

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
16 AUGUST 2018

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 16 AUGUST 2018 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

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

PUBLIC ATTENDANCE

- 6359 The Chairman 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

- 6360 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.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

- 6361 The Chairman 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.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 6362 The Chairman informed Members that meetings were scheduled to take place on 30 August, 13 September and 27 September 2018.
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APOLOGIES

- 6363 Apologies were submitted on behalf of Councillors Safia Akhtar, Bob Beauchamp and Mike Sharpe for their inability to attend the meeting.
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MINUTES

- 6364 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public held on 2 August 2018 be noted.

MATTERS ARISING FROM THE MINUTES

- 6365 There were no matters arising from the Minutes.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

A. Planning Application No 2018/06370/PA – 8-16 High Street, Erdington, Birmingham, B23 6RH

- 6366 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 the number of HMOs in the area and residential amenity.
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B. Planning Application No 2018/03417/PA – Land East of Turfpits Lane, Birmingham, B23 5DS

- 6367 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 the impact it might have on residential amenity and highway safety.
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C. Planning Application No 2018/05994/PA – 7 Orchard Road, Erdington, Birmingham, B24 9JL

6368 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 the number of HMOs in the area and residential amenity.

Councillor Gareth Moore noted that he had not received notification of the above application.

PETITIONS

6369 No petitions were received.

The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See Document No 1)

Planning Applications in Respect of the North West Area

Report No 9 – 58 Chester Street, Aston, Birmingham, B6 4LW – 2018/01592/PA

6370 The Committee were advised that the planning application had been withdrawn.

Report No 10 – 84 Hamstead Hill, Handsworth Wood, Birmingham, B20 1DA - 2018/04539/PA

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

An objector spoke against the application.

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

Members commented on the application with Councillor Gareth Moore seeking an additional condition removing Permitted Development Rights so that the property would not become an HMO. The Area Planning Manager (North west) responded to comments made indicating the issue of removing such permitted development rights for large houses has been discussed at previous meetings and there needs to be clear justification to do so, which there are none in this case.

Upon the original recommendation being put to a vote it was 6 in favour, 0 against and 5 abstentions-

6371

RESOLVED:-

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

Report No 11 – 1 Barry Jackson Tower, Estone Walk, Birmingham, B6 5DP – 2018/01292/PA

Councillor Peter Griffiths indicated that in his previous role as Cabinet Member he had initiated this scheme and had spoken to people about it, so it was his intention to withdraw from the meeting.

Councillor Griffiths left the meeting.

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

Two objectors spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (North West) responded to comments made by the objectors and supporter.

Members commented on the application and the Area Planning Manager (North West) responded thereto, highlighting reference to Upper Dean Street on the flysheet should read Upper Sutton Street.

The Chairman requested that an additional condition relating to management of the scheme be added, which the Area Planning Manager (North West) indicated was appropriate.

Upon the original recommendation with an addition condition relating to management being put to a vote it was 8 in favour, 1 against and 1 abstention-

6372

RESOLVED:-

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

Extra condition

Requires the submission and implementation of an agreed management plan

Prior to the first occupation of the development hereby approved the applicant shall provide a management plan in writing to and for agreement by the Local Planning Authority. The management plan shall include details that cover the day to day management of the site, including that related to the assessment and eligibility of residents (to be accommodated within the development) prior to

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their accommodation within the development, the category of tenants to be accommodated and their management thereafter once accommodated. Notwithstanding any other legislative requirements, once approved, the development shall be managed in accordance with that management plan thereafter and any substantial modifications in terms of the implementation of the agreed details in that management plan shall require the prior written consent of the Local Planning Authority.

REASON:

In order to help secure the satisfactory operation of the application site and in order to define this permission in accordance with policy PG 3 and TP 27 of the adopted Birmingham Development Plan (2017) and policies and principles contained within the National Planning Policy Framework (NPPF).

Councillor Peter Griffiths returned to the meeting.

Report No 12 – 11 – 15 Sherifoot Lane, Sutton Coldfield, Birmingham, B75 5DR – 2018/01819/PA

The Area Planning Manager (North West) indicated that objection letters from a resident and Councillor Meirion Jenkins had been received but the issues raised were already included in the report. In addition, two residents and Councillor Meirion Jenkins had also suggested that due process had not been followed as they had not been aware of the meeting. The Area Planning Manager (North West) emphasised that officers felt that due process had been undertaken.

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

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

6373

RESOLVED:-

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

Report No 13 – Whynot Service Station, Reddicap Heath Road, Sutton Coldfield, Birmingham, B75 7ET 9UA – 2017/10840/PA

The Area Planning Manager (North West) advised that an additional condition relating to surface water be added.

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

Councillor Maureen Cornish proposed and Councillor Gareth Moore seconded that temporary approval of a year to be given.

Upon the proposal to give one year temporary approval with an additional condition being put to a vote it was 10 in favour, 1 against and 1 abstention.

6374

RESOLVED:-

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

Extra conditions

Requires the prior submission of a drainage scheme

No development shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.

REASON:

In order to secure the satisfactory development of the application site 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.

Requires the use to discontinue within a timescale

The use hereby permitted shall be discontinued on or before 16/08/2019.

REASON:

In order to give the Local Planning Authority an opportunity of ascertaining whether the development hereby permitted has adversely affected the amenities of occupiers of the adjoining premises/land in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 14 – Vacant Plot, Aston Brook Street East, Birmingham, B6 4AP – 2018/03750/PA

Councillor Keith Linnecor indicated that he had led a Scrutiny inquiry into traveller encampments. However he did not believe that Aston Brook Street East had been mentioned and therefore intended to remain in the meeting. The Committee Lawyer indicated that the decision to leave was a matter for the Member.

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

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

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

6375

RESOLVED:-

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

Report No 15 – Monument Road/Cawdor Crescent, Land at Edgbaston, Birmingham, B16 8XH – 2018/00635/PA

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

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

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

6376

RESOLVED:-

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

Planning Applications in Respect of the City Centre Area

Report No 16 – Land at former Monaco House site, Bristol Street, Birmingham, B5 7AS – 2017/10551/PA

The Area Planning Manager (City Centre) advised that there were no updates but reminded Members that the application site had been the subject of an Issues report.

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

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

6377

RESOLVED:-

- (i) That planning permission be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 26 September 2018, planning permission be refused for the reasons set out in the report;

- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 26 September 2018, planning permission be approved 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 17 – Land at Pershore Street and Skinner Lane, City Centre, Birmingham, B5 – 2017/09461/PA

Councillor Gareth Moore indicated that he had objected to the application and therefore withdrew from the meeting.

The Area Planning Manager (City Centre) advised that an additional letter from an original objector withdrawing their objections had been received. A letter from the applicant to all Committee members had been send setting out matters which were already covered in the committee report. She continued that a further email from Councillor Gareth Moore indicating that he wished to maintain his objections but if approval was to be given then the section 106 agreement should be amended so that the financial contribution was used for highway improvements. Officers felt that the financial agreement within the committee report for affordable housing and public realm improvements within Hurst Street was appropriate.

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

Upon the recommendations with the change to the section 106 agreement being put to a vote it was, 1 in favour, 9 against and 0 abstentions, declared lost.

Upon the recommendations set out in the report being put to a vote it was, 9 in favour, 0 against and 1 abstention-

6378

RESOLVED:-

- (i) That planning permission be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 28 September 2018, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 28 September 2018, planning permission be approved 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 Gareth Moore returned to the meeting.

Planning Applications in Respect of the East Area

Report No 18 – 89 Coleshill Road (former Beaufort Sports and Social Club), Hodge Hill, Birmingham, B36 8DX – 2018/00326/PA

The Area Planning Manager (East) indicated that in the recommendations reference to the Wards should be Bromford and Hodge Hill Ward. In addition Section 8.1 (Recommendation) sub-section 2 (i) & (ii) should be amended to reflect policies of revised National Planning Policy Framework (2018). He continued that Local Lead Flood Authority had recommended modified wording for both Condition 5 (Sustainable drainage scheme) and Condition 6 (Submission of a sustainable Drainage Operation and Maintenance Plan). The Area Planning Manager (East) explained that Transportation had also recommended modified wording of Condition 26 (S.278/ TRO Agreement). Condition 33 (Approved Plans) had been updated to reflect correct plan and revision numbers. The Area Planning Manager (East) noted paragraph 1.4 should refer to 21 four-bed dwellings and 12 five-bed dwellings.

Upon the recommendations as amended being put to a vote it was 10 in favour, 0 against and 1 abstention.

6379

RESOLVED:-

- (i) That planning permission be deferred pending the completion of a suitable legal agreement as set out in the report and amended below;
 - i) The payment of £96,600 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision and improvement of Crown-green bowling facilities at Portland Pavilion within North Edgbaston Ward or elsewhere within Birmingham City Council administrative boundary, in accordance with an advance written schedule of works to be approved by the Council, or in the absence of either, towards sports facilities within Stechford Hall Park or other purpose in the in Bromford and Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - ii) The payment of £208,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision, improvement and maintenance of public open space, recreational and community facilities at Stechford Hall Park or other priorities in the Bromford and Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 5 September 2018, planning permission be refused for the reasons set out in the report and amended below;
 - i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with policy TP31 and TP47 of the Birmingham Development Plan 2016 and with policy 34, 61 & 62 of the National Planning Policy Framework (2018).
 - ii) In the absence of a financial contribution towards the provision, improvement and maintenance of public open space, recreational and community facilities in the Stechford Hall Park or other priorities in the Hodge Hill Ward, the proposed development conflicts with paragraphs TP9, TP47, 8.50-8.54 of the Saved Policies within Birmingham Unitary Development Plan 2005 and with policy 96 and 97 of the National Planning Policy Framework (2018).
- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 5 September 2018, planning permission be approved application subject to the conditions set out in the report and amended below:-

Condition 5:

Requires the prior submission of a detailed surface water drainage and sustainable drainage scheme

No development, except for site clearance works, shall take place until a detailed 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 and thereafter maintained.

REASON:

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

Condition 6:

Requires the submission of a Sustainable Drainage Operation & Maintenance Plan

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan has been submitted to, and approved in writing by, the Lead Local Flood Authority.

The approved drainage system shall thereafter be operated and maintained thereafter in accordance with the approved Sustainable Drainage Operation and Maintenance Plan

REASON:

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.

Condition 26:

Requires the prior submission and completion of works for the S278/TRO Agreement

The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include reinstatement of redundant footway crossings on Coleshill Road, formation of new bellmouth access on Coleshill Road, removal/ replacement of highway tree(s) as necessary on Coleshill Road, amendment of Traffic Regulation Order on Coleshill Road and any requisite works to relocate/ reinforce statutory undertakers equipment/ utilities; and are to be carried out at the applicants expense to Birmingham City Council specification.

REASON:

In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 33:

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 2015-092-022 (House Type 1 - Proposed Ground Floor Plan), 2015-092-023 (House Type 1 - Proposed First Floor Plan), 2015-092-024 (House Type 1 - Proposed Loft Floor Plan), 2015-092-028 (House Type 1 - Proposed Elevations), 2015-092-029 (House Type 1 - Proposed Sections), 2015-092-039 (House Type 1 Corner - Proposed Ground Floor Plan), 2015-092-040 (House Type 1 Corner - Proposed First Floor Plan), 2015-092-041 (House Type 1 Corner - Proposed Loft Floor Plan), 2015-092-045 (House Type 1 Corner - Proposed Elevations), 2015-092-046 (House Type 1 Corner - Proposed Section), 2015-092-057 (House Type 2 - Proposed Ground Floor Plan), 2015-092-058 (House Type 2 - Proposed First Floor Plan), 2015-092-059 (House Type 2 - Proposed Loft Floor Plan), 2015-092-063 (House Type 2 - Proposed Elevations), 2015-092-074 (House Type 3 - Proposed Ground Floor Plan), 2015-092-075 (House Type 3 - Proposed First Floor Plan), 2015-092-079 rev. A (House Type 3 - Proposed Elevations), 2015-092-080 (House Type 3 - Proposed Section), 2015-092-089 Rev. A dated 09.08.2018 (House Type 4 - Proposed Ground Floor Plan), 2015-092-090 rev. A dated 09.08.2018 (House Type 4 - Proposed First Floor Plan), 2015-092-091 rev. A dated 09.08.2018 (House Type 4 - Proposed Loft Floor Plan), 2015-092-095 rev. A dated 09.08.2018 (House Type 4 - Proposed Elevations), 2015-092-096 dated 12.04.2018 (House Type 4 - Proposed Section), 2015-092-106 dated 12.04.2018 (House Type 5 - Proposed ground floor plan), 2015-092-112 dated 12.04.2018 (House Type 5 - Proposed first floor plan), 2015-092-108 dated 12.04.2018 (House Type 5 - Proposed loft floor), 2015-092-112 dated 12.04.2018 (House Type 5 - Proposed Elevations), 2015-092-113 dated 12.04.2018 (House Type 5 - Proposed sections), 2015-092-0123 dated 12.04.2018 (House Type 5 Corner - Proposed Ground Floor Plan), 2015-092-0124 dated 12.04.2018 (House Type 5 Corner - Proposed First Floor Plan), 2015-092-0125 dated 12.04.2018 (House Type 5 Corner - Proposed Loft Floor Plan), 2015-092-129 (House Type 5 - Corner Elevations), 2015-092-113 (House Type 5 corner - proposed sections), 2015-092-0181 rev. A dated 16.07.2018 (House Type 5 Rear Out Building Plot 2 & 3), 2015-092-0140 dated 12.04.2018 (House Type 5 with garage - Proposed Ground Floor Plan), 2015-092-0141 dated 12.04.2018 (House Type 5 with garage - Proposed First Floor Plan), 2015-092-142 dated 12.04.2018 (House Type 5 with garage - Proposed loft floor), 2015-092-0146 dated 12.04.2018 (House Type 5 with garage - Proposed Elevations), 2015-092-0147 dated 12.04.2018 (House Type 5 with garage - Proposed Section), 2015-092-0156 dated 12.04.2018 (House Type 5 Corner - Proposed Ground and First Floor Plan), 2015-092-0162 rev. C dated 15.08.2018 (House Type 6 - Proposed Ground Floor Plan), 2015-092-0163 rev. D dated 15.08.2018 (House Type 6 - Proposed First Floor Plan), 2015-092-0164 rev. D dated 15.08.2018 (House Type 6 Proposed Loft Floor Plan), 2015-092-0180 rev. A dated 16.07.2018 (House Type 6 Rear outbuilding - Plot 32 & 33), 2015-092-0168 Rev. E

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dated 15.08.2018 (House Type 6 - Proposed Elevations), 2015-092-0169 (House Type 6 - Proposed Sections), 2015-092-001 rev. A (Existing Location Plan), 2015-092-002 rev. A (Existing Location Plan), 2015-092-003 Rev. I (Site Plan), 2015-092-007 rev. G (Proposed Location Plan), 2015-092-010 Rev. A (Site Plan), 2015-092-011 (Driveway Layout), 2015-092-006 dated 01-05-2018 (Street Elevations) ('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.

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

Report No 19 – 54 Kirkwood Avenue, Erdington, Birmingham, B23 5QQ – 2018/02911/PA

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

Members commented on the application during which Councillor Gareth Moore indicated that he had become aware of the application but had not commented upon it previously and the Area Planning Manager (East) responded thereto.

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

6380

RESOLVED:-

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

POLICY REPORT

Appeal Decisions Received from the Planning Inspectorate in July 2018

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

(See Document No. 2)

Councillor Gareth Moore made reference to the allowed appeal in respect of 141 High Street, Erdington indicating he was disappointed with the outcome. He added that the application had not appeared on the weekly planning application list.

The Chairman asked officers to investigate why applications were being missed off the list.

6281 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6382 There were no site visits pending.

OTHER URGENT BUSINESS

6383 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

6384 **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

6385 **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 meetings.

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