

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 13 OCTOBER 2016

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 13 OCTOBER 2016 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

Councillors Ali, Azim, Beauchamp, Booton, Douglas Osborn, Fazal, Henley, C Jones, Linnecor, Moore and Williams.

PUBLIC ATTENDANCE

- 4981 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

- 4982 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

- 4983 The Chairman informed Members that meetings were scheduled to take place on 27 October, 10, 24 November and 8 December 2016.

APOLOGIES

- 4984 Apologies were submitted on behalf of Councillors Cornish, K Jenkins and Straker Welds.

MINUTES

4985 **RESOLVED:-**

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

MATTERS ARISING

4986 There were no matters arising.

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

4987 No notifications were received.

PETITIONS

4988 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.

REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION

The following reports were submitted:-

(See document No 1)

Planning Application in Respect of the North West Area

Report No 8 – 12 Hallewell Road, Edgbaston – 2016/02927/PA

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

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

Upon being put to a vote it was 6 in favour, 4 against and 0 abstentions.

4989

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 9 – Land at the Manor House, Bristol Road South, Northfield – 2016/02112/PA

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

Objectors spoke against the application.

A supporter spoke in favour of the application.

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

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

4990

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 27 October 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 27 October 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.
-

Councillor Douglas Osborn returned to the meeting.

**Report No 10 – Punch Bowl Public House,
153 Wolverhampton Road South, Quinton – 2016/05595/PA**

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

Upon being put to a vote it was 9 in favour, 2 against and 0 abstentions.

4991

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 23 October 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 23 October 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.
-

**Report No 11 – Selly Oak Hospital, Raddlebarn Road, Selly Oak –
2016/01232/PA**

A Member commented on the application.

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

4992

RESOLVED:-

That approval be given to the reserved matters regarding the appearance, landscaping, layout and scale relating to phase 3 of outline planning permission no 2012/02303/PA for 125 no. new build units with associated parking and external works subject to the conditions set out in the report.

**Report No 12 – Former Harborne Lane Reservoir Site, Selly Oak, and
Plot 6, Former BBC Sports and Social Club Site at Pebble Mill,
off Pershore Road, Selly Oak – 2016/04450/PA**

The Principal Planning Officer advised that additional letters regarding the proposal had been received and informed Members that the Environment Agency had requested amendments to the conditions.

The Head of Planning Management pointed out that the application was for determination and drew Members' attention to the additional information set out in the report regarding the scale of the student accommodation and the flood defence works.

Amendments to the proposed conditions were detailed in paragraph 1.19 of the report.

Members commented on the application.

It was proposed by Councillor Douglas Osborn and seconded by Councillor Henley that the application be recommended for approval and upon being put to a vote it was 10 in favour, 0 against and 1 abstention.

4993

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 29 September 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 29 September 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Delete Conditions 3, 8, 9, 16 and 38.

Amended Condition 4:

Requires the Implementation of the Flood Risk Assessment in a Phased Manner

The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (ref: SPN-BWB-EWE-XX-RP-EN-0002_FRA rev P5, prepared by BWB Consulting, dated 12/10/16) and the following mitigation measures detailed within this document:

- * The development plateau on Plot 6 shall be set no lower than 116.0m AOD.
- * Finished floor levels are set no lower than 116.15 AOD.
- * Flood resilient construction methods shall be used up to the recommended 116.33 AOD if floor levels cannot meet this level.

- * Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The Flood Risk Management Scheme as outlined in section 4.0 of the FRA must be constructed and operational prior to the construction of any buildings on the former BBC Studios Sports and Social Club element of the application site.

Reason: To reduce the risk of flooding to the proposed development and future occupants; ensure safe access and egress from and to the site and to ensure that there is no increase in flood risk to Selly Park North during the construction of the development in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Policy TP6 of the Pre-submission Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Amended Condition 7:

Requires Compliance with the Submitted Water Framework Directive Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Water Framework Directive Assessment and the referenced appendices and plans contained therein (reference 1134-WFD.v2 PM IJ prepared by Aspect Ecology dated 29/09/2016).

Reason: In order to ensure compliance with the requirements of the Water Framework Directive (Directive 2000/60/EC), and in order to secure the satisfactory development of the application site in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Policy TP6 of the Pre-submission Birmingham Development Plan, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Amended Condition 11:

Requires the Prior Submission of an Invasive Weeds Method Statement

No development shall take place on the former Harborne Reservoir Site until an invasive weeds method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside

Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraph 3.16A of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG as Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

(The period of time for completion was subsequently extended under delegated powers (Planning and Regeneration Matters, Paragraph 18) to 27 October 2016).

Report No 13 – Chad Vale Primary School, Nursery Road, Edgbaston – 2016/06930/PA

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

4994

RESOLVED:-

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

Report No 14 – 26 Moorcroft Road, Moseley – 2016/06790/PA

The Principal Planning Officer (South) advised that amended plans had been received from the applicant.

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.

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

Upon being put to a vote it was 3 in favour, 2 against and 6 abstentions.

4995

RESOLVED:-

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

Amended Condition 2:

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 002 Rev H, 003 Rev C, 101 Rev F ('the approved plans').

Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Planning Applications in Respect of the East Area

Report No 15 –134 Wood End Road, Erdington – 2015/09888/PA

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

Upon being put to a vote it was 5 in favour, 5 against and 1 abstention. Therefore, the Chairman used his casting vote in favour of the recommendation and it was:-

4996

RESOLVED:-

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

Report No 16 – 206 Gravelly Hill, Erdington – 2016/07341/PA

The Area Planning Manager (East) advised that the Tree Officer had raised no objection to the proposal subject to an additional condition regarding the arboricultural method statement.

Upon being put to a vote it was 9 in favour, 2 against and 0 abstentions.

4997

RESOLVED:-

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

New Condition 6:

Arboricultural Method Statement - Submission Required

No development shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.

Report No 17 – 27 Queens Road, Yardley – 2016/07335/PA

The Area Planning Manager (East) advised that additional objections, including from Councillors Dad and Eustace, had been received. A petition objecting to the proposal had also been received.

The applicant had submitted revised plans and, therefore, the Area Planning Manager (East) requested that condition 3 be deleted and that condition 4 be amended.

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, 4 against and 0 abstentions.

4998

RESOLVED:-

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

Delete Condition 3.

Amended Condition 4:

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 the location plan (scale

1:500), the proposed ground, first and second floor plans and drawing no. 2373.002 ('the approved plans').

Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Councillor Williams left the meeting at this point.

Report No 18 – Tyseley Wharf, Wharfdale Road, Tyseley – 2016/06198/PA

The Area Planning Manager (East) advised that Transportation Development had requested additional conditions which were largely already covered by outline or reserved matters conditions. One exception was the setting out of the delivery and service yard prior to occupation which was recommended to be added to this decision.

A Member commented on the application.

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

4999

RESOLVED:-

That approval be given to the reserved matters regarding appearance, landscaping, layout and scale relating to outline planning permission no 2012/08195/PA, as amended by planning application no 2016/06198/PA subject to the conditions set out in the report and amended below:-

New Condition 8:

Requires the Delivery and Service Area Prior to Occupation

No part of the development shall be brought into use until the delivery and service area has been completed in accordance with the approved details. All such areas shall be kept free of obstructions, including the storage, display and depositing of materials, packaging or other items so that the service area is fully available for the parking, turning and unloading of delivery and service vehicles throughout the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Councillor C Jones left the meeting at this point.

**Report No 19 – Roundabout at the Junction of Newport Road,
Coleshill Road and Bradford Road, Hodge Hill – 2016/06395/PA**

A Member commented on the application.

Upon being put to a vote it was 6 in favour, 3 against and 0 abstentions.

5000

RESOLVED:-

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

Councillor Williams returned to the meeting.

Planning Applications in Respect of the City Centre Area

Report No 20 – 89-91 Cornwall Street, City Centre – 2015/09104/PA

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

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

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

(Councillor C Jones returned to the meeting during consideration of the item and, therefore did not vote on report nos 20 or 21).

5001

RESOLVED:-

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

Report No 21 – 89-91 Cornwall Street, City Centre – 2015/09251/PA

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

5002

RESOLVED:-

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

Report No 22 – The Roundhouse, Sheepcote Street, City Centre – 2016/05380/PA

The Area Planning Manager (City Centre) drew Members' attention to the request by Regulatory Services for additional conditions referred to in paragraph 4.5, the response thereto detailed in paragraph 6.8 and included in the recommendation set out in the report.

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 11 in favour, 0 against and 0 abstentions.

5003 **RESOLVED:-**

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

Report No 23 – The Roundhouse, Sheepcote Street, City Centre – 2016/05469/PA

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

5004 **RESOLVED:-**

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

Report No 24 – Former Post and Mail Printing Works Building, Weaman Street, City Centre – 2016/06238/PA

A Member commented on the application.

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

5005 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a Deed of Variation 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 on or before 21 November 2016, 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 on or before 21 November 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 Deed of Variation.
-

The Committee adjourned at 1254 hours and reconvened at 1300 hours.

Issues Report – The Ringway Centre, SBQ 1-4, Smallbrook Queensway, City Centre – 2016/06617/PA and 2016/06618/PA

The Head of Planning Management introduced the report.

Representatives of the applicant, Commercial Estates Group, and the agent, Nexus Planning, gave a powerpoint presentation pointing out that the existing buildings were approaching the end of their design life and outlining the importance of the development including the economic benefits, capital investment and jobs that would be created.

Consultations had taken place with local businesses, residents and appropriate organisations including the Conservation and Heritage Panel.

The presentation included details of the scale, massing, external appearance and construction materials proposed such as Portland stone, bronze cladding and tinted glazing.

Details of the public realm proposals, which included the rationalising of the levels to the front of SBQ1, were highlighted.

Reference was made to the impact that the development would have on the views of the city and the skyline.

The Area Planning Manager (City Centre) drew Members' attention to each of the issues detailed in the report.

Members considered and commented on each of the issues set out in the report and the following were amongst the points made:-

Issue 1 – It was important to obtain the correct balance between different land uses whilst bearing in mind the impact the proposal might have on the night time economy.

Any residential units should be well insulated and properly ventilated.

It was suggested that the tower could be much taller and include a greater number of residential units.

Issue 2 – There were mixed views regarding the current architecture. Whilst some considered that the façade and the 'ribbon-like' effect should be retained others welcomed the proposed demolition, particularly the bridge link.

Issues 3 and 4 – The proposed rooftop extension to SBQ 3 and 4 should not dominate the skyline/development. The tower was elegant and could be taller.

Issue 5 – Access by taxis and the location of ranks should be taken into consideration.

It was a very busy area with the Hippodrome Theatre and other entertainment establishments situated nearby. It was hoped that noise emanating from and in the vicinity of entertainment establishments would not result in complaints being received from residents.

Issue 6 – Proposed car parking provision was insufficient.

Issue 7 – Whilst the extensive public realm improvements were noted, concern was expressed that no affordable housing or financial contribution was proposed.

An increase in the number of trees in the area was suggested.

A way of marking the original/historic centre of the city was suggested.

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

5006 **RESOLVED:-**

That the report be noted and Members' comments forwarded to the Director of Planning and Regulation.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5007 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:-

Article 4 Direction in Erdington

5008 The Head of Planning Management advised that the suggestion by Councillor Moore for the inclusion of an Article 4 Direction in Erdington was currently being considered by Officers.

AUTHORITY TO CHAIRMAN AND OFFICERS

5009

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

5010

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