

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>3 AUGUST 2017</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 3 AUGUST 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, Booton, Cornish, Fazal, K Jenkins, C Jones, Linnecor, Moore and Straker Welds.

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### **PUBLIC ATTENDANCE**

- 5606 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**

- 5607 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 except where there were confidential or exempt items.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **A. Planning Committee Meetings**

- 5608 The Chairman informed Members that meetings were scheduled to take place on 17, 31 August, 14 and 28 September 2017.

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#### **B. Members' Training**

- 5609 The Chairman reminded Members that training had been arranged for Thursday, 21 September 2017 at 1000 hours.

**APOLOGIES**

- 5610 Apologies were submitted on behalf of Councillors T Ali, Douglas Osborn, Henley and Williams.
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**MINUTES**

- 5611 **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**

- 5612 There were no matters arising.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

- 5613 No notifications were received.
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**PETITION**

**Request for a Pedestrian Crossing – Bristol Road South**

A petition presented by Councillor Moore on behalf of local residents requesting the installation of a crossing on Bristol Road South between Cliff Rock Road and Kendal Rise Road, to ensure parents with children going to school, the elderly and other pedestrians can cross the road safely, was received.

- 5614 **RESOLVED:-**

That the petition be referred to the Corporate Director, Economy.

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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 CORPORATE DIRECTOR, ECONOMY**

The following reports were submitted:-

(See document No 1)

**Planning Application in Respect of the East Area**

**Report No 8 – Fairlawns, (Ridgemere Social Club), Yardley – 2017/01543/PA**

Members commented on the application and upon being put to a vote it was 8 in favour, 2 against and 0 abstentions agreed that a condition requiring a construction method statement/management plan be added.

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

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

5615

**RESOLVED:-**

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

New Condition 17:

Requires the Prior Submission of a Demolition/Construction Method Statement/Management Plan.

No development shall take place, including any works of demolition, until a construction method statement (to include details of measures to be taken to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway) has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The method statement shall provide for details of the following:

the parking of vehicles of site operatives and visitors;

location of loading and unloading of plant and materials;

hours of demolition/construction/delivery;

requires the prior approval of details to prevent mud on the highway.

The development shall be implemented in accordance with the approved details.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and in the interests of highway safety in accordance with Policy PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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

**Report No 9 – Land off Fredas Grove, Harborne – 2017/01915/PA**

The Principal Planning Officer (South) gave details of two letters objecting to the proposal that had been received.

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

5616

**RESOLVED:-**

- (i) That no objection be raised to the partial stopping up of the public right of way (2673 from Fredas Grove to the west most part of the application site) and that the Department for Transport be requested to make an order in accordance with the provision of Section 247 of the Town and Country Planning Act 1990;
  - (ii) that consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
  - (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 10 August 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 10 August 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report;
  - (v) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**Report No 10 – King Edward’s School, Edgbaston Park Road, Edgbaston – 2017/02720/PA**

Members commented on the application and the Principal Planning Officer (South) responded thereto.

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

5617

**RESOLVED:-**

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

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**Report No 11 – Selcroft Avenue, Site A: Land Adjacent No 77, Site B: Land Adjacent No 85, Quinton – 2017/05190/PA**

A Member commented on the application and the Principal Planning Officer (South) responded thereto.

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

5618

**RESOLVED:-**

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

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

**Report No 12 – Computer Centre, 21 William Street, City Centre – 2017/03355/PA**

The Area Planning Manager (City Centre) advised that the recommendation should read ‘That consideration of the application be deferred pending the completion of a Section 111 of the Local Government Act 1972 legal agreement which requires the applicant to enter into a Section 106 legal agreement’.

She also wished to amend the contribution figures referred to in paragraphs 6.25, 6.26 and 7.3 of the report and recommendations 8.1 a) and b).

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

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

5619

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a Section 111 of the Local Government Act 1972 legal agreement which requires the applicant to enter into a Section 106 legal agreement as set out in the report and amended below:-

Recommendation 8.1:-

- a) A financial contribution of £292,000 (index linked from the date of this resolution) towards off site affordable housing to be paid prior to first occupation;
  - b) A financial contribution of £92,719 (index linked from the date of this resolution) towards the improvement of the open space within the nearby Moonlit and Sunset Parks within the Ladywood Ward, and the maintenance thereof.
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 1 September 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 1 September 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 13 – Land Fronting Pemberton Street, Jewellery Quarter, City Centre – 2017/04573/PA**

The Area Planning Manager (City Centre) advised that she wished to add two conditions regarding permitted development rights and boundary treatments.

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

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

5620

**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 10 August 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 10 August 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

**New Condition 13:**

Removes Permitted Development Rights for Extensions.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order amending, revoking and/or re-enacting that order, with or without modification), no enlargement, improvement or other alteration of a dwellinghouse or its roof shall be carried out without further subsequent planning approval of the Local Planning Authority.

Reason: In order to maintain an adequate area for amenity space at the rear of the dwellings and to safeguard the amenities of the occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for Living SPG and the National Planning Policy Framework.

**New Condition 14:**

Requires the Prior Submission of Boundary Treatment Details.

No development shall take place until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the proposed new boundary treatments indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the 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 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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Councillor K Jenkins left the meeting at this point.

**Report No 14 – Near Junction of Bristol Street/Wrentham Street, City Centre – 2017/05301/PA**

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

5621 **RESOLVED:-**

That it be noted that prior approval is required and that planning permission be granted subject to the conditions set out in the report.

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**Report No 15 – 156-182 Bristol Street, City Centre – 2017/03938/PA**

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

Upon being put to a vote it was 5 in favour, 3 against and 1 abstention.

5622 **RESOLVED:-**

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

(Councillor K Jenkins returned to the meeting during consideration of the item and, therefore, did not vote on the recommendation).

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

**Report No 16 – King Solomon International Business School, Waterlinks House, Lord Street and Richard Street Car Park, Nechells – 2017/03975/PA**

The Principal Planning Officer (North West) advised that Regulatory Services had raised no objection to the proposal subject to conditions. However, the conditions requested were already included in the application.



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

5623

**RESOLVED:-**

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

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**Report No 17 – Land at Dovedale Road, Perry Common – 2017/05211/PA**

The Principal Planning Officer (North West), in referring to the electricity sub-station, advised that he wished to amend the condition 15 which required the scheme to be in accordance with the listed approved plans.

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

5624

**RESOLVED:-**

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

Amended Condition 15:

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 EKV0015 (sub-station plan), PC-302-01 G Rev J (external works 5Dii), PC-302-02-E Rev F (external works 5Diii), 16-079-01 Rev E (landscaping 5Dii), 16-079-02 Rev C (landscaping 5Dii), 3 unnumbered perspective images and standard GRP enclosure and threshold beam detail for up to 1000kva pocket sub-station drawing number ek0015('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.

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**Report No 18 – 5 Midpoint Park, Midpoint Boulevard, Kingsbury Road, Minworth, Sutton Coldfield – 2017/04783/PA**

The Principal Planning Officer (North West) advised that Sutton Coldfield Town Council had raised no objection to the proposal.

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

5625

**RESOLVED:-**

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

**Report No 19 – New Bingley Hall, Overflow Car Park, The Crescent, Hockley – 2017/05277/PA**

An objector spoke against the application and the Principal Planning Officer (North West) and Head of Planning Management responded thereto.

Members 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.

5626 **RESOLVED:-**

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

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**Report No 20 – 55 George Frederick Road, Sutton Coldfield – 2017/04051/PA**

The Committee noted that construction had already commenced and retrospective planning permission was being sought. The Head of Planning Management responded to Members' comments briefly explaining possible action that could be taken if the extension did not comply with planning regulations.

The Chairman proposed and Councillor K Jenkins seconded that consideration of the application be deferred pending further information regarding the construction of the extension, particularly the quality and style of bricks being used.

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

5627 **RESOLVED:-**

That consideration of the application referred to in the report be deferred pending further information regarding the construction of the extension, particularly the quality and style of bricks being used.

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

5628 There were no site visits pending.

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**OTHER URGENT BUSINESS**

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

**Britannia Public House, 287 Lichfield Road, Aston**

- 5629 In response to concerns expressed by Councillor Moore regarding the displaying of an advertising banner across the exterior of the Britannia Public House, the Head of Planning Management undertook to open up an enforcement case to investigate the matter.
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**AUTHORITY TO CHAIRMAN AND OFFICERS**

- 5630 **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**

- 5631 **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