

BIRMINGHAM CITY COUNCIL

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

PRESENT:-

Councillor J Clancy in the Chair;

Councillors Azim, Beauchamp, Douglas Osborn, Fazal, Griffiths, M Khan, Moore, Straker Welds and F Williams.

ELECTION OF CHAIRMAN

- 4007 In the absence of both the Chairman and Councillor Linnecor, Councillor J Clancy indicated that, with the agreement of the Committee, Councillor Sharpe had requested that that he Chair the meeting. Members of the Committee were in agreement.

COUNCILLOR J CLANCY IN THE CHAIR

PUBLIC ATTENDANCE

- 4008 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

- 4009 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.
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CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 4010 The Chairman informed Members that meetings were scheduled to take place on 17 September, 1, 15 and 29 October 2015.
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APOLOGIES

- 4011 Apologies were submitted on behalf of Councillors Cornish, C Jones, Linnecor and Sharpe.
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MINUTES

- 4012 **RESOLVED:-**

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

MATTERS ARISING

- 4013 There were no matters arising.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

A. Planning Application No 2015/08251/PA – 1-41 Sutton Road, Erdington

- 4014 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 parking and highway issues.
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B. Planning Application No 2015/06412/PA – 134 Wood End Road, Erdington

- 4015 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 the proposal might have on the residential amenity.
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PETITION

- 4016 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 – Land at the Hub, Nobel Way, Perry Barr – 2015/05235/PA

The Principal Planning Officer (North West) advised that conditions 10, 14, 15, 19, 20 had slight rewording and two new conditions were proposed following consultation with Transportation relating to directional signage and vehicle parking, loading/unloading and associated vehicle circulation areas being used for their intended purpose were proposed.

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

4017

RESOLVED:-

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

Amended Condition 10:

Restricts the use of the offices, retail and café elements of the development
The offices, retail and café elements of the development shall only be operated on an ancillary basis to the wholesale market use (Sui Generis) of the site.

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

Amended Condition 14:

The development shall be operated in accordance with the specific planning related matters within the tenant handbook

The development hereby approved shall be operated in accordance with the following planning requirements contained within the BIRMINGHAM WHOLESALE MARKETS Birmingham City Council Tenant Site Handbook , July 2015, Clean Copy 21.07.2015:- 1 and 2 (delivery and trading hours); 2.1, 2.2, 2.3, 13.7, 13.8, 13.12, 13.15, 14.1.1, 15.2 and 15.3.

Reason: In order to secure the satisfactory operation of the application site with particular reference to protecting nearby occupiers from noise and disturbance in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 15:

Requires the submission of extraction and odour control details in relation to the café and recycling facility

Prior to the first operation of the café and recycling facility hereby approved details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting to be used in relation to those facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained and operated accordingly.

Reason: In order to secure the satisfactory development of the application site 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 NPPF.

Amended Condition 19:

Requires details of all external plant and machinery to be agreed before its first installation

Prior to the installation of any external plant or machinery on site details of such plant and machinery shall be submitted to the Local Planning Authority for agreement. Once agreed, the details shall be implemented and operated as agreed thereafter. Any subsequent change or modification of the agreed details shall require the prior written approval of the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site and in order to safeguard the amenity of nearby residential occupiers in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 20:

Limits the maximum noise levels from the recycling facility

Throughout all day on Sundays and on any other day between 1900 hours and 0700 hours the Maximum Instantaneous Noise Levels (LAFmax) from the recycling facility shall not exceed the LA90 by more than 10dB or 55 dB whichever is the greater as assessed at any noise sensitive premises.

Reason: In order to secure the satisfactory development of the application site 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 NPPF.

New Condition 23

Requires details of directional signage

Prior to the first occupation of the development hereby approved, details of signage for the purpose of providing direction for service vehicles shall be submitted to and approved by the Local Planning Authority. Once agreed, they shall be fully installed before first occupation of the development.

Reason: In order to provide guidance for service vehicles and to help prevent through service traffic on residential roads in accordance with paragraphs 3.8 and 3.10 of the adopted UDP (2005) and the policies and principles contained within the NPPF.

New Condition 24

All vehicle (including cycle) parking areas, loading/unloading areas and associated vehicle circulation areas are to be used for those purposes only and not for any other purpose.

Reason: In order to secure the satisfactory operation of the application site and in order to define this permission in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

Report No 9 – Land at the Corner of Aston Lane/Wellhead Lane and to the Rear of Aston Lane, Perry Barr – 2015/01779/PA

The Head of Planning Management advised that the person speaking in support of the application was a former planning officer of the Council and therefore was known to some Members and officers.

A supporter spoke in favour of the application.

The Principal Planning Officer(North West) responded to comments made by the supporter.

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

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

4018

RESOLVED:-

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

Report No 10 – Landsdowne House, Hagley Road, Birmingham – 2015/00738/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. The Principal Planning Officer (North West) and the Head of Planning Management responded thereto and proposed an additional condition relating to refuse storage details.

Upon being put to a vote it was 8 in favour, 2 against and 0 abstentions.

4019

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 and amended below:-

New Condition 16

Requires the prior submission of refuse storage details

Prior to the first commencement of the development hereby approved, the applicant shall provide details of refuse storage facilities for agreement by the Local Planning Authority. Once agreed, the details shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: In order to secure the satisfactory development of the application site and in order to define this permission.

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

Report No 11 – 35 Sunnybank Road, Land Adjacent to, Wylde Green – 2015/05703/PA

The Principal Planning Officer (North West) advised that West Midlands Fire Services had no objections to the application. A further letter of objection had been received outlining similar objections to those in the report concerning

parking, noise, road safety removal of trees and not being in keeping with the street scene.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

Members commented on the application.

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

4020 **RESOLVED:-**

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

Report No 12 – 268 Hospital Street, Hockley – 2015/04331/PA

4021 **RESOLVED:-**

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

Report No 13 – Maney Hill Primary School, Maney Hill Road, Sutton Coldfield – 2015/04313/PA

The Principal Planning Officer (North West) advised that there were now 33 letters of objection and 5 letters of support.

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

4022 **RESOLVED:-**

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

Councillor Fazal left the meeting at 1144 hours.

Report No 14 – 12 Calder Grove, Handsworth Wood – 2015/02705/PA

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

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

4023 **RESOLVED:-**

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

Report No 15 – Saltley Road, Nechells – 2015/05585/PA

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

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

4024 **RESOLVED:-**

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

**Report No 16 – Langley Mill Sewage Treatment Works,
Off Lindridge Road, Sutton Coldfield – 2015/05602/PA**

4025 **RESOLVED:-**

That no prior approval is required.

Planning Applications in Respect of the South Area

Report No 17 – 805 Pershore Road, Selly Oak – 2015/05224/PA

The Head of Planning Management advised that as the report was a report back for Committee determination and it was appropriate for public speaking to take place and it was intended to allow the supporter to speak. The Committee was in agreement with that.

A supporter spoke against the recommendation to refuse planning permission.

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

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

The Chairman put the recommendation for refusal to the meeting and it was, 3 in favour, 6 against and 1 abstention, declared lost.

Therefore the Chairman put the original recommendation of approval to the meeting and it was, 6 in favour, 3 against and 1 abstention, declared carried.

4026 **RESOLVED:-**

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

Report No 18 – 87 Farquhar Road, Edgbaston – 2015/03423/PA

4027 **RESOLVED:-**

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

Report No 19 – 72-94 High Street, Harborne – 2015/05039/PA

The Area Planning Manager (South) advised that a further letter of objection had been received indicating the public toilets should be retained.

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

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

4028 **RESOLVED:-**

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

Report No 20 – Roundabout at Stonehouse Lane, Bartley Green – 2015/05582/PA

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

4029 **RESOLVED:-**

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

Planning Applications in Respect of the East Area

Report No 21 – Swan Shopping Centre, Tesco, Coventry Road, Yardley – 2015/04555/PA

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (East) and the Head of Planning Management responded to comments made by the objector and supporter particularly in relation to the timescale for the completion of the deed of variation.

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

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

4030

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a deed of variation to the 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 10 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 10 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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At 1245 hours the meeting was adjourned.

At 1251 hours the meeting was reconvened.

Report No 22 – Land at Corner of Victoria Street/Green Lane, Small Heath – 2015/05683/PA

4031

RESOLVED:-

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

Report No 23 – 145 Grange Road, Erdington – 2015/03761/PA

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

Upon being put to a vote it was 4 in favour, 2 against and 3 abstentions.

4032 **RESOLVED:-**

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

Report No 24 – 142 Wheelwright Road, Erdington – 2015/02152/PA

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

4033 **RESOLVED:-**

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

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:-

1323 Coventry Road, South Yardley – 2015/04386/PA

The Area Planning Manager (East) and the Head of Planning Management made introductory comments on the report.

The Chairman felt that the recommendation of noting the report should be stronger and he proposed that the report be noted and that the Committee endorse its previous resolution of approval subject to legal agreement of the application.

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

4034 **RESOLVED:-**

That the report be noted and that this Committee endorses its previous resolution of approval subject to legal agreement of the application.

Planning Applications in Respect of the City Centre Area

Report No 25 – The Assay Office, Newhall Street/Charlotte Street, Hockley – 2015/04488/PA

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

4035 **RESOLVED:-**

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

Report No 26 – The Assay Office, Newhall Street/Charlotte Street, Hockley – 2015/04704/PA

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

4036 **RESOLVED:-**

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

Report No 27 – Car Park to Rear of Former Assay Office, Charlotte Street, City Centre – 2015/04486/PA

The Area Planning Manager (City Centre) advised that an extra drainage condition was proposed and at Recommendation 8.1 a further clause seeking a financial contribution of towards the improvement/enhancement of the cemeteries in the Jewellery Quarter was proposed.

Members commented on the application and the Transport Manager responded thereto.

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

4037 **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;

New Clause

iii) A financial contribution of £32,000 towards the improvement/enhancement of the cemeteries in the Jewellery Quarter, to be paid on implementation.

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 16 September 2015, planning permission be refused for the reasons set out in the report and

amended below;

New condition 15

Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

No development shall take place until a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority.

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan.

Reason

To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by 16 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.

Report No 28 – Car Park to Rear of Former Assay Office, Charlotte Street, City Centre – 2015/05099PA

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

4038

RESOLVED:-

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

- 4039 There were no site visits pending.
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OTHER URGENT BUSINESS (continued)

Removal of Planning Application Notices

- 4040 Councillor Moore indicated that he was aware of Planning Application Notices still being in situ long after the application had been determined and he queried the procedures for removal. The Head of Planning Management indicated that he would look in to this matter.

QR Codes on Planning Application Notices

- 4041 Councillor Moore suggested that QR codes be placed on Planning Application Notices and the Head of Planning Management indicated that he would look in to this matter.

The Close, Selly Oak Campus, Birmingham University

- 4042 Councillor Douglas Osborn made reference to the buildings in The Close which were Grade 2 Listed but were boarded up and in a dilapidated state. He requested that officers contact the University about the building before they are lost forever. The Head of Planning Management undertook to look in to this matter.
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AUTHORITY TO CHAIRMAN AND OFFICERS

- 4043 **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

4044

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 3
meeting