

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
15 OCTOBER 2015**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 15 OCTOBER 2015 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 4142 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

- 4143 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

Planning Committee Meetings

- 4144 The Chairman informed Members that meetings were scheduled to take place on 29 October, 12, 26 November and 10 December 2015.

APOLOGIES

- 4145 Apologies were submitted on behalf of Councillors Beauchamp, Booton, Cornish, Fazal and Griffiths.

MINUTES

4146 **RESOLVED:-**

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

MATTERS ARISING

Report No 17 – Lombard Street, Digbeth – 2015/05172/PA (Minute No 4109 refers)

4147 A Member referred to the press coverage concerning the alleged stench emanating from an abattoir within close proximity to a site in Lombard Street, Digbeth, for which planning permission had recently been granted for the erection of residential dwellings.

He pointed out that, following a number of complaints concerning the smell from the abattoir, the Food Standards Agency was currently investigating the matter. He was concerned that, at the time the planning application was considered, Regulatory Services had raised no objection to the development given the close proximity of the abattoir and the adverse impact it could have on local residents.

The Chairman undertook to raise the matter with Regulatory Services.

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

A. Planning Application No 2015/07887/PA – 100 Court Lane, Erdington

4148 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on the character of the area.

B. Planning Application No 2015/07888/PA – 102 Court Lane, Erdington

4149 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on the character of the area.

C. Planning Application No 2015/07889/PA – 104 Court Lane, Erdington

- 4150 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact it might have on the character of the area.
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PETITIONS

- 4151 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 Applications in Respect of the North West Area

Report No 8 – 142-144 Heathfield Road, Handsworth – 2015/07000/PA

A supporter spoke against the recommendation to refuse planning permission.

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

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

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

- 4152 **RESOLVED:-**

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

Report No 9 – Land off Daisy Drive, Lakes Road, Parkhouse Drive and Osier Grove, Wyrley Birch – 2015/05912/PA

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

4153

RESOLVED:-

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

Report No 10 – New Hall Hotel, New Hall Drive, Sutton Coldfield – 2015/02526/PA

RESOLVED:-

That consideration of application no 2015/02526/PA be deferred pending the decision of the Department for Communities and Local Government as to whether to intervene in the determination of listed building consent application no 2015/02505/PA and that it be advised that this Committee would be minded to approve the application subject to the conditions set out in the report.

Report No 11 – New Hall Hotel, New Hall Drive, Sutton Coldfield – 2015/02505/PA

4154

RESOLVED:-

That consideration of application no 2015/02505/PA be deferred pending the decision of the Department for Communities and Local Government as to whether to intervene in the determination of the application and that it be advised that this Committee would be minded to approve the application subject to the conditions set out in the report.

Report No 12 – Little Oak, 9 Grounds Road, Four Oaks, Sutton Coldfield – 2015/06290/PA

4155

RESOLVED:-

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

Planning Applications in Respect of the East Area

Report No 13 – 1163 Warwick Road, Acocks Green – 2015/07088/PA

The Area Planning Manager (East) advised that two additional letters had been received in support of the proposal, one from the applicant and also from Councillor Jess Phillips, MP.

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 and the Area Planning Manager (East) and Head of Planning Management responded thereto.

Upon being put to a vote it was 7 in favour, 2 against and 0 abstentions.

4156 **RESOLVED:-**

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

Report No 14 – Hay Hall Business Park, Unit 1, Hay Hall Road, Tyseley – 2015/05261/PA

A Member welcomed the proposal.

4157 **RESOLVED:-**

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

Report No 15 – 90 Oakwood Road, Sparkhill – 2015/06091/PA

4158 **RESOLVED:-**

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

Planning Applications in Respect of the South Area

Report No 16 – Rear of 183 Cole Valley Road, Hall Green – 2015/06895/PA

The Area Planning Manager (South) advised that additional documentation had been received from the applicant.

An objector spoke in favour of the recommendation to refuse planning permission.

A supporter spoke against the recommendation to refuse planning permission.

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

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

Upon being put to a vote it was unanimously:-

4159 **RESOLVED:-**

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

Report No 17 – Harborne Gospel Hall, Lonsdale Road, Harborne – 2015/05113/PA

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

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

4160 **RESOLVED:-**

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

Report No 18 – Selly Oak Park, Selly Oak – 2015/00061/PA

The Area Planning Manager (South) advised that he wished to delete condition 3 and add four new conditions.

Members commented on the application.

4161 **RESOLVED:-**

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

Delete Condition 3.

New Condition 15:

Prohibits the filling of the canal.

The canal shall not be filled with water without the prior written consent of the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Flood Plains SPD, and the National Planning Policy Framework.

New Condition 16:

Requires the submission of a condition survey.

No development shall take place until a Condition Survey has been submitted to and approved in writing by the local planning authority. The survey shall be undertaken by a conservation accredited surveyor/engineer and shall identify:

- * The structural soundness of the canal wall and associated fabric;
- * Any necessary remediation measures required to stabilise the canal wall and associated fabric; and
- * The condition of the masonry.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.31 and 8.36 of the Birmingham UDP 2005 and the National Planning Policy Framework.

New Condition 17:

Requires the submission of a method statement.

No development shall take place until a full method statement has been submitted to and approved in writing by the local planning authority setting out how the soil/fill to the canal will be removed and disposed of from the site. The method statement shall be informed by the archaeological written scheme of investigation (condition 3) and be in line with the Canal and River Trust Restoration Toolkit (Informative 1). This shall include:

- * The machines/vehicles and tools employed to remove soil/fill;
- * Access for any machines/vehicles and tools;
- * Method of protection used to prevent damage to the masonry sections of the canal wall, lining and towpath; and
- * Depth to which soil/fill will be removed to. For the avoidance of doubt, this shall be the upper limit of the historic lining of the canal.

For the avoidance of doubt no mechanical tools shall be used within 500mm of surviving historic fabric, including the lining and the walls.

The removal of soil/fill shall be undertaken in complete accordance with the method statement approved.

Reason: To ensure that accidental damage is not caused to a site of archaeological interest in accordance with Paragraphs 3.31 and 8.36 of the Birmingham UDP 2005, the Archaeology Strategy SPG, and the National Planning Policy Framework.

New Condition 18:

Requires the submission of a schedule of repairs.

No development shall take place until a full schedule of repair has been submitted to and approved in writing by the local planning authority. This schedule shall be informed by the Condition Survey (Condition 4) and shall include:

- * Method and scope of brick and stone repairs;
- * The mix and method of application of mortar to bedding and pointing of masonry; and
- * Any structural remediation identified as being necessary from the Condition Survey (conditioned above).

The repair schedule shall be undertaken in complete accordance with the schedule of repair approved within 6 months of the soil/fill being removed.

Reason: To ensure that accidental damage is not caused to a site of archaeological interest in accordance with Paragraphs 3.31 and 8.36 of the Birmingham UDP 2005, the Archaeology Strategy SPG, and the National Planning Policy Framework.

Report No 19 – 7 Dartmouth Road, Selly Oak – 2015/07159/PA

4162

RESOLVED:-

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

Report No 20 – 1 Hagley Park Drive, Rubery – 2015/00518/PA

4163

RESOLVED:-

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

Planning Applications in Respect of the City Centre Area

Report No 21 – Colston Health Centre, 10 Bath Row, City Centre – 2015/04556/PA

The Area Planning Manager (City Centre), in referring to paragraph 6.40 of the report, advised that the number of parking spaces to be provided should read 'one' not 'three'.

Members commented on the application and expressed concern regarding the appropriateness of the site for a primary school, particularly the limited play space and the fact that it would be located on a roof top and not at ground floor level, the safety of the children in relation to the roof top play area, the effect that the primary school would have on the local residential amenity, the removal of trees, insufficient parking provision and resultant traffic congestion.

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

Upon being put to a vote it was 2 in favour, 4 against and 3 abstentions. Therefore, the recommendation to grant planning permission was lost and it was:-

4164

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse for the reasons set out in the pre-amble.

Councillor J Clancy left the meeting at this point.

Report No 22 – Land bounded by Gopsal Street, Cardigan Street, Curzon Street and Digbeth Branch Canal, Eastside – 2015/06112/PA

The Area Planning Manager (City Centre) advised that she wished to delete condition 4.

A Member commented on the application.

4165

RESOLVED:-

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

Delete Condition 4.

Councillor Straker Welds left the meeting at this point.

**Report No 23 – Former Birmingham United Services Club,
10 Gough Street, City Centre – 2015/05554/PA**

The Area Planning Manager (City Centre) advised that an additional letter objecting to the proposal had been received. She pointed out that she wished to add a condition regarding the securing of an employment policy.

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

Upon being put to a vote it was 4 in favour, 1 against and 2 abstentions.

4166

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 15 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 15 November 2015, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

New Condition 26:

Secures an employment policy.

The employment policy for the construction of the development hereby approved shall be agreed in writing with the Local Planning Authority. It shall include liaison with the City Council's Employment Access Team and its partners and reflect employment protocols and initiatives at that time. It shall be updated as required and as agreed with the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 4.15 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.

POLICY REPORT

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

The following schedule was submitted:-

(See document No 2)

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

4167 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

4168 There were no site visits pending.

OTHER URGENT BUSINESS

4169 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

4170 **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

4171 **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