

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
30 JANUARY 2020

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 30 JANUARY 2020 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Peter Griffiths, Adam Higgs, Julie Johnson, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson, Martin Straker Welds and Mike Ward.

PUBLIC ATTENDANCE

- 7392 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

- 7393 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

- 7394 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.

APOLOGIES

- 7395 Apologies were submitted on behalf of Councillors Mohammed Fazal and Keith Linnecor for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

7396 The Chair informed Members that the following meetings were scheduled to take place on the 13 February, 27 February and 12 March 2020.

She subsequently referred Members to the briefing session on City Centre Developments which was anticipated to take place on 20 February 2020.

At this juncture, the Chair sought agreement from the Committee that the urgent report circulated to Members on the African Village site was taken between items 21 and 22 on the agenda.

MINUTES

7397 That the public part of the Minutes of the Meeting held on 16 January 2020 were noted.

MATTERS ARISING

7398 In response to a request from Councillor Moore regarding Minute Nos. 7295/7374, the Chair while apologising for the delay, confirmed she had just received the information and was going to check to ensure that all the information was available that had been requested, before it was circulated to Members within the next few days.

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

7399 There were no notifications by Members of planning applications submitted for consideration to be determined by Committee.

PETITIONS

7400 None submitted.

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 (ACTING)

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

**REPORT No. 9 – 916-918 BRISTOL ROAD, SELLY OAK, BIRMINGHAM,
B29 6NB – 2019/08881/PA**

The Area Planning Manager (South) indicated that there was an update.

She reported that that an e-mail from Councillor Liz Comments in support of the application had been received.

It highlighted the need for much affordable childcare in the area and although residents understandably were concerned about noise and parking pressures, believed the applicant had engaged with those residents concerned and had put in place effective mitigating measures to reduce the impact on neighbouring properties.

An objector spoke against the application.

The agent spoke in favour of the application.

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

Councillor Johnson declared an interest as she knew the applicant from previous discussions with him regarding another venue that the church had in her Ward. She confirmed however that no discussion or an opinion had been expressed on this application.

Councillor Robson proposed that a temporary consent which was seconded by Councillor Moore monitoring the Sunday School use parking for a period of one year from the date of this permission.

The Chair put the additional condition to the vote and it was 12 in favour, 0 against and 0 abstention -

The Chair put the application to the vote and it was 8 in favour, 0 against and 4 abstentions -

7401

RESOLVED:-

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

- Extra Condition:

The Sunday School use hereby permitted is only approved on a temporary basis

for a period of one year from the date of this permission.

Reason: For the purpose of monitoring the site in the interest of highway safety and in accordance with Policy TP44 of the Birmingham Development Plan, and the National Planning Policy Framework.

REPORT No. 10 – LAND TO THE NORTH OF CARTLAND ROAD AND EAST OF PINEAPPLE ROAD, STIRCHLEY, BIRMINGHAM, B30 2YY – 2019/08019/PA

The Area Planning Manager (South) advised that there were two updates.

She reported that there was a slight revision to the details of condition 16, to read;

Once the hereby approved station is operational a 6 month period of monitoring parking patterns and pedestrian and vehicle movements in the surrounding streets shall be undertaken by the applicant to define Traffic Regulation Order options and associated measures and the findings shall be submitted to the Local Planning Authority within 8 months of the station opening. Once agreed the package of measures shall be carried out at the applicant's expense to Birmingham City Council specification.

She reported that an additional letter of objection had been received on behalf of the gentleman that was speaking today.

It highlighted that they were concerned about their client's access to their residential property next door, the impact of the proposed arrangements for pedestrian and vehicle access to the new station and the clients ability to safely access their property must be considered in the light of the existing right of way which will under the current proposals be extinguished in favour of the proposed new vehicle and drop off and pick up arrangements.

The potential conflict between pedestrians, vehicles and cyclists was obvious and in July 2018, the Department of Transport asked all local authorities to pause introduction of new shared space schemes which incorporate a level surface and it was noted that the current proposals do not reflect the design evolution set out in the design and access statements submitted in support of the application which would maintain existing access to the clients property.

An objector spoke against the application.

The agent spoke in favour of the application.

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

Councillor Robson stated that while supported the application was disappointed by the level of design of the railway structure and the loss of the original building.

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

7402

RESOLVED:-

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

- Amend Condition 16:

Requires the undertaking of parking monitoring, submission of Traffic Regulation Order Options and undertaking of agreed measures. Once the hereby approved station is operational a 6 month period of monitoring parking patterns **and pedestrian and vehicle movements** in the surrounding streets shall be undertaken by the applicant to define Traffic Regulation Order options **and associated measures** and the findings shall be submitted to the Local Planning Authority within 8 months of the station opening. Once agreed the package of measures shall be carried out at the applicant's 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.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT No. 11 – LAURELS COURT, 65 FREDERICK ROAD, STECHFORD, BIRMINGHAM, B33 8AE – 2019/06951/PA

The Area Planning Manager (East) indicated that there were several updates.

He referred to a correction in paragraph 1.8 of the report – the parking proposed is 14 spaces in total (not 13), comprising 13 plus one disability space.

It was noted that there were 2 further audio files received from an objector evidencing:

One of the audio files shows a level of noise (banging noise) and the second audio file is someone shouting in the background. There is also an email of objection referring to previous comments made which are outlined in the report but mainly it has been pointed out that the previous application was retrospective and that there had been repeated concerns about anti-social behaviour, the noise and questions regarding the types of tenants being accommodated.

An objector spoke against the application.

The agent spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objector and the agent.

Members expressed concern regarding the application.

Councillor Moore proposed which was seconded by Councillor Griffiths for deferral for further information regarding the management of the premises to ensure residential amenity and crime was not compromised.

The Committee Lawyer advised the Committee.

The Chair put the deferral to the vote and it was 11 in favour, 1 against and 0 abstention.

The Chair confirmed that the grounds for deferral was for further information regarding the management of the premises to ensure residential amenity and crime was not compromised.

7403

RESOLVED:-

That consideration of the application referred to in the report be deferred for further information.

REPORT No. 12 – ABBEY COURT, 45 SUTTON ROAD, ERDINGTON, BIRMINGHAM, B23 6QR – 2019/07742/PA

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

An objector spoke against the application.

The agent spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objector and the agent.

Councillor Moore made known that he did not support the application due to the over intensity and increased loss of residential amenity space.

Members made comments and the Area Planning Manager (East) responded thereto.

Upon being put to a vote it was 6 in favour, 4 against and 2 abstentions -

7404

RESOLVED:-

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

REPORT No. 13 – FORMER NOCKS BRICKWORKS, HOLLY LANE, ERDINGTON, BIRMINGHAM, B24 9LE – 2018/08544/PA

The Area Planning Manager (East) indicated that there were several updates.

He stated that paragraph 6.20 referred to three attenuation ponds which was incorrect as there were two attenuation ponds. He referred to paragraph 6.24 which should read:

No statutory or non-statutory nature conservation designations are present within or adjoining to the site (3rd line from the bottom).

It was noted that there have been 17 additional public comments received (including a response from Councillor Robert Alden) and a petition against, with 88 signatures on the grounds of:

- Over intensive for the area,
- Former rubbish dump contains many toxic materials which should not be disturbed,
- The altered plans alter the proposed treatment of the soil,
- Object to the removal of planning conditions previously attached to protect residents,
- Object to additional flats,
- Concerned about increased traffic, loss of open space, lack to local doctors, etc.
- It is also emphasised that the proposed traffic island at the entrance to the site would cause more congestion and it is requested that the site is turned into a nature reserve.

It was noted that final comments had been received from Transportation Development who have expressed no objections subject to the following conditions:

Measures to Prevent Mud on Highway, Siting / Design of Means of Access, Residential Travel Plan, Cycle Storage Details, Pedestrian Visibility Splays, S278/TRO Agreement, Vehicle Charging Points, Construction Method Statement / Management Plan, Levels, Details of Home Zone surface treatments, entrance features, signage and street furniture. Therefore all of those conditions will be attached to subsequent approval if granted consent.

It was noted that the Housing Development Team had responded by stating that they understand that the scheme has been viability tested and pleased that there was some social rented accommodation proposed which is desperately needed in the city and they have also expressed no objections regarding the location of the Affordable Housing units.

Members commented on the application and the Area Planning Manager (East), Transport Development Manager and Committee Lawyer responded thereto.

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

7405

RESOLVED:-

- (i) That consideration of the application be approved 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 within a period of 3 months from the date of this resolution, planning permission be refused for the reason set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution, favourable consideration would be given to the planning application subject to the conditions set out in the report and additional conditions;

Additional conditions:

TRAN01 Measures to Prevent Mud on Highway

Requires the submission of details to prevent mud on the highway
No development shall take place until details of measures to be taken to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway have been submitted to and approved by the Local Planning Authority in writing. The development shall be implemented in accordance with the approved details and the measures shall be retained for the duration of the construction period.

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 the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

TRAN06 Siting / Design of Means of Access

Details of the siting and design of the proposed means of access shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved scheme shall be implemented before the development hereby permitted is brought into use.

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.

TRAN15 Residential Travel Plan

No dwelling shall be occupied on site until a residents' Travel Plan has been submitted to and approved in writing by the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. This travel plan should be uploaded and maintained through the "STARSfor" portal

that Birmingham City Council is a member of - www.starsfor.org. It shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The approved travel plan shall be implemented in accordance with the approved details. The development shall be operated in strict accordance with the approved travel plan.

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.

TRAN21 Cycle Storage Details

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 prior to first occupation of the development. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

TRAN22 Pedestrian Visibility Splays 3.3m x 3.3m x 0.6m

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

Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

TRAN26 - S278/TRO Agreement: Requires the 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 provision of a new roundabout at the junction of the site with Holly Lane and Hollydale Road together with footway, verge and kerb realignment and surfacing, new / relocated street furniture, alterations to signage, road lining and street lighting as necessary including on approaches to roundabout; potential relocation of bus stop on Holly Lane to the south of the access; provision of improvements to surfacing and lighting of public right of way connecting Kingsbury Road and Berkswell Road; application for a Traffic Regulation Order on Holly Lane, 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

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Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

TRAN27 Charging Point

No fewer than one charging point for electric vehicles shall be provided at each residential unit with dedicated parking. No fewer than 10% of non-dedicated parking spaces shall be provided with electric vehicle charging points.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP5 of the Birmingham Development Plan and the National Planning Policy Framework

MISC15 - Requires the submission of Home Zone surface treatment entrance features, signage and street furniture details

Details of Home Zone surface treatments, entrance features, signage details and street furniture shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation 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 Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Prevents occupation until the service road has been constructed

No dwelling/building shall be occupied until that part of the service road, which provides access to it has been constructed in accordance with the approved plans.

Reason: 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.

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

REPORT No. 14 – LAND OFF GERARDSFIELD ROAD, TILE CROSS, BIRMINGHAM, B33 – 2019/07577/PA

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

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

7406

RESOLVED:-

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

REPORT No. 15 – SMALL HEATH PARK, COVENTRY ROAD, SMALL HEATH, BIRMINGHAM, B10 0EE – 2019/06270/PA

The Chair referred to the project and advised Members that they were considering the planning elements in this regard.

The Area Planning Manager (East) indicated that there were several updates.

He reported that 2 further objections had been received along with a letter in support of the application. The objections raised concerns in relation to spending money on this monument – it should be independently funded with no Council or grant money used to erect it or for its upkeep. Also, there was concern that this could be vandalised.

It was noted that further comment had been received from Councillor Zaheer Khan concerned that the monument represents just one group of the community of Small Heath which comprises of many ethnic religious groups and should this be approved, it would be difficult to resist similar applications from other groups in the future.

It was further noted that comments had been received from **PAGG** (Public Art Gateway Group – Birmingham City Council Officer Working Group – representatives from various departments to include Highways, Conservation and Parks Department and they have requested the following:

- They request that wide consultation be undertaken.
- They advise that a report will be presented to the Trusts and Charities Board – which will seek --
- A full and detailed cleaning/maintenance plan and budget.
- Evidence of public consultation.
- Clarification of the de-installation and remedial work costs should the monument need to be taken out at some point in the future.
- Views of West Midlands Police.
- Details of the poem/ wording will around the base/ seating area of the monument)

Comments have been received from West Midlands Police. They have expressed no objections and suggest that the monument has proprietary anti-graffiti coating in order to protect it from vandalism. Their suggestion has been passed on to the applicant.

The applicant has advised that they have held a number of public meetings between 16 June 2019 and 21 July 2019.

On the 16 June it was noted that 45 people attended, with people from the Bangladeshi community including the Assistant High Commissioner, the Pakistani community and the Somalian community, with some concerns raised in relation to funding and maintenance. Other meetings had taken place with Jess Phillips, MP, Councillor Safia Akhtar and Friends of Small Heath Park.

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It was noted that the group had stated that it would ensure that all funding and landscape maintenance would be managed by the Monument Project Committee.

That approval of the application was put to a vote and it was in favour 9, 2 against and 1 abstention -

7407

RESOLVED:-

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

REPORT No. 16 – 8A THE GARDENS, ERDINGTON, BIRMINGHAM, B23 6AG – 2019/05988/PA

The Area Planning Manager (East) updated Members on what had been proposed as the application already had Listed Building Consent which essentially comprised the insertion of 3 internal stud partition walls to create bedrooms and removal of some recently inserted stud partitions in order to facilitate the development.

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

7408

RESOLVED:-

That the planning application be approved.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT No. 17 – 11 THE FAIRWAYS, SUTTON COLDFIELD, BIRMINGHAM, B76 1FZ – 2019/06779/PA

The Area Planning Manager (North West) confirmed that there was an update.

He reported that a response had been received from colleagues in Transportation confirming that they raised no objection subject to conditions relating to the car port remains for parking only and for there to be no installation of garage doors, gates or alike to the car port.

It was noted that the use of the car port for parking is already covered but there was the need to attach a condition to prevent the installation of garage doors, gates etc. to the car port.

An objector spoke against the application.

The applicant spoke in favour of the application.

The Area Planning Manager (North West) and the Transport Development Manager, 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 6 in favour, 5 against and 2 abstentions -

7409

RESOLVED:-

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

2 Additional Conditions:

1. Prevents the installation of gates, fencing etc. to the car port
No gates, fencing etc. shall be installed to the car port layout hereby approved.

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, the Car Parking Guidelines SPD and the National Planning Policy Framework.

2. Requires the prior submission of a construction method statement/management plan
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:
 - * the parking of vehicles of site operatives and visitors
 - * location of loading and unloading of plant and materials
 - * hours of demolition/construction/deliveryThe development shall be implemented in 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 in order to 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.

REPORT No. 18 – 395-398 LADYWOOD MIDDLEWAY, BIRMINGHAM, B1 2TJ – 2019/07191/PA

The Area Planning Manager (North West) indicated confirmed that there were several updates.

He reported that there was an error in the original submission with reference to the number of 1 and 2 bed apartments. Paragraph 1.3 refers to 21no. 1 bed apartments and 41no. 2 bed apartments but should read as 24no. 1 bed

apartments and 38no. 2 bed apartments. As such paragraph 8.1 in the recommendation should be amended to reflect the correct figure.

Paragraph 6.28 refers to final comments having not been received, which is incorrect as the report does include Transportation's final comments which are no objections subject to conditions.

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

7410

RESOLVED:-

- (i) That consideration of the application 2019/07191/PA be deferred pending the completion of a Section 106 Legal agreement to ensure the following is secured:
 - The provision of all of the dwellings as affordable housing comprising 24no. one bed apartments and 38no. two bed apartments for social rent.
 - Local Employment and Skills Agreement.
 - Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution, planning permission be refused for the reason set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution, 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. 19 – BIRMINGHAM ALEXANDER STADIUM, WALSALL ROAD, PERRY BARR, BIRMINGHAM, B42 2LR – 2019/07968/PA

The Area Planning Manager (North West) confirmed that there were updates.

He reported for clarification that paragraph 6.27 of the report should include confirmation that there would be no adverse impact on the setting of nearby listed buildings, and furthermore, some amendments to the recommended conditions; 2, 13, 17, 31, 37, 38, 39 and 40 should be deleted due to duplication of conditions or information already provided, and a condition added to define enabling works and to secure noise amplification in line with the submitted Environment Statement.

Following comments from Councillor Mike Ward on behalf of Councillor Jon Hunt relating to paragraph 4.15 of the report and further comments from Councillor Peter Griffiths, the Lead Officer responded thereto.

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

7411

RESOLVED:-

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

Extra Conditions:

1. Secures noise levels (Full)
Noise levels from the stadium in Legacy shall not exceed the levels identified within Chapter 14 (Noise and Vibration), Vol 2 Impact Assessment submitted in support of the application.
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.
2. Defines enabling works (Full)
For the purpose of this application enabling works is considered to allow for the diversion and provision of utility serves around and to the new stadium and for the clearance of trees and vegetation not shown to be retained.
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.

REPORT No. 20 – LAND TO REAR OF 229-285 SHENSTONE ROAD, BIRMINGHAM, B16 0PG – 2019/04425/PA

The Area Planning Manager (North West) confirmed that there were several updates.

He reported that the Local Lead Flood Association (LLFA) raised no objection subject to conditions relating to a surface water drainage scheme, as well as a Sustainable Drainage Operation and Maintenance Plan.

It was noted that there had been 7 additional responses from residents and Councillor Carl Rice had raised concerns relating to increased; traffic and parking pressures, pressure on local services such as health care, noise and litter, impact on wildlife, loss of light, outlook and privacy, scale, design and appearance and the tenure and occupants of the apartments. It was noted that all these matters were covered in the Officer Report.

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

7412

RESOLVED:-

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

2 Additional Conditions:

1. Requires the prior submission of a sustainable drainage scheme
No development (excluding demolition) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.

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 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 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

2. Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
No building shall be occupied 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. The approved drainage system shall be implemented in accordance with the approved details prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan.

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 to ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

**REPORT No. 21 – 218 LICHFIELD ROAD, FOUR OAKS, SUTTON
COLDFIELD, BIRMINGHAM, B74 2UB – 2019/08651/PA**

The Area Planning Manager (North West) confirmed that there were no updates.

Councillor Maureen Cornish made known that she had no objections to the application.

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

7413

RESOLVED:-

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

URGENT REPORT

**REPORT No. 21(a) – AFRICAN VILLAGE, FORMER CROWN AND
CUSHION, BIRCHFIELD ROAD, BIRMINGHAM, B20 3JE – 2020/00125/PA**

The Area Planning Manager (North West) confirmed that there were no updates. He apologised for the lateness of the item however explained the 28-day timescale that it had to be considered, confirming that there were no issues of concern associated with this item.

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

7414

RESOLVED:-

That it be noted that prior approval is required and is granted subject to conditions.

**REPORT No. 22 – LAND BOUNDED BY DUDLEY ROAD TO THE NORTH,
RAILWAY LINE TO SOUTH, BIRMINGHAM CANAL OLD LINE TO EAST
AND THE OLDE WINDMILL PUBLIC HOUSE AND ST PATRICKS CHURCH
AND SCHOOL TO THE WEST, BIRMINGHAM – 2018/10294/PA**

The Principle Planning Officer (North West) reported that there were several updates.

He reported that clarification has been provided by the applicant and the Public Open Space provision is 3,450sqm and therefore paragraph 8.1 C in the recommendation needs to be amended to reflect this and the inclusion of a plan that shows the specific areas of POS and details their respective sizes.

He reported that clarification has also been provided that the uses for the commercial unit in block C is A1 retail and in blocks B and F are A1-A3.

There have also been some changes to the conditions:

- Condition 3 – change from pre-commencement to pre-occupation, as end users of commercial floor-space is not known.
- Condition 10 – change from pre-commencement to compliance, as amended bat survey has been received.
- Condition 11 – relates to piling – amend from pre-commencement to pre-above ground works, in order to allow for demolition.
- Condition 23 – Landscaping – to remove the clause requiring a land survey, as this is covered by land contamination conditions.
- Condition 41 - Limits A1 floor space – to be amended from A1 to A1-A3 for the two smaller units, within blocks B and F.
- Extend the deadline for the completion of the S106 from 28th Feb to 27th March 2020.

Members commented on the application and the Principle Planning Officer (North West) and Transportation Development Manager responded thereto.

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

7415

RESOLVED:-

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

Revised Part C of Recommendation:

C The delivery of 3,450sqm of on-site Public Open Space, as shown on plan reference: POS Plan 17021_SK.06, including a 610m² toddler play area, and including a Plan for the management and maintenance arrangements thereof to ensure it is maintained to an 'adoptable' standard and be made available in perpetuity for the public to gain unfettered access. The POS and play area shall meet BCC recreational amenity standards and shall be fully accessible to both the residents of the proposed development and surrounding areas, safe for all users, secure from illegal vehicle incursion and no attenuation tanks or other SUDS facility shall be located within the POS in a manner which would detract from its recreational function or landscape design of the space. The junior play area shall provide natural play facilities and must provide swings, slides, climbing, spinning and rocking activities. The equipment shall be robust and include at least one item of fully accessible inclusive play. Timing of laying out and bringing into use of the POS and junior play area to be agreed.

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- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority **on or before 27 March 2020**, planning permission be refused for the reason 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 27 March 2020**, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:

Conditions amended to read as follows:

Condition 3:

Requires the prior occupation of noise insulation between commercial units/approved apartments

The commercial units hereby approved shall not be occupied until a scheme of noise insulation between the commercial units and their respective apartments within Blocks B, C and F have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the building 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 NPPF.

Condition 10:

Requires the prior submission of an additional bat survey should demolition not take place by August 2020

Notwithstanding the development hereby approved, should the demolition of the buildings, identified within the Bat Survey (Ref: RT-MME-127710) have not been completed by August 2020 then a further Bat Survey shall be carried out and a report of findings shall be submitted to and approved in writing by the Local Planning Authority. The report will include, where the presence of bats or bat roost is established, appropriate measures to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report and agreed in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application 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.

Condition 11:

Requires the submission of details of bird/bat boxes

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No above ground works shall take place until details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details and thereafter maintained.

Reason: In order to enhance the nature conservation interest of the 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.

Condition 15:

Requires details for foul and surface water flows for approval by the Council

No above ground works shall commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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.

Condition 23:

Requires the submission of a landscape management plan
A landscape management and maintenance plan, including; long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Condition 41

Retains the approved commercial floor space as A1 only for Block C and A1,A2,A3 for Blocks B and F

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the commercial premises within Block C shall be used for A1 Uses only, and within

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Blocks B and F for A1, A2 and A3 Uses only; and for no other purpose including any other purpose in Class M of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- (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 the relevant sections of the site, sited along Western Road and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
-

At this juncture, there was a 5 minutes comfort break.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA

REPORT No. 23 – MARTINEAU GALLERIES, LAND BOUNDED BY AND INCLUDING PARTS OF CORPORATION STREET, THE PRIORY QUEENSWAY, DALE END MOOR STREET QUEENSWAYS, ALBERT STREET, HIGH STREET AND BULL STREET, BIRMINGHAM, B4 7LJ – 2019/05900/PA

The Area Planning Manager (City Centre) confirmed that there were several updates.

He referred to the Addendum (item 23) that had been circulated to Members yesterday capturing the updates which in summary were:

- Amendments to the resolution including cost of the open space on site
- Tweaks/corrections/clarifications to the report
- Commitment to BREAM Excellent

The Interim Director of Inclusive Growth reported that this was a significant scheme for the city and that it delivers on many of the objectives of the Birmingham Development Plan (BDP) and the Curzon Master Plan. He highlighted that it was a significant investment into the city's economy creating over one thousand new homes as well as employment opportunities.

He further highlighted the level of detail provided was well beyond a typical outline application which gives officers confidence that the scheme will be of the highest quality. It was noted that it had been positively received by the Design Review Panel and that the applicant was committed to BREAMM Excellent.

It was reported that the scheme will tackle a prominent site in a strategic location between the city core and HS2 (new station at Curzon) an area in need of investment for some time.

It was further reported that the development agreement between the city council and the developer offered comfort that the scheme would progress.

At this juncture, Councillor Lou Robson declared that she was a member of the 20th Century Society and confirmed that she had not taken part in any of the discussions regarding the scheme.

Members commented on the application and the Area Planning Manager (City Centre), Transportation Development Manager and Interim Director of Inclusive Growth responded thereto

The Chair commented that she was interested to see how the cycle hub within this was developed and trusted that it would be something more exciting than just cycle parking for people using the site.

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

7416

RESOLVED:-

- (i) That consideration of the application be approved pending the completion of a suitable legal agreement as set out in the report and the addendum as set out in (ii) below;
- (ii) **a)** The provision of 10% affordable housing within each of Plots 2, 3 and 4 comprising a mix of affordable rent and discounted market sales housing (both tenures at a discounted rate of 75%):
 - b)** The delivery of the following Public Realm works with expenditure of:
 - i. a minimum of £4.08m on Martineau Plaza;
 - ii. a minimum of £1.32m on Martineau Court;
 - iii. a minimum of £1.20m on The Boulevard; and
 - iv. a minimum of £2.4m on The High Street extension
 - c)** Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- (iii) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).
- (iv) That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

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- (v) That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, planning permission be refused for the followings reason:
- (vi) That in the absence of any suitable legal agreement to secure the provision of on-site affordable housing and improvements to the public realm the proposal conflicts with Policies TP31 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
- (vii) That no objection be raised to the stopping-up of part Dale End, part Albert Street and any other associated highways and footpaths, and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

REPORT No. 24 – 193 CAMP HILL, HIGHGATE, BIRMINGHAM, B12 0JJ – 2018/09467/PA

Councillor Martin Straker Welds withdrew from the meeting as he had expressed reservations in the past about a previous version of the application.

The Area Planning Manager (City Centre) confirmed that there were several updates.

He reported that there had been further correspondence from Transport for West Midlands (TfWM) and West Midlands Rail Executive (WMRE) confirming that whilst they are thankful to the developer for the amendments made on the application and the further opportunity to meet in January, the additional report does not address their concerns. Which are namely:

1. It is not possible to determine the final alignment of the chords and
2. That the development could therefore still jeopardise their delivery which is an element of the Midlands Rail Hub scheme.

They therefore:

- a) maintain their objection;
- b) request that any decision is deferred until the final alignment of the chords has been formally agreed; and
- c) highlight the concerns and objections by Network Rail, Midlands Connect and the Major of the Combined Authority.

It was noted that a further objection has been received from Tahir Ali MP for Hall Green based on its effects on the Camp Hill Chords project and a very late communication, from Honorary Alderman Stacey drawing Committee's attention to the Council's Government political supporter for the chords scheme.

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The Area Planning Manager (City Centre) made particular reference to the information detailed in paragraphs 1.1 to 1.4 of the report.

The Interim Director of Inclusive Growth drew Members' attention to the favourable comments from Network Rail who were the statutory consultee. He highlighted that they had no objections and in fact welcomed the changes to the layout which had been reiterated previously and therefore stated the basis on which to refuse this application was very slim. He added that the applicant had done all that they can to amend their scheme to ensure the chords can be successfully accommodated.

Councillor Gareth Moore proposed, and it was seconded by Councillor Adam Hicks that the meeting be moved to a private session.

Upon being put to a vote it was 8 in favour of the above, 0 against and 2 abstentions and therefore the proposal was carried.

At 13:30 hours – the meeting ceased from public into private with web-streaming pausing, the press and members of the public withdrawing from the meeting.

The meeting went into private session for a discussion to take place regarding the legal advice received by the local planning authority.

At 13:40 hours the meeting recommenced into public session.

Councillor Gareth Moore made known that he did not support the application due to the level of objections from the various transport authorities, there was no certainty given that this application would not compromise the Camp Hill Chords.

Councillor Mike Ward made known that he did not support this application due to the objections received from the strategic authority for public transport and for transport in general in this area.

Councillor Lou Robson made known her concern of uncertainty for the application highlighting that it would have been helpful if there had been a clear lead from Network Rail.

The Area Planning Manager (City Centre) and the Interim Director of Inclusive Growth responded to Members' comments highlighting the technical advice that had been provided and that Network Rail had no objections and were the statutory consultee.

Upon the recommendation in the report being put to a vote it was 3 in favour, 6 against and 1 abstention declared lost.

The Chair confirmed that the grounds for deferral was that the proposed development may prejudice the delivery of part of the Camp Hill Chords.

7417 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse due to impact upon the Camp Hill Chords.

At this juncture, Councillor Martin Straker Welds returned to the meeting with having taken no part in the discussion or the decision making.

**APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE
IN DECEMBER 2019**

The following report detailed the Appeal Decisions received from the Planning Inspectorate in December 2019 was submitted:

(See Document No. 2)

The Chair reported on the successful applications and subsequently expressed disagreement on how the 2-part allowed ones had been dealt with given that they had been allowed on timing, which she believed should have been counted as successfully defended.

7418 **RESOLVED:-**

That the information be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7419 There were no site visits raised.

OTHER URGENT BUSINESS

HOUSING MULTIPLE OCCUPANCY (HMO)

7420 Councillor Gareth Moore highlighted the importance of ensuring in some instances the need for conditions to be attached to applications in order to prevent properties from being converted to (HMO) that were unsuitable.

AUTHORITY TO CHAIR AND OFFICERS

7421 **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

7422 **RESOLVED:-**

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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 16 3
January 2020.