

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
2 FEBRUARY 2017**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON  
THURSDAY, 2 FEBRUARY 2017 AT 1100 HOURS IN COMMITTEE ROOMS  
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-**

Councillor Sharpe in the Chair;

Councillors T Ali (1107 hours), Azim, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, Henley, C Jones, Linnecor, Moore, Straker Welds and Williams.

\*\*\*\*\*

**PUBLIC ATTENDANCE**

- 5227 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**

- 5228 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**

**Planning Committee Meetings**

- 5229 The Chairman informed Members that meetings were scheduled to take place on 16 February, 2, 16 and 30 March 2017.
- 

**APOLOGIES**

- 5230 Apologies were submitted on behalf of Councillor K Jenkins.
-

**MINUTES**

5231 **RESOLVED:-**

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

---

**MATTERS ARISING**

**221 Barford Street, Highgate**

5232 In response to a question, the Head of Planning Management requested Councillor Douglas Osborn to e-mail him details of his concern regarding the application received in respect of 221 Barford Street, Highgate (Minute No 5220 refers).

---

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

5233 No notifications were received.

---

**PETITIONS**

5234 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 Applications in Respect of the North West Area**

**Report No 8 – 11-15 Sherifoot Lane, Sutton Coldfield – 2016/08023/PA**

The Area Planning Manager (North West) advised that Sutton Town Council had objected to the proposal, although no specific details had been provided. He outlined details of an additional objection that had been received from a neighbour.

Objectors spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (North West) responded to comments made by the objectors and supporter.

Members expressed concern at the proposed demolition of two existing bungalows and the erection of five two-storey dwellings which they considered would be too intensive, unacceptable and inappropriate for the location.

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

A site visit was proposed by Councillor Cornish and seconded by Councillor Linnecor and upon being put to a vote it was 10 in favour, 2 against and 0 abstentions.

5235

**RESOLVED:-**

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

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

---

**Report No 9 – Land off Enderby Road, Perry Common – 2016/08631/PA**

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

Upon being put to a vote it was 11 in favour, 2 against and 0 abstentions.

5236

**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 a section of highway within the application site on Enderby Road and that the Department for Transport be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

---

Councillor Williams left the meeting at this point.

**Report No 10 – Handsworth Horticultural Institute Limited, Oxhill Road, Handsworth Wood – 2016/08371/PA**

The Area Planning Manager (North West) advised that he wished to amend recommendations 8.1 a) and b).

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

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

5237

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report and amended below:-

Amendments to recommendations 8.1 a) and b) to read:

- a) An off-site contribution of £48,300 to be index linked from the date of the committee resolution, with first payment of 50% of the contribution plus indexation due before or on commencement of development and the remainder due within 12 months of the first payment, to contribute to the improvement and maintenance of sports, recreational and community uses in Handsworth Park.
  - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,691.
- (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 February 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 February 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.

---

Councillor Cornish left the meeting at this point.

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

**Report No 11 – Tessall Lane, Longbridge – 2016/05184/PA**

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.

The Area Planning Manager (South) advised that a condition could be added requiring the prior submission of noise attenuation measures.

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 0 abstentions.

5238

**RESOLVED:-**

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

New Condition 14:

Noise Attenuation to Plots 1 and 2 - Requires the Prior Submission of Noise Attenuation Measures.

No development shall take place until details of noise attenuation measures (eg sound-proofing to windows) to protect the occupiers of Plots 1 and 2 from any excessive noise generated by the nearby car wash have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

---

Councillors Cornish and Williams returned to the meeting.

**Report No 12 – Central Campus Area Extending from the Aston Webb Buildings to the South, to the North Side of Pritchatts Road, Edgbaston – 2016/08732/PA**

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5239

**RESOLVED:-**

That approval be given to the reserved matters relating to access, appearance, landscaping, layout and scale for project 10 'The Green Heart', pursuant to hybrid planning permission no 2012/02047/PA, as amended by planning application no 2016/08732/PA, subject to the conditions set out in the report.

---

**Report No 13 – Land off Pershore Road/Hazelwell Lane, Stirchley – 2016/09029/PA**

The Area Planning Manager (South) updated Members on the potential public art adjacent to Elim Church referred to in paragraph 4.12 of the report.

A Member commented on the application and the Transport Manager responded thereto.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5240 **RESOLVED:-**

That approval be given to the reserved matters relating to appearance, scale and landscaping for phase 2 of outline planning permission no 2016/06335/PA, as amended by planning application no 2016/09029/PA, subject to the conditions set out in the report.

---

**Report No 14 – Land at Redditch Road, Green Lane, Foyle Road and Teviot Grove, Kings Norton – 2016/09139/PA**

Members commented on the application.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5241 **RESOLVED:-**

That approval be given to the reserved matters relating to appearance, landscaping, layout and scale pursuant to outline planning permission no 2014/09196/PA, as amended by planning application no 2016/09139/PA, subject to the conditions set out in the report.

---

**Report No 15 – Bottle Cottages, 4 Humphrey Middlemore Drive, Harborne – 2016/09031/PA**

Members commented on the application and expressed concern at the proposed removal of six parking spaces referred to in paragraph 1.3 of the report.

The Transport Manager and Head of Planning Management responded to Members' comments.

Upon being put to a vote it was 5 in favour, 1 against and 7 abstentions.

5242 **RESOLVED:-**

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

---

**Report No 16 – 1135-1137 Pershore Road, Selly Oak – 2016/03946/PA**

A Member commented on the application.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5243

**RESOLVED:-**

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

---

**Report No 17 – 128A Oxford Road, Moseley – 2016/10427/PA**

The Area Planning Manager (South) advised that the applicant and agent who had been due to speak in favour of the application were unable to attend due to work commitments. However, a written submission had been provided which the Area Planning Manager (South) read out.

He also outlined details of an additional letter objecting to the proposal and one in support that had been received.

An objector spoke against the application and the Area Planning Manager (South) responded thereto.

Members, whilst not opposed to the extension in principle, objected to the design which they likened to a 'sauna cabin' or 'upturned wooden skip' and considered that the proposal was not in keeping with the conservation area.

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

Upon being put to a vote it was 2 in favour, 10 against and 1 abstention. Therefore, the recommendation was lost.

It was then proposed by the Chairman and seconded by Councillor Henley that consideration of the application be deferred in order to afford the applicant the opportunity to reconsider the design of the proposal and upon being put to a vote it was 13 in favour, 0 against and 0 abstentions:-

5244

**RESOLVED:-**

That consideration of the application be deferred in order to afford the applicant the opportunity to reconsider the design of the proposed extension.

---

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

**Report No 18 – Paragon Hotel, 145 Alcester Street, Highgate  
– 2016/08528/PA**

Members agreed to consider together this and application no 2016/8558/PA, recommending that listed building consent be granted (Report No 19/Minute No 5246 refers).

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5245 **RESOLVED:-**

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

---

**Report No 19 – Paragon Hotel, 145 Alcester Street, Highgate  
– 2016/08558/PA**

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5246 **RESOLVED:-**

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

---

**Report No 20 – Unit 66-70 Corporation Street, Units 99-102 Bull Street,  
Units 16, 18-20, 22, 26, 28, 30, 32, 21, 23A, 23B and 25 Martineau Place and  
Units 3, 5, 17 and 18-19 Martineau Way, City Centre – 2016/09617/PA**

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

Upon being put to a vote it was 12 in favour, 0 against and 1 abstention.

5247 **RESOLVED:-**

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

---



**Report No 21 – 11-21 Great Hampton Street, 10 Harford Street and  
20-26 Barr Street, Jewellery Quarter – 2016/04205/PA**

Members agreed to consider together this and application no 2016/04206/PA, recommending that listed building consent be granted (Report No 22/Minute No 5249 refers).

The Principal Planning Officer (City Centre) advised that all references to the commercial floorspace within the report should be amended to 1035 square metres. She also wished to amend recommendation 8.1 and the conditions.

Members commented on the application.

Upon being put to a vote it was 12 in favour, 0 against and 1 abstention.

5248

**RESOLVED:-**

- (i) That consideration of application no 2016/04205/PA be deferred pending the completion of a revocation or to secure without compensation or any cost to the City Council the revocation of Hazardous Substances Licence 1999/05217/PA and that the applicant should agree to enter into a form of indemnity with the Council to cover any legal costs associated with the revocation application and any compensation that may arise that is associated with the revocation application as set out in the report and amended below:-

Amendment to the development description to change the amount of commercial floor space to 1035 square metres.

- (ii) that, in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the local planning authority, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 33:

Requires Prior Approval for Advertisements or Signage and Prevents Obstructions to the Commercial Units.

No advertisements or signage, including the sign writing on the side brickwork facing Harford Street shall be installed on the site and there shall be no obstructions, displays or signage fitted to the commercial unit windows unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

Reason: To safeguard the character of the site which is in a Conservation Area and to maintain an active street frontage on Great Hampton Street and Harford Street in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework, the Jewellery Quarter Design Guide and Regeneration through Conservation SPG.

New Condition 38:

Requires the Prior Submission of a Construction Ecological Mitigation Plan.

No works of demolition within each phase of the development (as defined by the phasing details to be approved pursuant to Condition 1) shall be carried out until an Ecological Mitigation Plan for the Construction of that phase has been submitted to, and approved in writing by, the Local Planning Authority. The plan for each phase shall include:-

An appropriate scale plan showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented.

Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.

A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed. The development of each phase shall be implemented in accordance with the approved details.

Reason: In the interests of nature conservation in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- (iii) that the City Solicitor be authorised to prepare, complete and obtain an appropriate Revocation Order and submit it to the Secretary of State for Communities and Local Government for approval.

---

Councillor Williams left the meeting at this point.

**Report No 22 – 13-21 Great Hampton Street, Jewellery Quarter, City Centre – 2016/04206/PA**

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

5249

**RESOLVED:-**

That in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the local planning authority, favourable consideration would be given to the granting of listed building consent subject to the conditions set out in the report.

---

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

**Report No 23 – Land West of 257-259 Cateswell Road, Sparkhill  
– 2016/05594/PA**

The Committee was advised that the application had been withdrawn from the planning register by the applicant.

5250

**RESOLVED:-**

That it be noted that the application had been withdrawn from the planning register by the applicant.

---

**Report No 24 – Land of Former International School, Sheldon Hall Avenue,  
Shard End – 2016/07628/PA**

The Area Planning Manager (East) advised that the legal agreement and affordable housing provision had changed and therefore she wished to amend all references thereto throughout the report, namely sections 1.11, 6.7 and 6.34 to read:-

Tenure mix amended to reflect S106 Agreement and Housing Association requirements:-

86% (55 units) affordable/social rent.

14% (9 units) shared ownership.

She also wished to amend recommendation 8.1.1 accordingly.

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

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

5251

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report and amended below:-

Amended Recommendation 8.1.1:

- a) 100% of houses (64 units) on the site being 86% (55 units) affordable/social rent and 14% (9 units) shared ownership.
- b) delivered and only 35% of houses (23 units) is provided on the site of which 86% (20 units) would comprise affordable/social rent and

14% (3 units) shared ownership, a payment of £241,430 (index linked to construction costs from 2 February 2017 to the date on which payment is made) towards the provision improvement and/or maintenance of public open space and/or recreational facilities at Tile Cross Park and/or Tile Cross Recreation Ground within the Shard End Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 24 February 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 24 February 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.
- 

Councillor Williams returned to the meeting.

### **POLICY REPORT**

#### **Draft Local Development Order – Tyseley Environmental Enterprise District, Birmingham**

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

(See document No 2)

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions.

5252

### **RESOLVED:-**

That approval be given to the revisions to the Local Development Order as set out in the report and that the Order be formally adopted for use.

---

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

**11-15 Sherifoot Lane, Sutton Coldfield – 2016/08023/PA**

- 5253 Further to the decision taken earlier in the meeting to defer consideration of the application regarding 11-15 Sherifoot Lane, Sutton Coldfield – 2016/08023/PA (Minute No 5235 refers), Members were advised that it was hoped to arrange a site visit to take place on Thursday, 9 February 2017.
- 

**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:-

**Spirit of Enterprise Statue**

- 5254 Councillor Douglas Osborn enquired whether the Spirit of Enterprise statue would be returned to Centenary Square.
- 

**AUTHORITY TO CHAIRMAN AND OFFICERS**

- 5255 **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**

- 5256 **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.