

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
19 DECEMBER 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 19 DECEMBER 2019 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, Julie Johnson, Zhor Malik, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 7334 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

- 7335 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

- 7336 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

- 7337 Apologies were submitted on behalf of Councillors Adam Higgs, Keith Linnecor, Saddak Miah and Martin Straker Welds for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 7338 The Chair informed Members that the meeting on the 2 January 2020 would not be taking place. However, the following meetings scheduled for 16 January, 30 January and 13 February 2020 would be taking place.
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MINUTES

- 7339 There were no Minutes submitted to the Meeting.
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MATTERS ARISING

- 7340 No matters were raised.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 7341 There were no notifications by Members of planning applications submitted for consideration to be determined by Committee.
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PETITIONS

- 7342 None submitted.
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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, INCLUSIVE GROWTH (ACTING)

The following reports were submitted:-

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

At this juncture, the Chair having sought agreement from the Committee varied the running order of the agenda, as the speaker for Item No. 9 had not yet arrived.

REPORT NO 10 – HILLTOP AND MANWOOD MUNICIPAL GOLF COURSE, PARK LANE, HANDSWORTH WOOD, BIRMINGHAM, B21 8LJ – 2019/06456/PA

The Area Planning Manager (North West) referred to several updates confirming that there had been no objection from the City Ecologist and there had also been no objection from the Health and Safety Executive, which were the two outstanding issues identified in the officer's report.

It was noted that they would also like to recommend a slight addition to Condition 4 in the recommendation and that is to include details relating to; construction lighting, white noise reversing alarms, dust control and site management these were to cover the issues identified in the construction traffic management plan (CTMP) and the construction environmental management plan (CEMP) which were detailed in the officer's report.

An objector spoke against the application.

The applicant and the agent spoke in favour of the application

The Area Planning Manager (North West) responded to the comments made by the objector, applicant and the agent.

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, 0 against and 0 abstention -

7343

RESOLVED:-

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

Updated condition 4:

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/delivery
- Delivery routes
- Construction lighting
- White noise reversing alarms
- Dust control and site management
- Temporary signage and traffic calming measures for delivery routes

The 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 9 - LAND ADJACENT 130-132 ICKNIELD PORT ROAD, EDGBASTON, BIRMINGHAM, B16 0BJ – 2019/06031/PA

The Chair stated that as there was no objector the supporting speaker would not be invited to speak in this instance.

The Area Planning Manager (North West) stated that there was one minor update regarding paragraph 2.3 of the report which refers to a care home to its south whereby upon further inspection the belief was that it was a small block of council flats.

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, 0 against and 0 abstention -

7344

RESOLVED:-

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

REPORT No 11 – 2 NINEVEH ROAD, BIRMINGHAM, B21 0TU – 2019/04797/PA

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

An objector spoke against the application.

The agent spoke in favour of the application

The Area Planning Manager (North West) and Transportation Officer responded to the comments made by the objector and the agent.

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

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

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7345

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report and the condition added below.

• Condition added:

“Doors in Louise Road elevation to be used as fire escape routes only.
The existing doors in the Louise Road elevation of the premises shall only used as fire escape routes and not for any other purpose.

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 12 - HARE AND HOUNDS PUBLIC HOUSE, 415
KINGSTANDING ROAD, KINGSTANDING, BIRMINGHAM, B44 9TG –
2019/06824/PA**

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

He reported that the on-going discussions with the Lead Local Flood Authority (LLFA) had not resolved the issue to date and therefore officers would like to recommend an alteration to the recommendation so that officers were granted delegated powers to approve the scheme on the following basis that:

The issue with the Lead Local Flood Authority is resolved and we receive no objections subject to conditions from them and also the completion of the Section 106 Agreement subject to the conditions set out in the report.

Furthermore, the applicant has requested if the time of the completion of the Section 106 could be extended until 27 January 2020 which was believed by officers to be reasonable bearing in mind the time of the year.

It was further noted that representation had been received from Councillor Keith Linnecor that should any funding be given to the City as a result of the Planning

Committee agreement for this planning application, he requests that Oscott Ward, the neighbouring ward, who would have residents affected by the application, have a share of any such money as its leisure provision is very poor.

The Area Planning Manager (North West) responded to the issue of Section 106 contributions by confirming that it was addressed in the officer's report.

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

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7346

RESOLVED:-

That consideration of application 2019/06824/PA be deferred to grant delegated powers to officers to approve the application subject to the resolution of the objection from the Lead Local Flood Authority (LLLFA) and pending the completion of Section 106 Legal Agreement to ensure the following is secured.

- a) The provision of all of the dwellings as affordable housing comprising 7 x 2-bed houses, 11 x 3-bed houses and the 4 x 2-bed apartments which all 2-bed. 13 shall be shared ownership and 9 shall be affordable rent.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1500.

In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 27 January 2020, planning permission be refused for the following reason:

- 1) In the absence of a legal agreement to secure the scheme as 100% affordable housing, the proposal conflicts with Policy TP31 Affordable Housing and TP9 Open Space of the Birmingham Development Plan 2017, the Affordable Housing SPG, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.

That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 27 January 2020, favourable consideration be given to this application, subject to the conditions listed in the report.

**REPORT N0 13 – LAND ADJACENT 67a ROOKERY ROAD,
HANDSWORTH, BIRMINGHAM, B21 9NL – 2019/08069/PA**

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

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7347

RESOLVED:-

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

REPORT NO 14 – AVERY FIELDS, LAND AT SANDON ROAD, HARBORNE, BIRMINGHAM, B17 8DT– 2018/10142/PA

The Area Planning Manager (North West) stated that this was a Section 73 planning application which was a variation of condition application and therefore in essence was a new planning permission. He stated that the wording of the relevant condition would be that it would grant new hours for one year only, and after that one year, it would resort back to the hours previously approved, highlighting that this was a temporary consent.

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, 0 against and 0 abstention -

7348

RESOLVED:-

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

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

Councillor Lou Robson declared a potential conflict of interest in a professional capacity on the following application and subsequently withdrew from the meeting.

REPORT NO 15 - 37-55 CAMDEN STREET, JEWELLERY QUARTER, BIRMINGHAM, B1 3BP – 2019/05420/PA

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

An objector spoke against the application.

The agent spoke in favour of the application.

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

A Member welcomed the application.

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

7349

RESOLVED:-

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

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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 by 31st Jan 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 by 31st Jan 2020, favourable consideration would be given to the planning application subject to the conditions set out in the report;
- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

Councillor Lou Robson returned to the meeting having had no part in the discussion or the decision that had been taken.

REPORT N0 16 - EXCHANGE SQUARE – PHASE 2, LAND AT PRIORY QUEENSWAY AND MOOR STREET, QUEENSWAY, BIRMINGHAM, B4 7NJ – 2019/03336/PA

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

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

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7350

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 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 by 31st Jan 2020, 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 part of the footway that is within the application site boundary connecting Priory Queensway to Dale End and that the DFT be reported to make an Order in accordance with the provisions of S247 of the TCPA 1990.
-

REPORT NO 17 - 50A WARWICK STREET, DIGBETH, BIRMINGHAM, B12 0NH – 2019/06253/PA

The Area Planning Manager (City Centre) stated that there had been one further response from a local occupier that had lived on Warwick Street for the past 12 years.

They had stated that the street was an absolute disgrace currently with several abandoned buildings, litter and a general sense of neglect and therefore, fully supported the Planning Application. It was noted that the proposed building would be of a similar size to the established housing developments and therefore would not sit out of place and it was hoped that the building would bring much needed regeneration to this area.

The Area Planning Manager (City Centre) referred to 6.15 in the report relating to the ten on site affordable units which constitutes to 12.5% and not 8% as set out in the report.

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7351

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 by 17TH Jan 2020, 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 by 17th Jan 2020, 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 18 - 135A NEW STREET, CITY CENTRE, BIRMINGHAM, B2 4NS – 2019/07979/PA

The Area Planning Manager (City Centre) stated that there were no updates however at the suggestion of the Chair, agreed to include a construction management plan into the conditions.

A Member welcomed the application.

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7352

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report and the following amendments below.

▪ Extra Condition

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/delivery

The 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 19 – BIRMINGHAM REPERTORY THEATRE, 6 CENTENARY SQUARE, BROAD STREET, BIRMINGHAM, B1 2EP – 2019/05185/PA

The Chair having taken legal advice, withdrew from the Chair for this item in order that there was no suggestion of lack of impartiality

Councillor Peter Griffiths assumed the Chair.

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

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

Upon being put to a vote it was 5 in favour, 1 against and 2 abstention -

7353

RESOLVED:-

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

At this juncture Councillor Karen McCarthy assumed the Chair having taken no part in the discussion or decision making of this item.

REPORT NO 20 – 71 CORPORATION STREET AND 43 TEMPLE ROW, CITY CENTRE, BIRMINGHAM, B2 4UG – 2018/10311/PA

The Area Planning Manager (City Centre) stated that there were no updates although the applicant had circulated a briefing note directly to Members on the changes proposed.

Members were in favour of the application however, comments were made regarding the importance of retaining the internal features albeit some may even remain uncovered at this given time.

The Area Planning Manager (City Centre) drew Members' attention to paragraph 16 of the report highlighting that the applicant was aware and committed to retaining internal features where possible, including the original internal staircases already identified. He added that an informative could be placed on the application for additional reassurance.

Upon being put to a vote it was 9 in favour, 0 against and 0 abstention -

7354

RESOLVED:-

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

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO 21 – 219 LINDSWORTH ROAD, KINGS NORTON, BIRMINGHAM, B30 3SD – 2019/06433/PA

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

An objector spoke against the application.

The agent spoke in favour of the application

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

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

7355

RESOLVED:-

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

**REPORT NO 22 – PLOTS 4 AND 7 FORMER PEBBLE MILL SITE, MILL
POOL WAY, EDGBASTON, BIRMINGHAM, B5 7SL – 2019/02618/PA**

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

Councillor Gareth Moore referred to Councillor Deirdre Alden's comments in relation to parking concerns regarding the medical facility whereupon he echoed those concerns.

The Chair while referring to the Selly Park side, recognised the issue however, confirmed that work had been undertaken on parking schemes that was now imminent which included Edgbaston, Selly Park and Harborne. She stated, adding that there was a draft with Councillor Zaffer which would be circulated shortly.

The Area Planning Manager (South) reported that the proposed on-site car parking was in line with original outline application and in line with BCC's parking policy. She confirmed that there would be 50 spaces in the basement of the proposed building and 126 spaces located on Plot 7 which was mainly for staff.

Upon being put to a vote it was 7 in favour, 2 against and 0 abstention -

7356

RESOLVED:-

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

**REPORT NO 23 – LAND BOUNDED BY HIGH STREET/FINDLAY ROAD
AND HIGHBURY PARK, KINGS HEATH, BIRMINGHAM, B14 –
2019/08129/PA**

The Area Planning Manager (South) drew Members' attention to the letter of support from Birmingham Civic Society stating that the scheme would bring great benefits to the community, reduce congestion with only a minimal impact visually on any heritage assets and believe accessibility issues had been well considered.

Members welcomed the application although expressed concerns relating to the parking issues and the Area Planning Manager (South) and the Transportation Officer responded thereto.

Upon being put to a vote it was in 9 favour, 0 against and 0 abstention -

7357

RESOLVED:-

That consideration of the planning application referred to in the report be deferred with the Committee minded to approve.

REPORT NO 24 – ASHLEY HOUSE, 1143 STRATFORD ROAD, HALL GREEN, BIRMINGHAM, B28 8AU – 2019/06938/PA

The Area Planning Manager (South) drew Members' attention to the application which had come to Planning Committee on 21 November 2019 and was recommended for approval, although, Members were minded to refuse the application.

The Area Planning Manager (South) stated that the report details our view of those suggested reasons and why we do not consider they could be defended in the event of an appeal, an appeal which is highly likely after discussions with the applicant.

She briefly referred to four suggested reasons which were;

- Lack of private amenity space the application proposed 46sq metres of private space, BCC's supplementary planning guidance indicates that there should be 16sq metres per resident which equates to less, however, given the consent that has already been granted for this property to be used as a house, given the proximity of Sareholde Mill, in terms of open space and the fact that planning inspectors have been taking a less rigid approach to such issues (lost a fairly recent appeal about private amenity space) we are of opinion that this would not be sustained at appeal.
- Crime and fear of crime there was no evidence indicating automatically that a HMO would increase crime in an area or fear of crime, and again, recent decisions taken by inspectors is that unless there is clear evidence from the policy this reason would be supported.
- The highway impact we note that there is no objection from Transportation. The property has an authorised commercial use as B1 office – is it going to be any worse used as residential, do not think so. There are eight off-site parking spaces. In terms of any refusal on highway grounds, there would have to be a severe impact on the nearby highway and do not believe that this is the case.
- The effect on the wider economy due to the loss of the office, this could not be sustained due to the fact that they had already been given planning permission to change the use of the office to residential and there were no issues raised at that point in time

Several Members raised concern regarding the private amenity space and were not supportive of the application and the Area Planning Manager (South) responded thereto.

Upon being put to a vote it was 4 in favour, 3 against and 1 abstention -

7358

RESOLVED:-

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

REPORT NO 25 – 61 KITCHENER ROAD, SELLY OAK, BIRMINGHAM, B29 7QE – 2019/05184/PA

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

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

7359

RESOLVED:-

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

REPORT NO 26 – 77 ETWALL ROAD, HALL GREEN, BIRMINGHAM, B28 0LF – 2019/07789/PA

The Area Planning Officer (South) drew Members attention to the update from Councillor Tim Huxtable reiterating that the change of use for the building would have a harmful impact upon the character of the surrounding area, and on highway safety and parking, which was why grass verge parking measures had already been adopted along this road.

Councillor Gareth Moore supported the admission from Councillor Tim Huxtable.

The Area Planning Officer (South) responded to comments made by the objectors.

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

7360

RESOLVED:-

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

At 12:55 there was a five minutes comfort break.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO 27 – LAND AT SHAFTMOOR LANE, BIRMINGHAM, B28 8SW – 2019/06329/PA

The Area Planning Manager (East) drew Members' attention to the following updates - conditions; 4, 5, 6, 12 and 14 were to be altered to include wording to allow for phasing of the development. Condition 17 to be slightly amended to account for the fact that a vibration survey had now been received. Comments had been received from the Lead Local Flood Association (LLFA) expressing

no objections subject to two conditions relating to drainage scheme details and a sustainable drainage operation and maintenance plan.

Upon being put to a vote it was 6 in favour, 0 against and 0 abstention -

7361

RESOLVED:-

- (i) That **outline** planning permission be granted subject to 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 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 with 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.

- two drainage conditions:

Conditions to replace previous FRA Drainage condition and SUDS conditions are as follows in full:

**1.FRA condition
Condition**

Notwithstanding the Flood Risk Assessment and Drainage strategy submitted in support of the outline planning application. Prior to the approval of the reserved matters application a drainage scheme to address the following requirements has been submitted to, and approved in writing by, the local planning authority. 1, Manage surface water drainage in line with the requirements of policy TP6 of the Adopted Birmingham Development Plan incorporating the following information:

- The development should limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event (a climate change allowance of 30% is to be provided and 10% allowance for development creep).
- Include the implementation of SuDS within the development to achieve the three key principles of SuDS; Quantity Control, Quality Control and Biodiversity & Amenity Value. Priority must be given to above ground attenuation wherever feasible.
- Include detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be

evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

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- 2, ensure the development is flood resilient by:
 - Submitting an assessment of exceedance flows (e.g. intense summer storms).
 - Submitting levels plans and flow paths should be provided to demonstrating that the surface water flood risk associated with exceedance events has been mitigated on- and off-site.
 - Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. The LLFA require that all property FFLs should be set to a minimum of 150mm above surrounding ground levels and attention should be given to the surface water flood risk within the adjacent highways.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To comply with the requirements of Policy TP6 of the adopted Birmingham Development Plan and paragraph 165 of the National Planning Policy Framework which states:

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

2.SUDS 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 comply with the requirements of Policy TP6 of the adopted Birmingham Development Plan and paragraph 165 of the National Planning Policy Framework which states:

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

REPORT NO 28 – 63 ORCHARD ROAD, ERDINGTON, BIRMINGHAM, B24 9JB – 2019/09135/PA

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

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

Upon being put to a vote it was 3 in favour, 2 against and 1 abstention -

7362

RESOLVED:-

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

REPORT NO 29 – 71 SEVERNE ROAD, ACOCKS GREEN, BIRMINGHAM, B27 7HJ – 2019/05732/PA

The Area Planning Manager (East) drew Members' attention to when the application was first submitted which was for a five metres extension whereby objections were received from the neighbour and having worked with the neighbour, and the Ward Councillor, this had now resulted in the extension being reduced to three metres.

It was noted that everything above the boundary fence was to be glazed and therefore, in policy terms, it was treated like a conservatory which was detailed within the report. Therefore, due to the amount of glazing on the proposed extension, which was considered when looking at the effect on the neighbouring property, officers recommended approval of the application. However, if Members' were minded to refuse the application, then the reason for refusal was detailed in 1.4 of the report.

Councillor Mike Ward was not in favour of the application and urged Members of the Committee to support the decision to refuse on the reasons for loss of light and amenity. The Area Planning Manager (East) responded thereto.

The Chair advised that they were voting on the recommendation for reasons for refusal.

Upon being put to a vote it was 4 in favour, 2 against and 0 abstention -

7363 **RESOLVED:-**

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

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

The following report of the Corporate Director, Economy was submitted:-

(See document No. 3)

7364 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in November 2019 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7365 There were no site visits raised.

5 G – ROLL OUT – PRESENTATION

Mr William Osborne, Mobile Broadband Network Limited (MBNL) presented the following detailed Power-point slide presentation on Telecoms Deployment and 5G Upgrades:

(See document No. 4)

In response to Members' comments, the following were some of the points captured:

- Strict control – electrical equipment – relatively low powered as works within the parameters of the phone
- Restrictions on isolating meter cabinets – all cabinets are located on separate steelwork with separate insulation and rubber mounts
- Equipment already covered by current legislation
- When work is undertaken the relevant processes are in place with the maintenance team addressing access and maintenance work
- There are strict restrictions on using fire doors where providing equipment to roof tops – access is all proven and survey work is undertaken beforehand on how the work processes are going to be completed and then signed off by the landowner so therefore confident on the safety aspect
- Cabinets – although there will be additional ones at 5G at present trying to amalgamate them which is part of the future proofing and as there are 2, 3 and 4G which will all require separate cabinet systems it is anticipated that 3G will be switched off because it is going to be a redundant network and that part of the spectrum will be re-farmed out to 5G and then those cabinets can be done away with in due course and therefore there will be an amalgamation and reduction in cabinets in the next 2 or 3 years.

The Chair commented that there would probably be issues around the height and design of the Monopoles particularly in conservation areas.

She highlighted that it would be beneficial to provide a presentation to all Members of BCC and suggested that this could possibly take place before the full City Council meeting and requested that officers discuss where there may be availability to accommodate in due course.

She further highlighted that if Members had any further questions to communicate those to Peter Barton.

Councillor Gareth Moore suggested that at the beginning of any future presentations, it was made clear that there was not going to be any new sites introduced, however the sites that were in operation were going to be upgraded.

The Chair concluded by thanking Mr Osborne for his presentation.

7365 **RESOLVED:-**

That the presentation be noted.

OTHER URGENT BUSINESS

HMO – APPROVAL BY CABINET

7366 The Chair confirmed that Cabinet had approved HMO Article 4 across the city which would be due next year.

AUTHORITY TO CHAIR AND OFFICERS

7367 **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.

The meeting ended at 13:45 hours

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CHAIR