

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 30 MARCH 2017

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 30 MARCH 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 5340 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

- 5341 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.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 5342 The Chairman informed Members that meetings were scheduled to take place on 13 and 27 April and 11 and 25 May 2017.

APOLOGY

- 5343 An apology was submitted on behalf of Councillor Booton.

MINUTES

5344 **RESOLVED:-**

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

MATTERS ARISING

5345 There were no matters arising.

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

A. Planning Application No 2017/00782/PA – 1206 -1208 Stratford Road, Hall Green

5346 Councillor K Jenkins requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of no parking being available at the site.

B. Planning Application No 2017/02272/PA – 1164 Stratford Road, Hall Green

5347 Councillor K Jenkins requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of there being an over intensification of A5 sites at the location.

PETITIONS

5348 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 CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See document No 1)

Planning Applications in Respect of the East Area

Report No 8 – 150-154 Gravelly Hill North, Erdington – 2016/07550/PA

The Head of Planning Management reported that the objector was not present and that the Committee's protocol would not allow the supporter to speak on the application which was recommended for approval.

The Area Planning Manager (East) drew attention to paragraph 1.7 in the report and advised Members that a revised layout received now showed 4 rather than 5 parking spaces for use by the hot food takeaway employees/visitors only. Further to comments received from Transportation she also proposed a number of additional conditions.

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, 4 against and 3 abstentions.

5349

RESOLVED:-

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

Amended Condition 8:

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 B9009-AEW-16007-00-DR-0003/RevC, B9009-AEW-16007-ZZ-DR-0004/RevA, B9009-AEW-16007-00-DR-0007/RevA, B9009-AEW-16007-01-DR-0022/RevC and B9009-AEW-16007-02-DR-0023/RevD ('the approved plans').

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

New Condition 10:

Gates to be kept open during operational hours.

Any gates provided to the development access shall be kept open during the sites operational hours.

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.

New Condition 11:

Requires the provision of cycle parking prior to occupation.

The covered bicycle/motorcycle storage spaces shown on drawing number B9009-AEW-16007-00-DR-0007/RevA shall be provided before occupation of any dwelling/building on the site and shall thereafter be retained.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

New Condition 12:

Requires the parking area to be laid out prior to use.

The use/development hereby approved shall not commence or the building(s)/premises/dwellings(s) occupied until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

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, the Car Parking Guidelines SPD and the National Planning Policy Framework.

New Condition 13:

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 measures to mitigate against obstruction parking and loading on Wood End Lane and Gravelly Hill North and are to 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.

Report No 9 – Land off Cooks Lane, Tile Cross – 2016/09889/PA

The Area Planning Manager (East) advised the Committee of minor revisions to the proposals and layout.

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

5350

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 May 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 23 May 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 27:

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 D01 Rev Ae; D02; D10; D11; D12; D13; D14 Rev B; D15; D16; D17; D18; D19 Rev A; FW1204 400; WD/324/02; and BIR5418_03 ('the approved plans').

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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

Report No 10 – Former ‘The Greet Inn’, Warwick Road, Tyseley – 2016/05616/PA

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

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

5351

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 April 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 27 April 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.
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**Report No 11 – Fort Industrial Park, Dunlop Way, Castle Bromwich
– 2017/00256/PA**

The Area Planning Manager (East) advised the Committee of further objections received from the United Kingdom Without Incineration Network (UKWIN) and that Friends of the Earth supported the organisation's objections. She also commented on the response of the Applicant's Agent to those objections prior to reporting further on the application.

The Area Planning Manager (East) also drew attention to the following report sections and policies of relevance within the adopted Birmingham Development Plan:-

Paragraph 6.4 updated to include **policy TP5 (Low Carbon Economy) and TP13 (Sustainable Management of City's Waste)**.

The proposal would comply with policy TP5 (Low Carbon Economy) of the BDP, which supports ***"The development of new technologies for the sustainable management of the City's waste such as anaerobic digestion and gasification processes"***.

TP13 of the BDP states that ***"where the City Council will seek to reduce the proportion of the City's waste which is sent to landfill. This will require an increase in alternative disposal capacity. The type of facilities needed and site location criteria are outlined in Policies TP14 & TP15"***.

6.14 of Officer Report also considers UKWIN's concerns in relation to greenhouse gases and climate change.

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

Upon being put to a vote it was 10 in favour, 0 against and 2 abstentions.

5352

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 12 – 66 Harborne Road, Edgbaston – 2016/08534/PA

The Head of Planning Management highlighted that this and the next report should be considered together although separate votes would have to be taken on the applications.

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 and in reporting on the application also mentioned covering the bin and cycle storage areas by the conditions.

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

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5353

RESOLVED:-

That authority be given to defer application no 2016/08534/PA subject to the Secretary of State's decision on the accompanying listed building application 2016/08593/PA and that he be advised that this Committee would be minded to approve the application subject to the conditions set out in the report and amended below:-

Amended Condition 1:

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 PL(03)001_03; (including provision of the bin and cycle storage areas prior to occupation of the development hereby consented); PL(03)009_03; PL(03)010_03; PL(03)011_03; PL(03)012_02; PL(03)013_02; PL(04)001_02; PL(04)002_02; PL(05)001_02; PL(05)003_02; PL(05)004_02; PL(21)010_00; PL(21)011_00; PL(32)010_00 ('the approved plans').

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 13 – 66 Harborne Road, Edgbaston – 2016/08593/PA

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

5354

RESOLVED:-

That authority be given to refer application no 2016/08593/PA to the Secretary of State for his determination and that he be advised that this Committee would be minded to approve listed building consent subject to the conditions set out in the report.

Report No 14 – 108 Wharf Road, Kings Norton – 2016/08455/PA

Members commented in support of the application.

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

5355

RESOLVED:-

- (i) That planning permission be granted subject to the conditions set out in the report;
 - (ii) that no objection be raised to the stopping up of the areas of public highway within the application site access adjacent to Wharf Road and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
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Report No 15 – Lifford Lane Waste Depot, Kings Norton – 2016/08278/PA

The Area Planning Manager (South) reported that comments received from Severn Trent Water could be addressed by amending an existing condition.

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

The Chair highlighted that the application was for determination.

Councillor Henley proposed and it was seconded by Councillor Williams that planning permission be granted subject to the conditions set out in the original report and upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5356

RESOLVED:-

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

Amended Condition 4:

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 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 and prevent water pollution, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Report No 16 – 39 Delamere Road, Hall Green – 2016/10627/PA

The Area Planning Manager (South), in referring to matters brought to his attention by the objector, informed the Committee that information contained in paragraph 2.2 of the report was inaccurate as the proposed extension would project beyond the single storey rear utility to No 37 by a further 1.8 metres. However, this did not change the assessment in respect of the 45 Degree Code. Furthermore, he pointed out that a small area of the proposed extension had not been shown in a different colour on the plan by the Agent.

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.

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

Upon being put to a vote it was 8 in favour, 4 against and 0 abstentions.

5357

RESOLVED:-

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

The Head of Planning Management pointed out that reports Nos 17 to 28 were all applications for the display of non-illuminated lamppost advertisement banners and that the Committee could therefore consider them together. Councillor Henley proposed and it was seconded by Councillor Williams that that all the applications be considered together and upon being put to a vote it was 10 in favour, 1 against and 1 abstention.

The Area Planning Manager (South) provided further information in respect of report No 19 and the Head of Planning Management commented on report No 29 (Minute Nos 5360 and 5366 refer).

Members commented on the applications for non-illuminated lamppost advertisement banners and the Head of Planning Management responded thereto.

Report No 17 – Edgbaston Road (between Junctions with Pershore Road and Cannon Hill Road), Edgbaston – 2017/01254/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5358 **RESOLVED:-**

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

Report No 18 – Bristol Road (between Junctions with Wellington Road and Speedwell Road), Edgbaston – 2017/01266/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5359 **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 19 – Soho Road (between Junctions of Linwood Road and Thornhill Road), Handsworth – 2017/01271/PA

The Area Planning Manager (South) reported that there was also a Grade II Listed Building i.e. Handsworth Library at the location and that advertisement banners would be affixed to the lampposts at the front of the premises if the application was approved. However, he highlighted that there was a wide pavement, the building was set back and there were street trees along what was a busy highway. Consequently, he considered that there would not be an adverse impact on the character or setting of the building.

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5360 **RESOLVED:-**

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

Report No 20 – Soho Road (between Oakland Road and Alfred Road), Handsworth – 2017/01270/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5361 **RESOLVED:-**

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

Planning Applications in Respect of the City Centre Area

Report No 21 – Constitution Hill (between Junctions with Northwood Street/Howard Street and Bond Street), Hockley – 2017/01258/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5362 **RESOLVED:-**

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

Report No 22 – Vyse Street (between Junctions with Hylton Street and Warstone Lane), Hockley – 2017/01251/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5363 **RESOLVED:-**

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

Report No 23 – Sand Pits (between Junctions with Nelson Street and Camden Street/Edward Street), City Centre – 2017/01264/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5364 **RESOLVED:-**

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

Report No 24 – Navigation Street (between Junctions with Hill Street and Stephenson Street), City Centre – 2017/01255/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5365 **RESOLVED:-**

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

Report No 25 – Station Street (between Junctions with Hill Street and Dudley Street), City Centre – 2017/01252/PA

The Head of Planning Management pointed out that no advertisement banner would be affixed to the lamppost column situated outside the Electric Cinema.

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5366 **RESOLVED:-**

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

Report No 26 – Carrs Lane, City Centre – 2017/01256/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5367 **RESOLVED:-**

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

Report No 27 – James Watt Queensway (near to Dalton Street), City Centre – 2017/01260/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5368 **RESOLVED:-**

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

Report No 28 – Park Street, Digbeth – 2017/01259/PA

Upon being put to a vote it was 8 in favour, 3 against and 1 abstention.

5369 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5370 There were no site visits pending.

OTHER URGENT BUSINESS

5371 No other urgent business item was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

5372 **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

5373 **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.