

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
9 MAY 2019**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY 9 MAY 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND
4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Maureen Cornish, Mohammed Fazal, Peter Griffiths, Adam Higgs, Keith Linnecor, Saddak Miah, Gareth Moore, Lou Robson, Lucy Seymour-Smith, and Mike Ward.

PUBLIC ATTENDANCE

6873 The Chair welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. She stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.

NOTICE OF RECORDING

6874 The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

6875 The Chair reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the Minutes of the meeting.

CHAIR'S ANNOUNCEMENTS

6876 The Chair stated that this was the last meeting in this Municipal year and she thanked Members and officers for their valuable contributions throughout the year.

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She wished Councillor Mohammed Azim well in his position as newly elected Lord Mayor for Birmingham.

The Chair informed Members that meetings were scheduled to take place on the 23 May and the 6 and 20 June 2019.

An environmental training session will take place on 27 June 2019 and details will be submitted to Members in due course.

APOLOGIES

6877 Apologies were submitted on behalf of Councillors Safia Akhtar, Bob Beauchamp and Julie Johnson for their inability to attend the meeting.

MINUTES

6878 **RESOLVED**:-

That the Minutes of that part of the meeting of the Committee open to the public held on 25 April 2019 be noted.

MATTERS ARISING

GDPR Issues

6879 The Chair advised Members that officers were working with legal colleagues and investigating how other Authorities had approached the situation. An advisory report will be submitted to a future meeting on the outcome of those investigations.

Councillor Gareth Moore thanked the Chair for her intervention and stated that at all times the City Council should remain open and transparent.

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

A. Planning Application No. 2019/03376/PA – Perry Barr Fire Station, College Road, Birmingham B44 0HE

6880 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee with regards to highway safety concerns.

B. Planning Application No. 2019/03098/PA – 191 Sheldon Heath Road, Sheldon, Birmingham B26 2DR

6881 Councillor Mike Ward requested that a report relating to the above planning application be submitted to a future meeting of the Committee with regard to concerns raised by local residents and local Councillors.

PETITIONS

6882 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, INCLUSIVE GROWTH

The following reports were submitted:-

(See Document No. 2)

Planning Applications in Respect of the City Centre Area

Report No 9 – Land at Conybere Street, Highgate, Birmingham - 2017/04040/PA

The Area Planning Manager (City Centre) stated that there were updates in that a further condition regarding a tree protection plan be added and the resolution also include authority to make an order under Section 257.

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

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

6883 **RESOLVED:-**

- (i) That planning permission 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 30 May 2019, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30 May 2019, planning permission be approved for the reasons set out in the report and amended below:

• **Extra Condition**

Arboricultural Method Statement and Tree Protection Plan – Implementation The development shall be undertaken and maintained in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan contained within the document Reference 19201/A1_AIA dated April 2019.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 6

Requires the prior submission of fire strategy detail. Details of the firefighting strategy, **to include consideration of the installation of sprinkler systems**, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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 in accordance with the National Planning Policy Framework.

Condition 11

Requires the submission of hard and/or soft landscape details. Details of hard and/or soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes, **maturity** and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of **four** years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason:

In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local

landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.

(iv) That the City Solicitor be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990 and prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

Report No 10 – 47-55 Alcester Street and 93 Cheapside (Including the Fountain Public House), Digbeth, Birmingham, B12 0PY – 2018/08132/PA

The Area Planning Manager (City Centre) stated that there were no further updates.

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

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

6884

RESOLVED:-

- (i) That planning permission 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 30 May 2019, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30 May 2019, planning permission be approved for the reasons set out in the report;
- (iv) That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

Report No 11 – Rear of 245 Broad Street, Birmingham – 2019/01250/PA

The Area Planning Manager (City Centre) stated that the lead local flood authority had no further objections and that monitoring of the drainage system will be undertaken. Conditions 1 and 2 to be deleted.

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

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

6885

RESOLVED:-

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

• Extra Condition

Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan. No building or use hereby permitted shall be occupied or the use commenced until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance in accordance with Policy TP6 and TP8 of the Birmingham Development Plan 2017.

Report No 12 – Land off Cardigan Street/Jennens Road and Glassworks Lane, Eastside Locks, Birmingham, B4 7RJ - 2018/0197/PA

The Area Planning Manager (City Centre) indicated that there were 3 additional conditions added and further conditions under negotiation.

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

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

6886

RESOLVED:-

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

• 3 Extra Conditions

External lighting affixed to the building. Prior to its installation details of all lighting affixed to the building shall be submitted to and agreed in writing by the Local Planning Authority. Note: Separate external lighting to Arrival Square has been approved, see condition 16.

Reason:

In order to ensure the satisfactory development of the application site in accordance with Policies PG3, TP12 and TP8 of the BDP, the National Planning Policy Framework and Regeneration through Conservation SPG10.

Extraction equipment associated within the implementation of an A3 use. Any proposed extraction equipment associated within the implementation of an A3 use shall terminate at roof level.

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.

Requires the Prior Submission of a Sustainable Drainage Operation and Maintenance Plan. The building hereby permitted shall not be occupied or the use commenced until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 and TP8 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers.

Planning Applications in Respect of the East Area

Report No 13 – Saltley School, Belchers Lane, Bordesley Green, Birmingham B9 5RX - 2010/00175/PA

The Area Planning Manager (East) indicated that condition 11 will be amended to provide an increased financial contribution of £75,000. Sport England and Leisure Services had expressed no objections to the increased contribution.

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

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

6887

RESOLVED:-

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

• Amended Condition 10

Requires the provision of a financial contribution of £75,000 towards off-site playing fields in the Heartlands/Small Heath Wards

No development shall take place until a mechanism for the delivery of contributions towards the costs for the provision of or improvements to existing

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public playing fields in the Heartlands/Small Heath Wards to a cost of £75,000 has been submitted to and approved in writing by the Local Planning Authority. Such contribution shall be made available in full for the above purpose through the agreed delivery mechanism prior to the occupation of the building hereby approved or such other timescale as agreed in writing by the Local Planning Authority.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP9 of the Birmingham Development Plan and the National Planning Policy Framework.

Report No 14 – 2 Gravelly Lane, Erdington, Birmingham, B23 6UH – 2019/01573/PA

The Area Planning Manager (East) indicated that details of communal living room window was now provided and therefore condition 2 to be amended to require the window to be provided within one month.

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

Upon being put to a vote it was 3 in favour, 7 against and 1 abstention -

6888

RESOLVED:-

That planning permission be deferred minded to refuse on the grounds of lack of communal space.

Report No 15 – 496 Barrows Lane, Sheldon, Birmingham B26 3BH - 2019/00041/PA

The Area Planning Manager (East) indicated that there were no further updates.

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

6889

RESOLVED:-

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

The Chair declared a non-pecuniary interest in relation to report number 16 on the agenda and left the meeting.

Councillor Mohammed Azim, Vice Chairman took the Chair for agenda Item 16 only.

Planning Applications in Respect of the South Area

Report No 16 – 14 Langleys Road, Selly Oak, Birmingham, B29 6HP – 2019/01058/PA

The Area Planning Manager (South) indicated that there were no further updates.

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

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

6890

RESOLVED:-

That planning permission be refused subject to the reasons set out in the report.

The Chair returned to the meeting having had no part in the discussions or the decision that took place.

Report No 17 – 14 Land rear of 163–179 Baldwins Lane, Hall Green, Birmingham, B28 0PY – 2018/07934/PA

The Area Planning Manager (South) indicated that there were no further updates.

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

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

6891

RESOLVED:-

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

Councillor Peter Griffiths declared a non-pecuniary interest in relation to report number 18 on the agenda and left the meeting.

Planning Applications in Respect of the North West Area

Report No 18 – Osborne Tower, Gladstone Street, Aston, Birmingham, B6 7PA – 2018/07906/PA

The Area Planning Manager (North West) indicated that there was one further update in that an extra condition be added to protect endangered habitat and wildlife.

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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, 0 against and 0 abstentions -

6892

RESOLVED:-

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

• Extra Condition

Requires the prior submission of a legally protected species and habitat protection plan

If no demolition works are carried out between 1 September 2019 and 31 December 2019, no development shall take place (including demolition) until a plan is submitted to and approved in writing by the Local Planning Authority for the protection and/or mitigation of damage to legally protected species and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason:

This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to protect legally protected species and its habitat within and adjacent to the development site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

Councillor Peter Griffiths returned to the meeting having had no part in the discussions or the decision that took place.

Report No 19 – Coppice Site, 92-94 Aldridge Road, Perry Barr, Birmingham, B42 2TP – 2019/03140/PA

The Area Planning Manager (North West) indicated that a further condition be added which required the prior submission of a programme of archaeological work.

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, 0 against and 0 abstentions -

6893

RESOLVED:-

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

• Extra Condition

Requires the prior submission of a programme of archaeological work. No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The scheme is to be implemented in full accordance with the approved details.

Reason:

This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing as the site is of known archaeological significance and it is important that archaeological remains are appropriately recorded prior to their damage or destruction by the development in accordance with Policy TP12 of the Birmingham Development Plan 2017 and saved Paragraph 8.36 of the Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6894

There were no site visits pending.

OTHER URGENT BUSINESS

Building collapse in the Jewellery Quarter

6895

The Chair stated that the recent tragic event involving a building collapse in the Jewellery Quarter will be reported to the Planning Committee in due course.

AUTHORITY TO CHAIR AND OFFICERS

6896

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

6897

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

Private section of the Minutes of the last meetings.

Paragraph of Exempt Information Under Revised Schedule 12A of the Local Government Act 1972

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