

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
24 NOVEMBER 2016**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 24 NOVEMBER 2016 AT 1100 HOURS IN COMMITTEE
ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 5074 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

- 5075 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

- 5076 The Chairman informed Members that meetings were scheduled to take place on 8, 22 December 2016, 5 and 19 January 2017.

APOLOGIES

- 5077 Apologies were submitted on behalf of Councillor Booton.

MINUTES

5078 **RESOLVED:-**

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

MATTERS ARISING

5079 There were no matters arising.

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

A. Planning Application No 2016/08528/PA – Paragon Hotel, 145 Alcester Street, Highgate

5080 Councillor T Ali 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 proposed use of the building as an asylum seekers centre and the impact it might have on residential amenity.

B. Planning Application No 2016/05594/PA – 257-259 Cateswell Road, Sparkhill

5081 Councillor Fazal 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 possible loss of privacy for neighbouring properties.

PETITIONS

5082 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.

The Committee agreed to vary the agenda order and consider the following items at this point.

SITE VISITED REPORT

The following report was submitted:-

(See document No 1)

Unit 5, 1298 Warwick Road, Acocks Green – 2016/07099/PA

Members commented on the site visit that took place on 17 November 2016 and reiterated their concerns expressed at the last meeting regarding the access to and egress from the site via Warwick Road, including the impact on traffic flow and increased congestion, the safety of drivers and pedestrians, the narrowness of Lincoln Road and the configuration of the gyratory.

The Head of Planning Management and the Transport Manager responded to Members' comments and it was suggested that a further option appraisal be carried out to see if anything else in relation to traffic management could be mitigated through discussions with the applicant.

It was proposed by Councillor Linnecor, seconded by Councillor Moore and upon being put to a vote it was 8 in favour, 2 against and 3 abstentions.

5083

RESOLVED:-

That consideration of the application be deferred in order to allow a further option appraisal to be carried out to see if further traffic mitigation could be achieved through discussions with the applicant.

Councillors Fazal and Linnecor left the meeting at this point.

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:-

Fordrough, Webster and Horsfall, South Yardley – 2016/06867/PA

The following report of the Director of Planning and Regeneration was submitted:-

(See document No 2)

Members commented on the application and the additional information set out in the report regarding hazardous substance consent and consultation with the Health and Safety Executive.

The Committee noted that the Health and Safety Executive had confirmed that it did not wish to be consulted on the application.

The Area Planning Manager (East) responded to Members' comments.

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

5084

RESOLVED:-

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

The Committee returned to the original agenda order.

REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION

The following reports were submitted:-

(See document No 3)

Planning Applications in Respect of the South Area

Report No 8 – 2A Frederick Road, Selly Oak – 2016/04804/PA

The Area Planning Manager (South) advised that the site red edge plan had been updated and pointed out that part of paragraph 6.41 of the report had been superseded due to the serving of an updated certificate.

He added that an additional objection had been received from a local resident and responded to the points raised.

An objector spoke against the application.

A supporter spoke in favour of the application.

Members commented on the application.

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

Upon being put to a vote it was 7 in favour, 3 against and 1 abstention.

5085

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

1 December 2016, 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 December 2016, 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 9 – 15 Birch Hollow, Edgbaston – 2016/07112/PA

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

Upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

5086 **RESOLVED:-**

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

Report No 10 – Lifford Park – Former Arvin Meritor Works, Fordhouse Lane, Stinchley – 2016/03703/PA

The Area Planning Manager (South) advised that he wished to delete condition 10 due to repetition of another condition.

The Environment Agency had raised no objection to the proposal subject to additional conditions.

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

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

5087

RESOLVED:-

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

Delete Condition 10.

Amended Condition 11:

Requires the Prior Submission of a Sustainable Drainage Scheme.

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include utilisation of a flap valve as a mitigation measure to prevent flood water returning up the pipe network to the application site and causing flooding. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

New Condition 22:

Prevents Works within the River/Stream Bank.

There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of the Cotteridge Brook.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

New Condition 23:

Requires the Prior Submission of a Conditions Assessment and a Scheme of Necessary Works for the Cotteridge Brook Culvert.

No development shall take place until such times as a conditions assessment (through the use of CCTV) of the Cotteridge Brook Culvert and a scheme to undertake necessary works has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include full details of all works, including conditions assessment, details of remedial works, structural details (including any necessary protective measures), programme and methodology of works and all required consents to undertake the necessary works. The scheme shall ensure adequate protection, with no loss in capacity or conveyance, to the culvert during construction and for the lifetime of the development. The scheme shall be fully implemented in accordance with the approved details, and thereafter maintained.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

New Condition 24:

Requires Development in Accordance with FRA.

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2016 reference 36119/4001 undertaken by Peter Brett and the following mitigation measures detailed within the FRA:

The proposed development will only be acceptable if the following planning condition is imposed.

1. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the bank of the River Rea, unless agreed otherwise in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

Report No 11 – Silver Street, Lidl, Kings Heath – 2016/05824/PA

The Area Planning Manager (South) advised that he wished to amend the condition regarding the delivery time of goods and add a condition relating to the acoustic fencing.

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

Upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

5088

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 20 December 2016, 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 20 December 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 16:

Limits Delivery Time of Goods to or from the Site between
0700-2200 Hours Monday to Saturday and Bank Holidays and
0900-1900 Hours on Sundays.

No deliveries shall be taken at or dispatched from the site outside the hours of 0700-2200 Monday to Saturday and Bank Holidays and 0900-1900 on Sundays.

Reason: In order to define the permission 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 National Planning Policy Framework.

New Condition 22:

Requires the Prior Submission of Northern Site Boundary Acoustic Fencing.

No development shall take place until full details of acoustic fencing along the northern site boundary, adjacent to the residential gardens on Waterloo Road, has been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the sound attenuation figures, position, height, design, materials, type and colour of the fencing. The approved scheme shall be implemented before occupation of the building hereby permitted and shall be retained thereafter.

Reason: In order to 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.

- (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 12 – Land to the Rear (East) of Park House, Priorsfield, Peter Scott House and Lucas House Conference Centre, off Edgbaston Park Road, Edgbaston – 2016/07041/PA

Councillor Henley declared an interest and left the room during consideration of the item.

A Member commented on the application.

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

5089

RESOLVED:-

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

Councillor Henley returned to the meeting.

Report No 13 – Junction of Robin Hood Lane/Highfield Road, Hall Green – 2016/07871/PA

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

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

5090 **RESOLVED:-**

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

Planning Applications in Respect of the North West Area

Report No 14 – 5 Turnberry Road, Great Barr – 2016/00858/PA

The Committee was advised that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

5091 **RESOLVED:-**

That it be noted that the application had been withdrawn from the agenda by the Director of Planning and Regeneration.

Report No 15 – 34-36 Streetly Lane, Sutton Coldfield – 2016/07667/PA

A Member commented on the application, the Transport Manager responded thereto and it was agreed that a new condition be added requiring a construction method statement/management plan.

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

5092 **RESOLVED:-**

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

New Condition 10:

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

No development shall take place, including any works of demolition, until a Construction Method Statement 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

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 in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Councillor Jenkins returned to the meeting.

The Head of Planning Management pointed out that reports nos 16 and 17 were applications for the same premises.

Members considered the applications together but voted for each one separately.

Report No 16 – The Lindridge, Lindridge Road, Sutton Coldfield – 2016/06687/PA

Members commented on the applications and the Transport Manager and Head of Planning Management responded thereto.

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

5093 **RESOLVED:-**

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

Report No 17 – The Lindridge, Lindridge Road, Sutton Coldfield – 2016/07717/PA

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

5094 **RESOLVED:-**

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

Report No 18 – 9 Wingfield Road, Great Barr – 2016/08389/PA

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

5095 **RESOLVED:-**

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

POLICY REPORT

The following policy report was submitted:-

(See document No 4)

Appeal Decisions Received from the Planning Inspectorate in October 2016

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

5096 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in October 2016 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5097 There were no site visits pending.

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:-

Post War Architecture in Birmingham

5098 A Member commented on the apparent lack of importance that Historic England gave to some buildings in Birmingham, particularly post war architecture.

A brief discussion ensued regarding the buildings in Birmingham and Members highlighted those that they considered merited recognition for example the Archway of Tears, located on the site of City Hospital, which formed the entrance to the former Birmingham Union Workhouse.

The Head of Planning Management recognised the importance of protecting the 'best bits' of Birmingham's heritage, pointing out that officers continued to develop a relationship and work closely with Historic England.

AUTHORITY TO CHAIRMAN AND OFFICERS

5099 **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

5100 **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.