

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE**  
**14 MARCH 2019**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 14 MARCH 2019 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, Keith Linnecor, Saddak Miah, Gareth Moore, Lou Robson, Lucy Seymour-Smith and Mike Ward.

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**PUBLIC ATTENDANCE**

- 6775 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.

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**NOTICE OF RECORDING**

- 6776 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](http://www.civico.net/birmingham)) and members of the press/public could record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 6777 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.

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**CHAIR'S ANNOUNCEMENTS**

- 6778 The Chair informed Members that meetings were scheduled to take place on the 28 March and 11 and 25 April 2019. She also noted that housing training will take place on 2 May 2019.

**APOLOGIES**

- 6779 Apologies were submitted on behalf of Councillors Safia Akhtar and Julie Johnson for their inability to attend the meeting.
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**MINUTES**

- 6780 **RESOLVED:-**

That the Minutes of that part of the last meetings of the Committee open to the public held on 14 and 28 February 2019 be noted.

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**MATTERS ARISING**

- 6781 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. 2019/01052/PA – 71 Goodison Gardens, Erdington, Birmingham, B24 0AG**

- 6782 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 the development being over-intensive, possible HMO, highway and traffic safety and out of keeping with the local area.

**B. Planning Application No. 2019/01573/PA – 2 Gravelly Lane, Erdington, Birmingham, B24 0AG**

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 possible HMO, highway and traffic safety and residential amenity.

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**PETITIONS**

- 6783 No petitions were 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 CORPORATE DIRECTOR, ECONOMY**

The following reports were submitted:-

(See Document No. 1)

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Councillor Peter Griffiths declared a non-pecuniary interest in relation to report number 9 on the agenda and left the meeting.

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

**Report No 9 – Warwickshire County Cricket Ground, Land East of Pershore Road and North of Edgbaston Road, Edgbaston, Birmingham, B5 – 2018/05638/PA**

An addendum to the report was submitted.

The Principal Planning Officer (South) provided further verbal updates to the Addendum Report, reflecting Legal advice that the potential additional Section 106 items listed within the Addendum Report should be included as formal resolutions. Accordingly 'Phasing and triggering of payments to be incorporated where agreed' were added to (i) a), b), and c) and additional resolutions were added as d) A review mechanism that requires a revised financial appraisal to be submitted for assessment, at time periods to be agreed, if any of the units are sold on the open market rather than rented. If that financial appraisal identifies a greater surplus then the additional profit shall be split between the developer and Local Authority in a percentage split to be agreed up to a maximum financial contribution equivalent to 35% affordable housing. Any additional financial contribution to be spent for affordable housing purposes only, and e) superseding the Section 106 legal agreement attached to planning application reference 2008/05827/PA, where agreed.

Members commented on the application and the Principal Planning Officer (South) and the Transport Development Manager responded thereto.

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

6784

**RESOLVED:-**

- (i) That consideration of application 2018/05638/PA be deferred pending the completion of a Section 106 legal agreement to secure:
  - a) £825,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) as an off-site commuted sum to support the Council's current BMHT building programme for affordable housing within Birmingham City Council's administrative area. Phasing and triggering of payments to be incorporated where agreed.
  - b) £130,000 (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/play space within Cannon Hill Park that shall be agreed in writing between the Council and the party responsible for paying the sum provided any alternative spend

purpose has been agreed by the Council's Planning Committee. **Phasing and triggering of payments to be incorporated where agreed.**

- c) £70,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards transport-related works locally (specifically a £20,000 contribution for TRO's/highway modifications, pre-development surveys on roads within 1km of the site, and post-development base surveys on a 6 monthly basis for 3 years following full occupation of the residential units, and £50,000 towards the junction and highway improvement scheme for the Pershore Road/Bristol Road/Edgbaston Road junction.) **Phasing and triggering of payments to be incorporated where agreed.**
  - d) A review mechanism that requires a revised financial appraisal to be submitted for assessment, at time periods to be agreed, if any of the units are sold on the open market rather than rented. If that financial appraisal identifies a greater surplus then the additional profit shall be split between the developer and Local Authority in a percentage split to be agreed up to a maximum financial contribution equivalent to 35% affordable housing. Any additional financial contribution to be spent for affordable housing purposes only.
  - e) Superseding the Section 106 legal agreement attached to planning application reference 2008/05827/PA, where agreed
  - f) Local Employment and Skills Agreement
  - g) Payment of a £10,000 monitoring and administration fee associated with the legal agreement.
  - (ii) In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be refused for the following reasons:
    - (iii) In the absence of a legal agreement to secure off-site contributions towards affordable housing, POS/play space, transport-related improvements, and provision of a Local Employment and Skill Agreement the proposal conflicts with Policies TP47 (Developer contributions), TP31 (Affordable housing), TP9 (Open space, playing field and allotments), TP44 (Traffic and congestion management), and TP26 (Local employment) of the Birmingham Development Plan 2017, the Affordable Housing SPG, Public Open Space in New Residential Development SPD, and the NPPF
  - (iv) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
  - (v) That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by 30th April 2019, planning permission be APPROVED subject to the conditions listed in the addendum report.
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Councillor Peter Griffiths returned to the meeting having had no part in the discussion or the decision that took place.

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### **Report No 10 – 45 Ryland Road, Edgbaston, Birmingham, B15 2BN – 2019/00112/PA**

An addendum to the report was submitted.

The Principal Planning Officer (South) stated that there were no further updates other than the addendum report submitted.

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

6785 **RESOLVED:-**

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

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### **Report No 11 – Land at rear of Charlecott Close, Moseley, Birmingham, B13 0DE – 2018/06724/PA**

The Principal Planning Officer (South) stated that there were no updates.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Principal Planning Officer (South) responded to comments made by the objector and the supporter.

Members commented on the application and the Principal Planning Officer (South) advised that individual letters were sent to each individual flat during the consultation period. The consultation process was in line with Committee Policy.

Upon being put to a vote it was 8 in favour, 1 against and 3 abstentions -

6786 **RESOLVED:-**

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

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### **Report No 12 – Weoley Avenue, Lodge Hill Cemetery, Lodge Hill, Birmingham, B29 6PS – 2018/07187/PA**

The Principal Planning Officer (South) stated that there were no updates.

Members commented on the application and the Principal Planning Officer (South) responded thereto.

Members requested that a condition be added for the requirement of a maintenance plan.

Members voted on the additional condition and it was 12 in favour, 0 against and 0 abstentions.

Members then voted upon the application submitted with the additional condition of a maintenance plan and it was 12 in favour, 0 against and 0 abstentions.

6787

**RESOLVED:-**

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

Prior to the first use of the land re-profiling works, swales and attenuation/detention basin hereby approved, a maintenance strategy and plan for the swales and attenuation/detention basin shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved maintenance strategy and plan. The strategy shall include details of ownership, responsibilities and maintenance schedules for the basin and swales.

**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.

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**Report No 13 – 4 Waldrons Moor, Kings Heath, Birmingham, B14 6RS – 2018/06094/PA**

The Principal Planning Officer (South) stated that there were no updates.

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

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**RESOLVED:-**

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

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

**Report No 14 – Former Perry Barr Police Station, Canterbury Road, Perry Barr, Birmingham, B20 3AA – 2018/05122/PA**

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

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

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

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**RESOLVED:-**

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

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**Report No 15 – Building 1, New Garden Square (site of former Edgbaston House/3 Duchess Place), Duchess Road, Edgbaston, Birmingham, B16 8LB – 2018/10194/PA**

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

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

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

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**RESOLVED:-**

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

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**Report No 16 – Land off Mayland Road, (former garages site), Edgbaston, Birmingham, B16 0NE – 2018/09058/PA**

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

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

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

6791

**RESOLVED:-**

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

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

**Report No 17 – 40 Goodison Gardens, Erdington, Birmingham, B24 0AQ – 2018/10386/PA**

The Area Planning Manager (East) stated that one further objection from Councillor Robert Alden had been received. He also pointed out a grammatical error in the report and stated that in paragraph 6.6 in the report should read '6.4sq.m'

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

Upon being put to a vote it was 8 in favour, 4 against and 0 abstentions –

6792 **RESOLVED:-**

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

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**Report No 18 – R75-Bordesley Circus, Coventry Road, Bordesley, Birmingham, B9 4EJ – 2019/00444/PA**

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

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

Upon being put to a vote it was 9 in favour, 1 against and 2 abstentions –

6793 **RESOLVED:-**

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

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**POLICY REPORT**

**Report No 19 – Public Consultation on the Development Management in Birmingham (DMB) Development Plan Document**

The following report of the Director, Inclusive Growth was submitted:-

(See Document No. 2)

An Assistant Director introduced the report and requested comments from Members on the contents thereof. He added that the consultation exercise period will end March 29 2019.

Members generally welcomed the report but made the following comments:



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- The report did not mention/address environmental factors in any length.
- There was a need to be more robust and protect against noise particularly between the night economy and existing businesses.
- Parking and places of worship outside the City Centre – need to provide parking and the policy should be strengthened.
- HMO's – more control needed. Small HMO's need to be regulated. Electoral register information should be used.
- Problems associated with Shisha Lounges need to be addressed.
- Mature trees should replace a felled mature tree and not a sapling.

The Assistant Director responded to the points raised by Members and urged Members to encourage Community Groups in their respective Wards to respond to the consultation document.

6794 **RESOLVED:-**

That the report on the Public Consultation on the Development Management in Birmingham (DMB) Development Plan Document be noted.

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

6795 The Chair advised those Members attending the Broad Street walk about to meet at the Council House at 1000 hours.

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### **OTHER URGENT BUSINESS**

#### **A. Heritage Strategy Group**

6796 Councillor Gareth Moore stated that the listed building process needed to be made simpler/updated in order to add buildings to the Heritage register.

#### **B. GDPR – Agents/applicants details on the Planning website**

6797 Councillor Gareth Moore stated that agents and applicants personal details should not be given anonymity on the Planning website and that the City Council should at all times be clear and transparent.

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### **AUTHORITY TO CHAIR AND OFFICERS**

6798 **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**

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**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 previous meetings.

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