

# BIRMINGHAM CITY COUNCIL

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| <b>PLANNING COMMITTEE</b><br><b>19 JANUARY 2017</b> |
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 19 JANUARY 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Linnecor in the Chair;

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

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### **CHAIRMAN FOR THE MEETING**

5190 Councillor Linnecor, Deputy Chair, in the absence of Councillor Sharpe, chaired the meeting.

COUNCILLOR LINNECOR IN THE CHAIR.

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### **PUBLIC ATTENDANCE**

5191 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**

5192 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.

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**CHAIRMAN'S ANNOUNCEMENTS**

**A. Planning Committee Meetings**

- 5193 The Chairman informed Members that meetings were scheduled to take place on 2, 16 February, 2 and 16 March 2017.
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**B. Birmingham Development Plan**

- 5194 The Head of Planning Management advised that the City Council at its meeting on 10 January 2017 adopted the Birmingham Development Plan. He briefly explained the implications of the plan.
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**APOLOGIES**

- 5195 Apologies were submitted on behalf of Councillors T Ali and Sharpe.
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**MINUTES**

- 5196 **RESOLVED:-**

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

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**MATTERS ARISING**

- 5197 There were no matters arising.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**A. Planning Application No 2016/10257/PA – 138 Church Road, Yardley**

- 5198 Councillor C Jones requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact the proposal might have due to a lack of parking and disturbance to residents.
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**B. Planning Application No 2016/10521/PA – 214 Gravelly Lane, Erdington**

- 5199 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact the proposal might have on the character of the area and residents.
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**C. Planning Application No 2016/09609/PA – Land Adjacent  
7 Osborne Road South, Erdington**

- 5200 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact the proposal might have on the trees and residential amenity.
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**PETITIONS**

- 5201 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 – SBQ1 and SBQ2, Smallbrook Queensway, City Centre –  
2016/06617/PA**

The Area Planning Manager (City Centre) advised that she wished to amend the description and the recommendations.

She informed the Committee of objections raised regarding the proposal set out in two additional letters that had been received.

An objector spoke against and a supporter spoke in favour of the application.

Members commented on the application.

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

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

5202

**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 Description:

Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure uses (use classes A1/A5) on ground floor, and basement car parking.

Amended Recommendation:

Paragraph 8.1 – to read:

Application number 2016/06617/PA is deferred pending the completion of a Section 106 Agreement to secure the following:

- iii) payment of £4000 (index linked to construction costs from the date of this resolution to the date on which payment is made) for the supervision of the delivery of the public realm works.
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 28 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 28 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;
- (v) that no objection be raised to the stopping up of a section of Smallbrook Queensway as detailed within the application 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.
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**Report No 9 – SBQ3 and 4 and SBQ2, Smallbrook Queensway, City Centre – 2016/06618/PA**

The Area Planning Manager (City Centre) advised that she wished to amend the recommendations.

She informed the Committee of objections raised regarding the proposal set out in two additional letters that had been received.

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

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

5203

**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:

Paragraph 8.1 – to read:

Application number 2016/06618/PA is deferred pending the completion of a Section 106 Agreement to secure the following:

- ii) payment of £14,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) for the supervision of the delivery of the public realm works.
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 28 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 28 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;
- (v) that no objection be raised to the stopping up of a section of Smallbrook Queensway as detailed within the application 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.

**Report No 10 – 41-42 Tenby Street North, Jewellery Quarter, City Centre – 2016/07913/PA**

Members commented on the application.

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

5204

**RESOLVED:-**

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

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**Report No 11 – Opposite 7 Carrs Lane, City Centre – 2016/10041/PA**

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

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

5205

**RESOLVED:-**

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

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

**Report No 12 – 70-72 Frederick Road, Land at Rear of, Sutton Coldfield – 2016/06511/PA**

The Area Planning Manager (North West) advised that minor amended plans had been received and therefore additional consultation had been carried out. Thirteen additional letters objecting to the proposal had been received.

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) responded thereto.

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

5206

**RESOLVED:-**

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

Amended Condition 14:

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 3169-01G and 3169-03A ('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.

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**Report No 13 – North Birmingham Academy, 395 College Road, Kingstanding – 2016/09091/PA**

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

Upon being put to a vote it was 9 in favour, 1 against and 2 abstentions.

5207

**RESOLVED:-**

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

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**Report No 14 – Sutton Coldfield Hard Courts Club, Highbridge Road, Sutton Coldfield – 2016/04274/PA**

The Area Planning Manager (North West) advised that six additional letters and one comment from a local resident had been received.

A petition objecting to the proposal had also been received.

The applicant had informed officers that funding towards the cost of the proposal was being sought and had requested that full rather than temporary planning permission be granted. Officers were not opposed to the request and therefore wished to amend the recommendation accordingly with an additional condition requiring the replacement of the outer membrane after ten years.

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

Members voted on the amended recommendation and it was 10 in favour, 2 against and 0 abstentions.

5208

**RESOLVED:-**

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

Delete Temporary Time Condition.

Add Standard Time Condition:

Implement within 3 years (Full).

The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

New Condition 5:

Requires the Outer Membrane to be Replaced within a Set Timescale.

The outer membrane of the development hereby approved shall be replaced in its entirety no later than a period of 10 years following the date of this permission and every subsequent 10 years, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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

**Report No 15 – Former Selly Oak Hospital, Raddlebarn Road, Selly Oak – 2016/05990/PA**

The Area Planning Manager (South) advised that, although the size of four of the proposed flats did not meet the national standard, officers considered that on balance the proposal should still be recommended for approval.

He added that the boundary shown on the map submitted with the application had changed and explained the difference.

The Area Planning Manager (South) requested that a condition concerning the pedestrian and cycle link to the canal be added.



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

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

5209

**RESOLVED:-**

- (i) That approval be given to the reserved matters relating to appearance, landscaping, layout and scale relating to phase 4 of outline planning permission no 2012/02303/PA, as amended by planning application no 2016/05990/PA subject to the conditions set out in the report and amended below:-

New Condition 7 (although still subject to final agreement of detailed wording):

Details of Pedestrian and Cycle Link to Canal.

No unit within this phase (4) of development shall be occupied prior to the submission and approval in writing by the Local Planning Authority (in consultation with the Canal and River Trust) of details of the proposed access to the canal, including construction of any ramp, retaining structures and boundary treatment. This access shall be provided in accordance with the approved scheme prior to the occupation of no more than 50% of the units within this phase of development or an alternative timescale to be agreed in writing with the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP38-40 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.

- (ii) that approval be given to details in respect of conditions 13 and 23 attached to outline planning permission no 2012/02303/PA subject to the conditions set out in the report.

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**Report No 16 – Lifford Lane Waste Depot, Kings Norton – 2016/08278/PA**

The Area Planning Manager (South) advised that no objections had been received from Severn Trent Water subject to the inclusion of an additional condition regarding drainage.

Members commented on the application and considered that it was a missed opportunity to try to improve problems of traffic queuing in Lifford Lane whilst waiting to access the waste depot.

The Area Planning Manager (South), Transport Manager and Head of Planning Management responded to Members' comments.

It was proposed by Councillor Moore to defer determination of the application, seconded by Councillor Henley and upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5210 **RESOLVED:-**

That consideration of the application be deferred pending further information regarding whether or not it is possible to improve traffic flow and reduce the number of vehicles queuing in Lifford Lane whilst waiting to access the waste depot.

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**Report No 17 – 1074 Stratford Road, Hall Green – 2016/09610/PA**

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

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

5211 **RESOLVED:-**

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

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**Report No 18 – Castle Square, Weoley Castle – 2016/09871/PA**

Members commented on the application.

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

5212 **RESOLVED:-**

That no prior approval is required.

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

**Report No 19 – Unit 5, 1298 Warwick Road, Acocks Green – 2016/07099/PA**

The Area Planning Manager (East) advised that the application was for determination and drew Members' attention to the details of the amended scheme.

She outlined the details of two additional representations from local residents and one from a Ward Councillor that had been received.

The Area Planning Manager (East) advised that, if the application was approved, she wished to change the completion date of the S106 agreement to 31 January 2017.

If Members were minded to approve the application, amendments to conditions 20 and 23 and the deletion of condition 25 would also be required.

The Transport Manager, in referring to the 'report back' set out in the report now submitted, explained the proposed amended scheme.

Members commented on the application and the proposed amendments to the scheme.

The Area Planning Manager (East) and Transport Manager responded to Members' comments.

Members voted on the original recommendation and it was 11 in favour, 0 against and 1 abstention.

5213

**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 31 January 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 31 January 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

Amended Condition 20:

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 formation of bellmouth access on Warwick Road, reinstatement of redundant footway crossing on Warwick Road; access alterations and footway reinstatement on Lincoln Road; alterations to inner radius of gyratory island at Warwick Road/Gospel Lane, installation of splitter island at Gospel Lane/Warwick Road junction; associated repositioning of running lanes and amended road markings on Warwick Road; parking deterrent measures on Warwick Road and Lincoln Road site frontages; removal and replacement of pedestrian guard railing on Warwick Road; Repositioning/remedial works to statutory undertakers' equipment and

street furniture as necessary; amended street lighting design to Warwick Road frontage; and are to be carried out at the applicants 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.

Amended Condition 23:

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 number 210012-10 Rev C and site plan (scale 1:1250) ('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.

Delete Condition 25.

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

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**Report No 20 – Land Adjacent James House, Warwick Road, Tyseley – 2016/06872/PA**

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

A Member commented on the application.

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

5214

**RESOLVED:-**

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

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Councillor K Jenkins left the meeting at this point.

**Report No 21 – 57 South Road, Stockland Green – 2016/08791/PA**

In referring to paragraph 4.4 of the report, Councillor Carol Jones advised she had not objected to the proposal but that it was in fact Councillor Josh Jones, who represented Stockland Green Ward. The Area Planning Manager (East) apologised for the error.

Members commented on the application and expressed concern at the proposal to remove condition C3 requiring the approved use for family accommodation only and not to be used to accommodate multiple paying occupants.

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

Upon being put to a vote it was 4 in favour, 6 against and 1 abstention. Therefore the recommendation was lost.

Members then voted on deferring consideration of the application minded to refuse and it was 6 in favour, 4 against and 1 abstention:-

5215

**RESOLVED:-**

That consideration of the application be deferred minded to refuse on the grounds that the proposal: was anti-social; would impact on the character of the area; would create an over-concentration of Houses in Multiple Occupation; had raised concerns by West Midlands Police detailed in the report.

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Councillor Cornish left the meeting at this point.

**Report No 22 – Faizane-E-Madina, Richmond Road, Stechford – 2016/09023/PA**

The Area Planning Manager (East) advised that Transportation Development had raised no objection to the proposal.

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.

5216

**RESOLVED:-**

That approval be given to vary condition 4 attached to planning permission no 2015/04281/PA to allow boarding accommodation consisting of 11 no. single occupation rooms associated with the existing education centre to be located at first floor level above the existing prayer hall.

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**POLICY REPORT**

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

(See document No 2)

**Appeal Decisions Received from the Planning Inspectorate in December 2016**

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

5217 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in December 2016 be noted.

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

5218 There were no site visits pending.

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**OTHER URGENT BUSINESS**

The Chairman was of the opinion that the following items should be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act:-

**A. Article 4 Direction in Erdington**

5219 The Head of Planning Management advised that he had no further information to report regarding the request by Councillor Moore for an Article 4 Direction in Erdington.

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**B. 221 Barford Street, Highgate**

5220 Councillor Douglas Osborn thanked officers for their prompt response to his concerns regarding the alleged storage of live animals at 221 Barford Street, Highgate.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

5221 **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**

5222

**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