

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>9 JUNE 2016</b>
---

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 9 JUNE 2016 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors T Ali, Azim, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, K Jenkins, C Jones (1123 hours), Moore and F Williams.

\*\*\*\*\*

### **PUBLIC ATTENDANCE**

- 4712 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**

- 4713 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](http://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**

#### **A. Planning Committee Meetings**

- 4714 The Chairman informed Members that meetings were scheduled to take place on 23 June, 7, 21 July and 4 August 2016.

---

#### **B. Members' Workshop**

- 4715 Members were advised that a workshop was due to take place on Thursday, 30 June 2016 at 1 Colmore Square, Birmingham.

**APOLOGIES**

4716 Apologies were submitted on behalf of Councillors Henley, Kooner and Linnecor.

Apologies for lateness were submitted on behalf of Councillor C Jones.

---

**MINUTES**

4717 **RESOLVED:-**

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

---

**MATTERS ARISING**

4718 There were no matters arising.

---

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

**A. Planning Application No 2016/03860/PA – 56 Somerford Road, Weoley Castle**

4719 Councillor Douglas Osborn requested that a report relating to the above planning application be submitted to a future meeting of the Committee.

---

**B. Planning Application No 2016/03896/PA – 19 Tixall Road, Land at Rear of, Hall Green**

4720 Councillor K Jenkins requested that a report relating to the above planning application be submitted to a future meeting of the Committee.

---

**PETITIONS**

4721 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 report at this point.

**POLICY REPORT**

**Acivico (Building Consultancy) Ltd – Annual Performance Overview – Financial Year (April 2015 – March 2016 Inclusive)**

The following report of the Deputy Chief Executive was submitted:-

(See document No 1)

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

The Head of Planning Management and the Operations Manager, Acivico Building Consultancy Ltd, introduced the report and responded to Members' questions.

4722 **RESOLVED:-**

That the report be noted.

---

The Committee returned to the original agenda order.

Councillor K Jenkins returned to the meeting.

**REPORTS OF THE DIRECTOR OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 2)

**Planning Applications in Respect of the South Area**

**Report No 8 – Knightlow Road, Land off (Former Ravenhurst Playing Fields), Harborne – 2014/06660/PA**

The Area Planning Manager (South) referred to additional comments that had been received regarding the proposal.

He outlined the changes to the proposal compared with its previous iteration.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

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

(Councillor C Jones arrived, during the debate, at 1123 hours and, therefore, did not vote on the recommendation).

4723

**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 June 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 June 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 9 – 2 Middle Meadow Avenue, Quinton – 2016/01736/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 8 in favour, 3 against and 0 abstentions.

4724

**RESOLVED:-**

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

---

**Report No 10 – Land at Former Battery Site, Off Aston Webb Boulevard, Selly Oak – 2016/02674/PA**

The Area Planning Manager (South) and Transport Manager referred to additional comments that had been received regarding the proposal.

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

Upon being put to a vote it was 8 in favour, 3 against and 0 abstentions.

4725 **RESOLVED:-**

That approval be given to the reserved matters relating to layout, scale, appearance, landscaping, pedestrian and cycle access and vehicular access within the site for student accommodation pursuant to planning permission no 2013/02178/PA, as amended by planning application no 2016/02674/PA, subject to the conditions set out in the report.

---

**Report No 11 – 82 Barton Lodge Road, Hall Green – 2016/02242/PA**

The Area Planning Manager (South) advised that Regulatory Services had no objection to the proposal.

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

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

4726 **RESOLVED:-**

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

---

**Report No 12 – 71 Wychall Lane, Kings Norton – 2016/03279/PA**

The Area Planning Manager (South) advised that additional comments had been received regarding the proposal.

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

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

4727 **RESOLVED:-**

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

---

**Report No 13 – Cob Lane Park, Griffins Brook Temp, Cob Lane, Bournville – 2016/03586/PA**

A Member 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 11 in favour, 0 against and 0 abstentions.

4728

**RESOLVED:-**

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

---

**Planning Applications in Respect of the North West Area**

**Report No 14 – Land Adjacent to 63 Sunnybank Road, Sutton Coldfield – 2016/03270/PA**

The Area Planning Manager (North West), in referring to paragraph 6.10 of the report, advised that planning permission granted in July 2013 was for a four not three bedroom property.

An objector spoke against the application.

The Area Planning Manager (North West) responded to comments made by the objector.

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

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

4729

**RESOLVED:-**

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

---

**Report No 15 – Land at The Hub, Nobel Way, Perry Barr – 2016/00969/PA**

The Head of Planning Management pointed out that this application and report no 16 were located within the same industrial site.

The Area Planning Manager (North West) advised that he wished to amend the conditions.

He advised that officers had not agreed to a request by the applicant to defer consideration of the application.

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

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

4730

**RESOLVED:-**

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

Amended Condition 11:

Requires the submission of a lighting scheme in relation to the first prior occupation of each phase.

Prior to the first occupation of each phase of the approved development a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination.

All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the first occupation of any part of that phase which it relates to and thereafter shall be operated and maintained accordingly.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

Amended Condition 14:

Requires the submission of cycle storage details in relation to the first prior occupation of each phase.

Prior to the first occupation of each phase of the approved development details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority. Provision for that phase shall thereafter be implemented prior to the first occupation of that phase and maintained in accordance with the approved details.

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.

Amalgamation of Conditions 19 and 21:

Requires the provision and agreement of a noise assessment and also associated noise mitigation measures (if deemed required) prior to the commencement of each phase of development.

Prior to the commencement of each phase of the development approved a noise assessment in accordance with British Standard 4142 (2014) shall have been undertaken and submitted to the Local Planning Authority for approval.

The noise assessment shall demonstrate that the rating levels for cumulative noise from all sources shall not exceed the background sound level at any noise sensitive dwelling when assessed in accordance with British Standard 4142 (2014). The rating levels may include deductions to take into account any proposed mitigation, details of which shall be submitted to the Local Planning Authority for approval, with any such approved mitigation installed prior to first use of the relevant phase. Such mitigation measures shall be maintained as such thereafter.

Reason: In order to safeguard the amenity of occupiers of nearby noise sensitive dwellings in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and policies contained within the National Planning Policy Framework.

Amended Condition 24:

Limits the approval to 5 years (outline).

Application(s) for approval of any reserved matter(s) must be made before the expiration of five years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

---

Councillor Cornish left the meeting at this point.



**Report No 16 – Land at The Hub, Nobel Way, Perry Barr – 2016/02157/PA**

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

4731

**RESOLVED:-**

That approval be given to the reserved matters relating to access, appearance, landscaping, layout and scale pursuant to planning permission no 2015/07828/PA, as amended by planning application no 2016/02157/PA subject to the conditions set out in the report.

---

**Planning Applications in Respect of the City Centre Area**

The Committee considered reports nos 17 and 18 together but voted separately on each recommendation.

**Report No 17 – 30-52 Vittoria Street, Jewellery Quarter, City Centre – 2015/07926/PA**

The Principal Planning Officer (City Centre) advised that he wished to add a condition regarding details of enabling works.

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

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

4732

**RESOLVED:-**

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

New Condition 24:

Requires Details of Enabling Works.

Prior to the commencement of development a full schedule of preparatory and initial remedial works (the 'enabling works') shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these works shall include all works necessary to be undertaken prior to the implementation of the planning application hereby granted and shall include the method, scope and extent of:

The soft stripping of the building;

The remedial work to historic fabric where it is deteriorating or structurally failing; and

Any necessary propping up, supporting and temporary fixing of historic fabric.

The carrying out of the agreed enabling works would not constitute commencement of 'development' for the purposes of this Planning Consent except in relation to conditions 5 and 11.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy 3.8 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.

---

**Report No 18 – 30-46 Vittoria Street, Jewellery Quarter, City Centre – 2015/07979/PA**

The Principal Planning Officer (City Centre) advised that he wished to add a condition regarding details of enabling works.

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

4733

**RESOLVED:-**

That listed building consent be granted subject to the conditions set out in the report and amended below:-

New Condition 16:

Requires Details of Enabling Works.

Prior to the commencement of development a full schedule of preparatory and initial remedial works (the 'enabling works') shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these works shall include all works necessary to be undertaken prior to the implementation of the planning application hereby granted and shall include the method, scope and extent of:

The soft stripping of the building;

The remedial work to historic fabric where it is deteriorating or structurally failing; and

Any necessary propping up, supporting and temporary fixing of historic fabric. The carrying out of the agreed enabling works would not constitute commencement of 'development' for the purposes of this Listed Building Consent.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy 3.8 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.

---

**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

4734 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:-

**A. Article 4 Direction in Erdington**

4735 In response to a suggestion by Councillor Moore that consideration be given to implementing an Article 4 Direction in Erdington, the Head of Planning Management undertook to draw it to the attention of appropriate officers.

Councillor T Ali advised that he understood the proposal was currently being considered.

---

**B. Southside BID**

4736 In response to a comment regarding Southside BID, the Head of Planning Management requested that Councillor Moore e-mail him with the details.

---

**C. Ecology Sub-Committee (Minute Nos 4673 and 4706 refer)**

4737 In response to a comment by Councillor Douglas Osborn regarding the possible establishment of an Ecology Sub-Committee, the Chairman advised that the matter was currently being considered.

---

**AUTHORITY TO CHAIRMAN AND OFFICERS**

4738 **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**

4739

**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.