

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
31 AUGUST 2017

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 31 AUGUST 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3
AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

Councillors Ali, Azim, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, Henley, K Jenkins, C Jones, Moore and Williams.

PUBLIC ATTENDANCE

- 5662 The Chairman welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. He stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.

NOTICE OF RECORDING

- 5663 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.birminghamnewsroom.com) and members of the press/public could record and take photographs except where there were confidential or exempt items.

CHAIRMAN'S ANNOUNCEMENTS

A. Planning Committee Meetings

- 5664 The Chairman informed Members that meetings were scheduled to take place on 14, 28 September, 12 and 26 October 2017.

B. Members' Training

- 5665 The Chairman reminded Members that training had been arranged for Thursday, 21 September 2017 at 1000 hours.

APOLOGIES

- 5666 Apologies were submitted on behalf of Councillors Keith Linnecor and Martin Straker-Welds
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MINUTES

- 5667 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public be noted.

MATTERS ARISING

- 5668 **Article 4 Directions in Erdington (Minute No.5655 Refers)**

Councillor Moore enquired on the progress in relation to the Article 4 Direction for Erdington. The Head of Planning Management advised that the matter would be taken up by the Assistant Director.

Number 27 Bus

- 5669 Councillor Douglas Osborn advised that he had handed the petition for the Number 27 Bus to National Express West Midlands (Minute No. 5643 refers)
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 5670 No notifications were received.
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PETITIONS

a) Resurfacing Moat Lane, Yardley

A petition presented by Councillor Jones on behalf of local residents requesting the resurfacing of Moat Lane, Yardley was received.

b) Tree Pruning Garwood Road, Yardley

A petition presented by Councillor Jones on behalf of local residents requesting the pruning of trees in Garwood Road, Yardley as they were causing damages.

- 5671 **RESOLVED:-**

That the petitions be referred to the Corporate Director, Economy.

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 Application in Respect of the South Area

Report No 8 – Former North Worcestershire Golf Club, Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane, Northfield – 2017/02724/PA

The Area Planning Manager (South) advised that the report sets out what the applicant had set out in their statement and that the report sets out all the public consultations received by the City Council.

Objectors spoke in favour of the recommendation to refuse planning permission.

The agent spoke against the recommendation to refuse planning permission.

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

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

Upon being put to a vote it was 10 in favour, 0 against and 2 abstentions.

5672

RESOLVED:-

That planning permission be refused for the reason(s) set out in the report.

Report No 9 – Austin Avenue, Land at, Longbridge – 2017/05633/PA

The Area Planning Manager (South) drew the attention of the Committee to the information contained in the report.

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5673 **RESOLVED:-**

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

Report No 10 – Clarendon Suites, 2 Stirling Road, Edgbaston – 2017/04158/PA

The Area Planning Manager (South) advised of the following corrections. In paragraph 1.7, 52-bed care home should be 62-bed care home. In paragraph 1.9 51 assisted living units should be 45 assisted living units and also that the planning description should refer to the same numbers.

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5674 **RESOLVED:-**

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

Report No 11 – 4 Oakland Road, Moseley – 2017/03757/PA

The Area Planning Manager (South) advised that there were four extra conditions and that the Lead Local Flood Authority had an objection. The applicant had carried out some further work and had satisfied the Flood Authority subject to the extra conditions stated below.

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5675 **RESOLVED:-**

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

New Condition 16

Drainage, 1

Requires the prior submission of a sustainable drainage scheme
No development 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: 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.

New Condition 17

Drainage, 2

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.

New Condition 18

Bin store

Requires the prior submission of details of refuse storage

None of the dwellings hereby permitted shall be occupied until details of facilities for the storage of refuse (individual and/or collective area(s)) have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details and prior to first occupation of the dwellings, and thereafter maintained as approved.

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.

New Condition 19

Remove PD rights: hardstandings

Removes PD Rights for hard surfacing of front garden

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and/or re-enacting that order with or without modification), no hard surfacing of the front garden(s) of the property(ies) shall be constructed, other than as expressly authorised by this permission.

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

Report No 12 – 335 Fordhouse Lane, Stirchley – 2017/05156/PA

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5676

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 13 – Land at Newhall Square, Newhall Street/Charlotte Street, City Centre – 2017/02040/PA

The Committee agreed to consider reports nos 13 and 14 together but voted on each recommendation separately.

The Area Planning Manager (City Centre) advised that there were two updates: at the resolution at Paragraph 8.1 Section 5 should read the detailed external works scheme and the cost of the schedule for the public square shall be submitted to the Local Planning Authority showing expenditure of no less than £650,000 to be implemented prior to the occupation of 75% of the new build apartments in the entire scheme. Remove the Clause at subsection 6 in relation to local employment and training and incorporate it as an extra condition.

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

Upon being put to a vote it was 10 in favour, 2 against and 0 abstentions.

5677

RESOLVED:-

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

Amended recommendation 8.1 v)
a detailed external works scheme and costing schedule for the public square shall be submitted to the local planning authority showing expenditure of no less than £650,000, to be implemented prior to the occupation of 75% of the new build apartments on the entire scheme.

Delete recommendation 8.1 vi) and replace with a new condition

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 7th September 2017, 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 the 7th September 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

New Condition 27

The employment policy for the construction of the development shall be agreed in writing with the LPA. It shall include liaison with the Employment Access Team and its partners and reflect employment protocols and initiatives at that time. It shall be updated as required and as agreed with the LPA. The approved statement shall be adhered to throughout the construction period.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 of the Birmingham Development Plan 2031 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 – Whitmore Warehouse and Portico (Adjacent to 144 Newhall Street), Newhall Street/Charlotte Street, City Centre – 2017/02099/PA

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5678

RESOLVED:-

That listed building consent be granted subject to the conditions set out in the report.

Planning Applications in Respect of the North West Area

Report No 15 – Land Icknield Port Loop (IPL), Bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Ladywood – 2017/04850/PA

The Committee agreed to consider reports nos 15 and 16 together but voted on each recommendation separately.

The Principal Planning Officer advised that outline planning permission was already granted on the site in 2013 for 1150 properties including a variety of commercial uses and a community use swimming pool. Report 15 was a section 73 variation of condition application. Report 16 follows on from the variation of the conditions and was a stand-alone full planning application for the new swimming pool leisure centre.

Members commented on the application and the Principal Planning Officer and Transport Manager responded thereto.

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

(Councillor Williams left the meeting during consideration of the item and did not vote on the recommendation).

5679

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable Deed of Variation as set out in the report;
- (ii) that, consideration of the application 2017/04850/PA be deferred pending completion of a Deed of Variation to be completed between the landowners in respect of the City Council owned land within the application site to secure the above planning obligations on the City owned land when it is sold, and for a copy of this completed Deed of Variation to be provided to the local planning authority prior to the determination of the planning application;
- (iii) that, in the event of the above Deed of Variations not being completed to the satisfaction of the local planning authority, on or before 22 September 2017, that planning permission be refused for the reasons set out in the report;
- (iv) that, in the event of the above legal agreements being completed to the satisfaction of the local planning authority on or before the 22nd September 2017, favourable consideration be given to this application, subject to the conditions set out in the report;
- (v) that, no objection be raised to the stopping-up of those parts of the highway on Ladywood Middleway affected by the development 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;
- (vi) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

**Report No 16 – Land North of Ladywood Fire Station, Ladywood
Middleway, Ladywood – 2017/04849/PA**

Members commented on the application.

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

5680

RESOLVED:-

- (i) That planning permission be granted subject to the conditions set out in the report;
 - (ii) that no objection be raised to the partial stopping up of public right of way (northern part of Monument Road), and that the Department for Transport (DfT) be requested to make an order in accordance with the provision of Section 247 of the Town and Country Planning Act 1990.
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Planning Applications in Respect of the East Area

Report No 17 – 133-141 Reddings Lane, Land at, Tyseley – 2017/05636/PA

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5681

RESOLVED:-

- (i) That consideration of the application 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 by the 29th September 2017, 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 the 29th September 2017, 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 – Cockshut Hill School, Cockshut Hill, Yardley –
2017/05635/PA**

Members commented on the application.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

5682

RESOLVED:-

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

SIMPLIFIED PLANNING ZONE – KINGS NORTON BUSINESS CENTRE, BIRMINGHAM

The Principal Development Planning Officer presented the report with a verbal update on the additional comments from the Environment Agency and responded to Members comments.

5683 **RESOLVED:-**

- (i) That the outcome of the consultation be noted and the finalised SPZ document be approved for adoption in accordance with statutory procedures, as set out in the Town and Country Planning (Simplified Planning Zones) Regulations 1992 (as amended);
 - (ii) that a Notice of Intention to Adopt be published on the 6th September, giving a statutory 28 day notice period to adopt the SPZ for a further 10 year period commencing on the 4th October 2017 and expiring on 4th October 2027;
 - (iii) that subject to no intervention from the Secretary of State, a Notice of Adoption be published on 4th October 2017 and the SPZ brought into effect on that date.
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VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5684 There were no site visits pending.

OTHER URGENT BUSINESS

5685 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

5686 **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

5687 **RESOLVED:-**

Planning Committee – 31 August 2017

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 3
meeting.