

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 25 MAY 2017

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 25 MAY 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 5456 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/WEBCAST

- 5457 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.

APOLOGIES

- 5458 Apologies were submitted on behalf of Councillor Cornish.
-

APPOINTMENT OF THE PLANNING COMMITTEE, MEMBERS, CHAIR AND DEPUTY CHAIR

5459

RESOLVED:-

- (i) That the resolution of the City Council appointing the Committee and Chair, with membership set out below for the period ending with the Annual Meeting of the City Council in May 2018 be noted:-

Labour Group

Councillors T Ali, Azim, Booton, Fazal, Henley, K Jenkins, Linnecor, Sharpe (Chair), Straker Welds and Williams.

Conservative Group

Councillors Beauchamp, Cornish, Douglas Osborn and Moore.

Liberal Democrat Group

Councillor C Jones.

- (ii) that Councillor Linnecor be elected Deputy Chair, for the purpose of substitution for the Chair if absent, for the period ending with the Annual Meeting of the City Council in 2018.

FUNCTIONS, POWERS AND DUTIES

5460

RESOLVED:-

That the functions, powers and duties as set out below be noted:-

To exercise the powers and duties of the Council with regard to development control and strategic planning matters and, in particular, to:

- (i) exercise all the powers and duties of the Council as a local planning authority (apart from any Executive functions);
- (ii) exercise the powers and duties of the Council with respect to building control;
- (iii) be accountable for the Local Land Charges service.
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DECLARATIONS OF INTEREST

- 5461 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

No declarations were made.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 5462 The Chairman informed Members that meetings were scheduled to take place on 15, 22 June, 6 and 20 July 2017.
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MINUTES

- 5463 **RESOLVED:-**

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

MATTERS ARISING

- 5464 There were no matters arising.
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CONSERVATION AND HERITAGE PANEL

- 5465 **RESOLVED:-**

- (i) That Councillors Azim, Douglas Osborn and Henley be appointed to serve on the Conservation and Heritage Panel and that Councillor Henley be appointed Chairman for the period ending with the Annual Meeting of the City Council in 2018;

Planning Committee – 25 May 2017

- (ii) that meetings of the Conservation and Heritage Panel be held on the following Mondays commencing at 1000 hours:-

2017

12 June
10 July
14 August
11 September
9 October
13 November
11 December

2018

8 January
12 February
12 March
9 April
14 May

DATES OF MEETINGS FOR 2017-2018

5466

RESOLVED:-

That meetings of the Committee be held on the following Thursdays commencing at 1100 hours:-

2017

25 May (Annual/First Meeting)

15 June
22 June

6 July
20 July

3 August
17 August
31 August

14 September
28 September

12 October
26 October

9 November
23 November

7 December
21 December

2018

4 January
18 January

1 February
15 February

1 March
15 March
29 March

12 April
26 April

10 May
24 May (Annual/First Meeting)

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

A. Planning Application No 2017/03140/PA – 139 Grange Road, Erdington

- 5467 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 highway, backland development and residential amenity.
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B. Planning Application No 2017/03915/PA – 262 High Street, Erdington

- 5468 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 litter, noise, anti-social behaviour and the current number of takeaways in the area.
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PETITIONS

- 5469 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 CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See document No 1)

Planning Applications in Respect of the City Centre Area

Report No 13 – 250 and 251 Bradford Street and 25-30 Green Street, Digbeth – 2016/08443/PA

The Head of Planning Management advised that there was no-one present to speak in opposition to the application and, therefore, there would be no public speaking.

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

5470

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 8 June 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 8 June 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.

Report No 14 – Kingfield Heath Building, 230 Bradford Street, Digbeth – 2016/08444/PA

The Principal Planning Officer (City Centre) advised that he wished to delete the word ‘phased’ from recommendation 8.1 ii).

Members commented on the application.

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

5471

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 8.1 ii) to read:

The payment of a total of £500,000 as a commuted sum towards the provision of off-site affordable housing within the Birmingham City Council administrative boundary.
- (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.

**Report No 15 – Land Fronting George Street and Holland Street,
Jewellery Quarter, City Centre – 2017/01760/PA**

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

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

5472 **RESOLVED:-**

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

**Report No 16 – 57-71 Cornwall Street and 6-10 New Market Street,
City Centre – 2016/10675/PA**

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

Upon being put to a vote it was 10 in favour, 0 against and 3 abstentions.

5473 **RESOLVED:-**

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

**Report No 17 – Land Adjacent to Icentrum, Holt Street, Aston –
2017/01999/PA**

The Principal Planning Officer (City Centre) gave details of comments received from the Lead Local Flood Authority and advised that he wished to delete condition 7 and add a new condition regarding a sustainable drainage assessment, operation and maintenance plan.

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

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

5474

RESOLVED:-

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

Delete Condition 7.

New Condition 21:

Requires the Submission, Prior to Occupation of the Properties, of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme and a sustainable drainage operation and maintenance plan has been submitted to, and approved in writing by, the Lead Local Flood Authority.

The approved drainage system shall thereafter be operated and maintained thereafter in accordance with the approved 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 18 December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

Report No 18 – Tennant Street, City Centre – 2017/01595/PA

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

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

5475

RESOLVED:-

That approval be given to the reserved matters relating to appearance, landscaping, layout and scale pursuant to outline planning permission no 2015/03050/PA, as amended by planning application no 2017/01595/PA, subject to the conditions set out in the report.

**Report No 19 – 11-21 Great Hampton Street, 10 Harford Street and
20-26 Barr Street, Jewellery Quarter – 2016/04205/PA**

The Principal Planning Officer (City Centre) and Head of Planning Management advised that the application was for determination and drew Members' attention to the 'report back' and the revised recommendation set out in paragraphs 3.1-3.3 of the report.

The Senior Solicitor advised that a unilateral undertaking had been received this morning from the applicant which had been executed and the City Council's position had been secured in that respect.

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

It was proposed by Councillor Henley, seconded by Councillor Douglas Osborn and upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5476

RESOLVED:-

- (i) That the City Solicitor be authorised to prepare, complete and obtain an appropriate unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act to ensure that the applicant agrees to pay the Council's costs (including any compensation payable) in securing the Revocation of Hazardous Licence 1999/05217/PA and that no development will be carried out on the application site until the Revocation Order is in place;
- (ii) that the City Solicitor be authorised to prepare, complete and obtain an appropriate Revocation Order and submit it to the Secretary of State for approval;
- (iii) that, in the event of the unilateral undertaking being completed to the satisfaction of the Local Planning Authority, planning permission be granted, subject to the conditions set out in the report.

**Report No 20 – 13-21 Great Hampton Street, Jewellery Quarter,
City Centre – 2016/04206/PA**

It was proposed by Councillor Henley, seconded by Councillor Douglas Osborn and upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5477

RESOLVED:-

- (i) That the City Solicitor be authorised to prepare, complete and obtain an appropriate unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act to ensure that the applicant agrees to pay the Council's costs (including any compensation payable) in securing the Revocation of Hazardous Licence 1999/05217/PA and that no

development will be carried out on the application site until the Revocation Order is in place;

- (ii) that the City Solicitor be authorised to prepare, complete and obtain an appropriate Revocation Order and submit it to the Secretary of State for approval;
 - (iii) that, in the event of the unilateral undertaking being completed to the satisfaction of the Local Planning Authority, listed building consent be granted, subject to the conditions set out in the report.
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Planning Applications in Respect of the South Area

Report No 21 – Ground Floor Flat 1, 22 Clarendon Road, Edgbaston – 2017/01186/PA

The Principal Planning Officer (South) gave details of 16 additional objections to the application that had been received.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

Upon being put to a vote it was 11 in favour, 0 against and 2 abstentions.

5478 **RESOLVED:-**

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

Report No 22 – The Former Pebble Mill BBC Studio Site, Pebble Mill Road, Edgbaston – 2017/01959/PA

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

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

5479 **RESOLVED:-**

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

**Report No 23 – Former Birmingham Battery Site, Aston Webb Boulevard/
Bristol Road, Selly Oak – 2017/02438/PA**

The Principal Planning Officer (South) advised that the application number referred to in condition 2 should read 2016/05735/PA. She also advised that the plan attached to the report had been corrected.

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.

5480 **RESOLVED:-**

That approval be given to the reserved matters relating to layout and appearance of the student accommodation (minor alterations compared to previous matters consent 2016/02674/PA) pursuant to outline planning permission no 2013/02178/PA, as amended by planning application no 2017/02438/PA, subject to the conditions set out in the report and amended below:-

Amended Condition 2:

As Per Noise Report for Condition Approval 2016/05736/PA.

Noise attenuation to the student block and the adjacent supermarket delivery yard shall be as per the discharge of condition consent 2016/05735/PA.

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 24 – Land Rear of 90 Petersfield Road, Hall Green –
2016/09819/PA**

The Principal Planning Officer (South) advised that paragraph 4.1 of the report was incomplete and informed Members that Transportation Development had requested a new condition regarding highway measures.

A Member commented on the application.

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

5481

RESOLVED:-

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

New Condition 16:

Requires the Prior Submission and Completion of Works for the S278/TRO Agreement.

The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include details of the removal of any highway trees (if required). Should the removal of any trees be required these shall be replaced at a rate of 2 for every 1 highway tree removed. The works shall be carried out at the applicant's expense to Birmingham City Council specification.

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 and the National Planning Policy Framework.

Councillor Azim left the meeting at this point.

Report No 25 – 46 Chantry Road, Moseley – 2017/00403/PA

The Head of Planning Management advised that the application was for determination and drew Members' attention to the additional photographs, 'report back', structural survey and proposed additional condition to address site construction matters set out in paragraph (s) of the report.

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

Councillor Williams proposed and Councillor Douglas Osborn seconded that the Committee vote on the original recommendation to grant planning

permission and upon being put to a vote it was 4 in favour, 4 against and 4 abstentions. Therefore the Chairman used his casting vote and it was:-

5482

RESOLVED:-

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

New Condition 9:

Requires the Submission of a Construction Management Plan.

Prior to the commencement of the development, the applicant shall submit a construction management plan for the written approval of the Local Planning Authority to address issues such as on-site construction access and storage of materials and plant.

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

Reason: In order to minimise the effects on local residential amenity and highway conditions in accordance with Policy PG3 and TP44 of the Birmingham Development Plan and the provisions of the National Planning and Policy Framework.

(Councillor Azim returned to the meeting during consideration of the application and did not vote on the recommendation).

Planning Applications in Respect of the East Area

Report No 26 – 31B Shepherds Green Road, Erdington – 2017/00494/PA

The Area Planning Manager (East) gave details of comments received from Councillor Brown in support of the objections by local residents that the building works were not in accordance with the approved plans granted under 2015/03046/PA, particularly the installation of roof lights to the front and rear elevations in the new roof and concerns raised regarding loss of privacy as a result.

Objectors spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objectors and supporter and referred to paragraph 6.6 of the report regarding the proposal to include a condition requiring the roof lights to be obscurely glazed and non-opening in order to overcome the loss of privacy concerns raised by residents.

A Member 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 2 abstentions.

5483

RESOLVED:-

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

Amended Condition 2:

Requires the Prior Submission of Details of Obscure Glazing for Specific Areas of the Approved Building.

The roof lights in the rear elevation shall be installed with obscure glazing with the bedroom and landing windows to be non-opening and the bathroom window to be top-hung only and thereafter retained as such. Details of glazing shall be submitted to and approved in writing by the Local Planning Authority within a period of 3 months of the date of this consent.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for Living SPG, Extending Your Home SPD and the National Planning Policy Framework.

Report No 27 – The North Star Public House, 193 Station Road, Stechford – 2017/00098/PA

The Area Planning Manager (East) gave details of additional objections to the application that had been received.

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

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

5484

RESOLVED:-

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

Councillor Williams left the meeting at this point.

Report No 28 – Lidl Store, Olton Boulevard East, Acocks Green – 2017/01829/PA

With regard to the suggestion by Councillor Harmer, referred to in paragraph 4.1 of the report, Councillor Douglas Osborn proposed and it was seconded by Councillor Beauchamp that deliveries be restricted to between 0900 and 1800 hours and that a condition be added to ensure lorries did not arrive earlier

and wait to unload goods. Upon being put to a vote it was 4 in favour, 5 against and 3 abstentions. Therefore, that proposal was lost.

The Area Planning Manager (East) and Head of Planning Management responded to Members' comments.

Members then voted on the recommendation and it was 8 in favour, 2 against and 2 abstentions.

5485 **RESOLVED:-**

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

(Councillor Williams returned to the meeting during consideration of the application and did not vote on the recommendation).

Report No 29 – 12 Orchard Road, Erdington – 2017/01099/PA

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

Upon being put to a vote it was 8 in favour, 5 against and 0 abstentions.

5486 **RESOLVED:-**

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

Report No 30 – 10 Orchard Road, Erdington – 2017/01853/PA

Upon being put to a vote it was 9 in favour, 4 against and 0 abstentions.

5487 **RESOLVED:-**

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

**Report No 31 – Roundabout at the Junction of Springfield Road/
College Road, Moseley – 2017/02925/PA**

Members commented on the application.

Upon being put to a vote it was 10 in favour, 3 against and 0 abstentions.

5488

RESOLVED:-

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

The meeting adjourned at 1255 hours and reconvened at 1301 hours.

Planning Applications in Respect of the North West Area

**Report No 32 – 100 Watson Road, Genting Casino, Star City, Nechells –
2017/02083/PA**

The Area Planning Manager (North West) advised that he wished to amend condition 2 concerning the occupancy of the first floor and mezzanine office floor space.

Members commented on the application.

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

5489

RESOLVED:-

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

Amended Condition 2:

Limits the Occupancy of First Floor and Mezzanine Office Floor Space to Genting Casinos UK Ltd.

The first floor and mezzanine level office floor space hereby approved shall only be occupied by Genting Casinos UK Ltd. Should the office use cease the first floor and mezzanine level floor space shall revert to a casino use (Sui Generis).

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 and Policy TP21 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 33 – 71 Green Lane, Land Adjacent, Handsworth – 2017/01398/PA

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

5490 **RESOLVED:-**

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

Report No 34 – Lynton Road, Thimble Mill Lane, Nechells – 2017/02924/PA

Members commented on the application.

Upon being put to a vote it was 8 in favour, 3 against and 2 abstentions.

5491 **RESOLVED:-**

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

Report No 35 – Lichfield Road, Wentworth Road, Station Drive, Four Oaks Road, Four Oaks, Sutton Coldfield – 2017/02304/PA

A Member commented on the application.

Upon being put to a vote it was 9 in favour, 3 against and 1 abstention.

5492 **RESOLVED:-**

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

POLICY REPORT

Appeal Decisions Received from the Planning Inspectorate in April 2017

The following schedule was submitted:-

(See document No 2)

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

5493 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in April 2017 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5494 There were no site visits pending.

OTHER URGENT BUSINESS

5495 No items were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

5496 **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

5497 **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