

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
10 NOVEMBER 2016**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 10 NOVEMBER 2016 AT 1100 HOURS IN COMMITTEE
ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

Councillors Ali (1108 hours), Azim, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, Henley, K Jenkins, C Jones, Linnecor (1125 hours) and Williams.

PUBLIC ATTENDANCE

- 5045 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.
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NOTICE OF RECORDING

- 5046 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.
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CHAIRMAN'S ANNOUNCEMENTS

A. Planning Committee Meetings

- 5047 The Chairman informed Members that meetings were scheduled to take place on 24 November, 8, 22 December 2016 and 5 January 2017.
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B. Members' Training

- 5048 Members were advised that training was scheduled to take place on Thursday, 17 November 2016 from 1000 to 1200 hours.
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C. 46 Maney Hill Road, Sutton Coldfield – 2015/06080/PA

- 5049 The Chairman urged Members, prior to being interviewed by the Ombudsman, to read the documents and watch the DVD recording of the Committee held on 17 September 2015 when the application regarding 46 Maney Hill Road, Sutton Coldfield – 2015/06080/PA was approved.
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APOLOGIES

- 5050 Apologies were submitted on behalf of Councillors Moore and Straker Welds.
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MINUTES

- 5051 **RESOLVED:-**

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

MATTERS ARISING

- 5052 There were no matters arising.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 5053 No notifications were received.
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PETITIONS

- 5054 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 DIRECTOR OF PLANNING AND REGENERATION

The following reports were submitted:-

(See document No 1)

Planning Applications in Respect of the City Centre Area

Report No 8 – 2-10 Constitution Hill, City Centre – 2016/08029/PA

The Area Planning Manager (City Centre) advised that a petition, objecting to the proposal, had been received. A letter supporting the proposal had also been received from Midland Heart.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

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

Members agreed to amend the conditions regarding delivery hours to include noise emanating from the removal of empty bottles and the hours of operation to include Sundays.

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

5055 **RESOLVED:-**

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

Amended Condition 4:

Limits the hours of operation between the hours of 0800-2300, Sunday - Thursday and 0800-0000 Fridays and Saturdays.

The uses hereby approved shall only take place between the hours of 0800-2300, Sunday - Thursday and 0800-0000 Fridays and Saturdays.

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.

Amended Condition 5:

Limits delivery of goods to and collection of bottles from the site between 0800-1900 Monday - Saturday and 1000-1600 Sundays.

No deliveries or collection of empty bottles shall be taken at or dispatched from the site outside the hours of 0800-1900 Monday - Saturday and 1000-1600 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.

(Councillor T Ali was not present for the whole of the debate and, therefore, did not vote on the application).

Councillor Linnecor attended the meeting from this point.

Report No 9 – 3 Arena Central, Plot D, Broad Street, City Centre – 2016/07978/PA

The Area Planning Manager (City Centre) advised that West Midlands Police had raised no objection to the proposal and pointed out that there were now 8 parking spaces for disabled persons. No comments had been received from Severn Trent Water, Network Rail or Centro.

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 12 in favour, 0 against and 0 abstentions.

5056

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 22 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 22 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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Planning Applications in Respect of the North West Area

Report No 10 – 401-416 New John Street West, Newtown – 2016/05697/PA

The Principal Planning Officer (North West) advised that an additional objection had been received from West Midlands Police.

The Committee noted that Transportation Development had submitted extra information regarding the access points, requested additional conditions relating to highway works and a further recommendation concerning the stopping up of the highway as set out below:-

New Condition 23:

Requires a Package of Highway Measures.

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 new vehicular footway crossings, alterations to any existing footway crossing, reinstatement of redundant footway crossings (Summer Lane and New John Street West), extending the splitter island on Summer Lane and associated relocation of bus-stop and associated adjustments relating to any street furniture/statutory undertakers' apparatus.

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.

New Condition 24:

Requires a Pedestrian Visibility Splay.

A pedestrian visibility splay of 3.3 metres by 2.4 metres by 0.6 metres shall be incorporated at the access point before the access point is first used and thereafter maintained.

Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

New Recommendation:

That no objection be raised to the stopping up of the area of public highway on Summer Lane and within the application site, and that the Department of Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

Councillor Douglas Osborn declared an interest as he served on the West Midlands Police and Crime Panel.

Members echoed the concerns expressed by the Chief Constable of West Midlands Police regarding the security implications the development might have on Newtown Police Station as referred to in paragraphs 4.2 and 4.3 of the report.

Whilst welcoming the renovation of the Grade II listed building, Members considered that the proposed new building was unsympathetic and not in keeping with the existing premises.

The Principal Planning Officer (North West) and Head of Planning Management responded thereto.

The Chairman proposed, it was seconded by Councillor Beauchamp and upon being put to a vote it was 12 in favour, 0 against and 0 abstentions:-

5057 **RESOLVED:-**

That consideration of the application be deferred to enable further negotiations to take place with the applicant and West Midlands Police regarding the design of the building to try to overcome the issues raised as more particularly referred to in paragraphs 4.2 and 4.3 of the report.

Report No 11 – 401-416 New John Street West, Newtown – 2016/05775/PA

Further to the agreement of the Committee to defer consideration of application no 2016/05697/PA (Minute No 5057 refers) it was:-

5058 **RESOLVED:-**

That consideration of application no 2016/05775/PA be deferred.

Report No 12 – Maney Hill School, Maney Hill Road, Sutton Coldfield – 2016/06022/PA

Members commented on the application and the Transport Manager responded thereto.

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

5059

RESOLVED:-

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

Report No 13 – Maney Hill Primary School, Maney Hill Road, Sutton Coldfield – 2016/07164/PA

A Member commented on the application.

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

5060

RESOLVED:-

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

Planning Applications in Respect of the East Area

Report No 14 – Unit 5, 1298 Warwick Road, Acocks Green – 2016/07099/PA

The Area Planning Manager (East) advised that she wished to amend the S106 completion date to 1 December 2016 and delete condition 25.

An objector spoke against the application.

A supporter spoke in favour of the application.

Whilst supporting the proposed erection of residential dwellings, Members reiterated the concerns expressed by the objector regarding the access to and egress from the site via Warwick Road and the impact it might have on the junction, including increased traffic and road safety.

The Area Planning Manager (East), Transport Manager and Head of Planning Management responded to comments made by the objector, supporter and Members.

It was proposed by Councillor Azim, seconded by Councillor Williams and upon being put to a vote it was 6 in favour, 5 against and 0 abstentions:-

5061

RESOLVED:-

That consideration of the application be deferred pending a site visit.

Report No 15 – 152 Church Road, Yardley – 2016/08031/PA

The Area Planning Manager (East) advised that an additional objection to the proposal had been received.

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

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

5062

RESOLVED:-

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

Councillor Cornish left the meeting at this point.

Report No 16 – Bromford Lane/Bromford Road, Bromford Public House and Vacant Site, Washwood Heath – 2016/07194/PA

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 11 in favour, 0 against and 0 abstentions.

5063

RESOLVED:-

- (i) That approval be granted subject to the completion of a Deed of Variation as set out in the report;
 - (ii) that the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.
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Report No 17 – Fordrough, Webster and Horsfall, South Yardley – 2016/06867/PA

Members noted that the proposed refuelling station would consist of a number of different low carbon fuels and expressed concern that the Health and Safety Executive had not been consulted on the application.

The Area Planning Manager (East) and Senior Solicitor responded thereto.

It was proposed by Councillor Henley, seconded by Councillor Douglas Osborn and upon being put to a vote it was 8 in favour, 3 against and 0 abstentions:-

5064 **RESOLVED:-**

That consideration of the application be deferred in order to consult the Health and Safety Executive on the proposal.

Councillor Jenkins left the meeting at this point.

Report No 18 – Stechford Retail Park, Flaxley Parkway, Stechford – 2016/07232/PA

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 10 in favour, 0 against and 0 abstentions.

5065 **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 29 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 29 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.
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Report No 19 – McDonald's Restaurant, 1151-1159 Chester Road, Erdington – 2016/06787/PA

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

Upon being put to a vote it was 7 in favour, 1 against and 2 abstentions.

5066 **RESOLVED:-**

That a one year continuous time period be implemented within a three year time frame subject to the conditions set out in the report.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

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

- 5067 Further to deferring consideration of the above-mentioned application earlier in the meeting (Minute No 5061 refers) it was agreed that a site visit be arranged for Thursday, 17 November 2016 after the conclusion of the Members' training.

OTHER URGENT BUSINESS

- 5068 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

- 5069 **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

- 5070 **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.