

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>5 JANUARY 2017</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 5 JANUARY 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors T Ali, Azim, Beauchamp, Cornish, Douglas Osborn, Fazal, Henley, C Jones, Linnecor, Moore and Straker Welds.

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### **PUBLIC ATTENDANCE**

- 5166 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.

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### **NOTICE OF RECORDING**

- 5167 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](http://www.birminghamnewsroom.com)) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Planning Committee Meetings**

- 5168 The Chairman informed Members that meetings were scheduled to take place on 19 January, 2, 16 February and 2 March 2017.

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### **APOLOGIES**

- 5169 Apologies were submitted on behalf of Councillors Booton, K Jenkins and Williams.

**MINUTES**

Councillor Moore recognised that, as details of meetings could be obtained from webstreaming, Minutes were kept to a minimum. However, he considered that Minute No 5156 regarding the provision of delegated powers and constitution arrangements in respect of the High Speed 2 (HS2) (London to West Midlands) Bill could have given greater detail of the debate that ensued concerning the granting of delegated powers to the Strategic Director of Economy.

5170 **RESOLVED:-**

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

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**MATTERS ARISING**

5171 There were no matters arising.

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

5172 No notifications were received.

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**PETITIONS**

5173 No petitions were received.

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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 OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 1)

**Planning Applications in Respect of the North West Area**

**Report No 8 – Former Tucker Fasteners Factory, 177 Walsall Road, Perry Barr – 2016/08591/PA**

The Area Planning Manager (North West) advised that he wished to amend the conditions. He gave details of an additional objection received regarding the proposal and referred to an e-mail from Councillor Hunt to Planning Committee Members which raised objections.

Councillor Hunt spoke against the application.

A supporter spoke in favour of the application.

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

Members commented on the application and it was agreed that the proposed hedge fronting the A34 be maintained and any shrubs that die be replaced.

The Area Planning Manager (North West) and Transport Manager responded to Members' comments.

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

5174

**RESOLVED:-**

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

Amended Condition 4:

Requires the Submission of Details of Refuse Storage Prior to First Occupation.

Prior to the first occupation of the development hereby approved the applicant shall provide details of facilities for the storage of refuse within the curtilage of the building approved under this permission for approval in writing by the Local Planning Authority. Once approved, the refuse facilities shall be provided in accordance with the approved details before the building is first occupied and shall thereafter be maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Delete Condition 6.

Amended Condition 9:

Requires the Submission of Boundary Treatment Details Prior to First Occupation.

Prior to the first occupation of the development hereby approved the applicant shall provide full details of the proposed boundary treatment of the site for agreement to the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. Once

approved, the approved scheme shall be implemented before occupation of the building hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 11:

Requires the Submission of Cycle Storage Details Prior to First Occupation.

Prior to the first occupation of the development hereby approved the applicant shall provide details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles in writing for agreement to the Local Planning Authority. Once approved, provision shall thereafter be implemented accordingly prior to the first occupation of the development and shall be maintained in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 20:

Requires the Development to be Carried Out in Accordance with the Agreed Flood Risk Assessment.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2016 reference number, NTS-2565-FRA P4 undertaken by BWB Consulting Ltd and the following mitigation measures:

Prior to the first occupation of the development, improvements shall be made to the existing flood defence wall on the eastern boundary of the site as outlined in paragraph 3.5 of the Flood Risk Assessment (FRA) and notwithstanding (the approved FRA) undertake further access improvements to the river. The details of which shall be first agreed with the Environment Agency in writing.

Finished floor levels are set no lower than 96.85m Above Ordnance Datum (AOD). Details of structures or raised ground levels in relation to the top of the River Tame.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reasons:-

1. To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding and to reduce the risk of flooding to the proposed development and future occupiers.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To maintain access to the watercourse for maintenance or improvements in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 21:

Requires Details of the Indicated Security Gatehouse.

Prior to the first construction of the gatehouse indicated on the approved layout plan, details of it shall be provided for agreement to the Local Planning Authority. Once approved it shall be constructed in accordance with those agreed details.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 23:

Requires the Implementation of Ecological Mitigation/Enhancement Measures.

The development hereby permitted shall be implemented in accordance with the scheme of ecological mitigation/enhancement measures secured through agreed landscaping and lighting details.

Reason: In the interest of the protection of wildlife value of the site in accordance with Paragraphs 3.37 – 3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

Delete Condition 24.

Delete Condition 28.

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**Report No 9 – 241 Wellington Road, Handsworth – 2016/07929/PA**

The Area Planning Manager (North West) advised that he wished to delete condition 2.

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

5175 **RESOLVED:-**

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

Delete Condition 2.

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**Planning Applications in Respect of the East Area**

**Report No 10 – Jamia Islamia Birmingham and 8 Fallows Road, Sparkbrook – 2016/05449/PA**

The Area Planning Manager (East) advised that, in view of the fact that parking issues had been addressed, the registered speaker had decided not to attend the meeting.

She added that, in light of the fact that further negotiations had taken place with the applicant, she wished to amend the conditions and the wording of the description.

Members commented on the application and the Area Planning Manager (East), Transport Manager and Head of Planning Management responded thereto.

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

5176 **RESOLVED:-**

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

Amended Description:

Continued use of Jamia Islamia Birmingham (6 Fallows Road) as an Islamic School and change of use of former chicken processing factory (8 Fallows Road) to student residential accommodation (Use Class C2), erection of two storey extension to former factory, re-cladding of front elevation of Islamic School, new link bridge, boundary wall and car parking works and extension of opening hours of school to 0830 to 2000 hours daily and increase in the maximum number of pupils to 200 and staff to 25.

Amended Condition 21:

Requires that the Approved Student Residential Accommodation is Limited to Students who Attend the Adjoining School.

The student residential accommodation hereby permitted shall only be used for students who attend the adjoining school at 6 Fallows Road and to staff solely or mainly working at the School and not as separate living accommodation.

Reason: In order to secure the satisfactory development, use and occupation of the building(s) in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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**Report No 11 – Montgomery Street, Sparkbrook – 2016/08302/PA**

Councillor Azim expressed an interest and left the room during consideration of the item.

A Member commented on the application.

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

5177 **RESOLVED:-**

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

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Councillor Azim returned to the meeting.

**Report No 12 – 317-331 Fox Hollies Road (Rear of), Acocks Green – 2016/08630/PA**

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

5178 **RESOLVED:-**

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

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**Report No 13 – Beaufort School, Stechford Road, Hodge Hill – 2016/07663/PA**

The Area Planning Manager (East) advised that she wished to amend Condition 1.

A Member commented on the application.

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

5179

**RESOLVED:-**

- (i) That application no 2016/07663/PA be referred to the Department for Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009 as a departure from the Birmingham UDP for development in the Green Belt;
- (ii) that, in the event of the Department for Communities and Local Government not intervening in the determination of this application, favourable consideration would be given to the development subject to the conditions set out in the report and amended below:-

Amended Condition 1:

Requires the Submission of a Community Use Agreement.

Use of the development hereby approved shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority and has been completed. The agreement shall apply to the playing fields (as identified on drawing no 93304 A 102 B) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall operate only in accordance with the approved Community Use Agreement.

Reason: To secure well managed and safe community access to the sports facility/facilities, and to ensure sufficient benefit to the development of sport in accordance with the Birmingham UDP 2005 and the NPPF.

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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

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There were no site visits pending.

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**OTHER URGENT BUSINESS**

The Chairman was of the opinion that the following items should be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act:-

**A. Article 4 Direction in Erdington**

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Councillor Moore reinforced his request for the implementation of an Article 4 Direction in Erdington, pointing out that the proposal had the support of the police and local residents.

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**B. Birmingham Masterplan – Greater Icknield Development**

- 5182 Councillor Douglas Osborn requested an update on the Birmingham Masterplan – Greater Icknield development.
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**C. Environmental Sub-Committee**

- 5183 In response to a request by Councillors Linnecor and Straker Welds, the Chairman advised that there were no resources available to provide support to an Environmental Sub-Committee.
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**AUTHORITY TO CHAIRMAN AND OFFICERS**

- 5184 **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.

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**EXCLUSION OF THE PUBLIC**

- 5185 **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. 3