/04279/PA**

Members commented on the application.

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

5570 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5571 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. Birmingham Conservatoire, Jennens Road, City Centre

5572 In response to a suggestion by Councillor Williams, the Head of Planning Management undertook to investigate the possibility of arranging a visit for Members to or providing a CGI of the new Birmingham Conservatoire.

B. Land Off Booths Lane, Great Barr

5573 In response to a suggestion by Councillor Linnecor, the Head of Planning Management undertook to investigate the possibility of arranging a visit for Members to the new development at Booths Lane, Great Barr.

C. Broad Street Area, City Centre

- 5574 Councillor Henley, in referring to the ongoing redevelopment in the vicinity of Broad Street, expressed his concern at the current general appearance of the area. The Head of Planning Management advised that the current work in Centenary Square was due to be completed next year.
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D. Fire Safety

- 5575 Following the recent fire at a tower block in London, a discussion ensued regarding fire safety measures including checking current cladding in all buildings, the installation of sprinkler systems and provision of fire extinguishers.

The Chairman advised that discussions were ongoing with West Midlands Fire Service.

E. Abattoir Located at 33-48 Charles Henry Street, Highgate

- 5576 Councillor Douglas Osborn advised that he had received further complaints from local residents and businesses regarding a foul smell emanating from an abattoir located at 33-48 Charles Henry Street, Highgate.
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AUTHORITY TO CHAIRMAN AND OFFICERS

- 5577 **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

- 5578 **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