

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
22 NOVEMBER 2018**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 22 NOVEMBER 2018 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Bob Beauchamp, Maureen Cornish, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Saddak Miah, Gareth Moore and Mike Ward.

PUBLIC ATTENDANCE

- 6560 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

- 6561 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

- 6562 The Chair reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the Minutes of the meeting.

CHAIR'S ANNOUNCEMENTS

- 6563 The Chair informed Members that meetings were scheduled to take place on 6 and 20 of December 2018 and 3 January 2019.
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APOLOGIES

- 6564 Apologies were submitted on behalf of Councillors Safia Akhtar, Lou Robson and Lucy Seymour-Smith for their inability to attend the meeting.

Councillor Peter Griffiths had submitted apologies for lateness.

MINUTES

- 6565 **RESOLVED:-**

That the Minutes of that part of the meeting of the Committee open to the public held on 8 November 2018 be noted.

MATTERS ARISING

HMO's and Regulated Providers

- 6566 The Chair confirmed that she had received confirmation from the Head of Housing Options that they worked with a number of provision providers who were registered providers and therefore did not require licensing but they did use a small number of non-provision providers for example Spring Housing who worked to provide a good quality of accommodation with appropriate levels of support, but confirmed that they did not use the majority of non-commissioned providers. She reiterated that regulated providers of housing were exempt from licensing requirements but not planning requirements and that further negotiations with planning officers will take place concerning larger HMO properties.

Councillor Gareth Moore expressed concern that recent press reports had indicated that there were several large families being housed in unsuitable properties. He stated that he was aware that social landlords did not require a licence but they still required planning permission to operate dwellings for the purpose of a HMO. He felt that many properties were being used as HMO's without the appropriate planning consent to do so.

The Assistant Director requested that Councillor Gareth Moore provide the property addresses of those HMO properties that he had suggested which required further investigation.

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

A. Planning Application No 2018/08569/PA – 45 Newman Road, Birmingham, B24 9AG

6567 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding residential amenity and parking concerns.

B. Planning Application No 2018/09207/PA – 15 High Street, The Cross Keys Public House, Erdington, Birmingham, B23 6RG

6568 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding overdevelopment, residential amenity and parking concerns.

PETITIONS

6569 No petitions were 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 CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See Document No. 1)

Planning Applications in Respect of the South Area

Report No 9 – 1403-1407 Pershore Road, Stirchley, Birmingham, B30 2JR – 2018/00827/PA

The Area Planning Manager (South) stated that condition 14 had been revised to limit the hours of use of the commercial unit. 2 further written objections had been received from a neighbour in Pershore Road and the other from Stirchley Neighbourhood Forum objecting to the planning application on the grounds of over intensive proposals, lack of parking, residential units too small and should have kitchen and laundry facilities, inadequate fire access and potential issues during demolition.

Members commented on the application and the Area Planning Manager (South) responded thereto. Particular concern was expressed in relation to the lack of parking facilities available and the distance of the development from the University campus.

Upon being put to a vote it was 6 in favour, 4 against and 1 abstention –

6570

RESOLVED:-

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

- Revised condition 14

Limits the hours of use of the commercial unit to between 07:00 and 22:00 hours Monday to Saturday and between 08:00 and 18:00 on Sundays.

Report No 10 – 120 Milner Road, Birmingham, B29 7RQ – 2018/05092/PA

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

An objector spoke against the application.

A supporter spoke in favour of the application.

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

Members expressed concern that any windows installed on the side elevations of the proposed dwelling should be fitted with obscure glazing in order to protect the amenity of nearby residents.

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

6571

RESOLVED:-

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

- extra condition

Any windows installed on the side elevations of the proposed dwelling shall be fitted with obscure glazing, which shall be retained in perpetuity.

Reason:

In order to protect the amenity of nearby residents in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 11 – Lindsworth School, Monyhull Hall Road, Birmingham, B30 3QA – 2018/06997/PA

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

Members expressed concern that Monyhull Hall Road was narrow and construction traffic would cause congestion. Members requested that a Construction Management Plan be implemented to limit construction traffic confusion.

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

6572

RESOLVED:-

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

- extra condition

MISC01 - Construction Method Statement/Management Plan

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

Councillor Peter Griffiths declared a non-pecuniary interest in relation to agenda item no 12 as he was a Trustee of the Bourneville Village Trust, and left the meeting.

Report No 12 – Bournville Care Village, Bristol Road South, Northfield, Birmingham, B31 2AJ – 2018/06868/PA

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

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

6573 Upon being put to a vote it was 10 in favour, 0 against and 0 abstentions -
RESOLVED:-

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

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

Report No 13 – 10-12 The Crest, Land to Rear of West Heath, Birmingham, B31 3PY – 2018/05741/PA

The Area Planning Manager (South) stated that the blue edge on the local plan had not been plotted correctly and she confirmed that all gardens were of equal length.

Two objectors spoke against the application.

A supporter spoke in favour of the application.

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

Members requested that a Construction Management Plan be implemented to limit construction traffic confusion.

6574 Upon being put to a vote it was 6 in favour, 1 against and 4 abstentions -
RESOLVED:-

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

- extra condition

MISC01 - Construction Method Statement/Management Plan

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

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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.

Planning Applications in Respect of the North West Area

Report No 14 – The Old Art School, 34 Lichfield Road, Sutton Coldfield, Birmingham, B74 2NJ – 2018/01552/PA

The Area Planning Manager (North West) stated that Condition 8 be amended to reference a submitted amended elevation plan.

Members requested that a Construction Management Plan be implemented to limit construction traffic confusion.

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

6575

RESOLVED:-

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

- Alteration to Condition 8 to read:
Requires the scheme to be in accordance with the listed approved plans.

The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers: WAD0905-01, 1110/01 Rev C, 1110/02, 1110/03 Rev A, 1110/04, 1110/05 Rev C, 1110/06 and 1110/07 ('the approved plans').

Reason:

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

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

Report No 15 – The Old Art School, 34 Lichfield Road, Sutton Coldfield, Birmingham, B74 2NJ – 2018/01575/PA

The Area Planning Manager (North West) stated that Condition 7 be amended to reference a submitted amended elevation plan.

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

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

6576

RESOLVED:-

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

- Alteration to Condition 7 to read:
Requires the scheme to be in accordance with the listed approved plans.

The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers: WAD0905-01, 1110/01 Rev C, 1110/02, 1110/03 Rev A, 1110/04, 1110/05 Rev C, 1110/06 and 1110/07 ('the approved plans').

Report No 16 – Blocks A and B, Land at Burton Wood Drive, Bridgelands Way and Birchfird Road, Perry Barr, Birmingham – 2018/06474/PA

The Area Planning Manager (North West) stated that there was on-going discussions between the LLFA and the applicant and recommended the application is approved subject to satisfactory consultation with the LLFA.

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

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

6577

RESOLVED:-

That the application be deferred, minded to approve, subject to satisfactory consultation with the LLFA.

Planning Applications in Respect of the East Area

Report No 17 – Land at Former Comet PH, Collingbourne Avenue, Hodge Hill, Birmingham, B36 8PE – 2018/03568/PA

The Principal Planner (East) stated that there were updates.

Members commented on the application and the Principal Planner (East) responded thereto.

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

6578

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement;
 - (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 21 December 2018 planning permission be refused for the reasons set out in the report;
 - (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 21 December 2018, 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.
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Report No 18 – R51 – Sixways Roundabout, Sutton New Road, Birmingham, B23 6BE – 2018/07231/PA

The Principal Planner (East) stated that there were no updates.

Members commented on the application and the Principal Planner (East) responded thereto.

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

6579 **RESOLVED:-**

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

POLICY REPORT

Appeal Decisions Received from the Planning Inspectorate in October 2018

The following schedule was submitted:-

(See document No 2)

The Area Planning Manager introduced the report and responded appropriately to Members' comments.

6580 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in October 2018 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6581 There were no site visits pending.

OTHER URGENT BUSINESS

6582 No items of other urgent business were raised.

AUTHORITY TO CHAIR AND OFFICERS

6583 **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

6584

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc

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

Private section of the Minutes of the last meeting.

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