

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
17 JANUARY 2019

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 17 JANUARY 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, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Gareth Moore, Lou Robson, Lucy Seymour-Smith, Saddak Miah and Mike Ward.

PUBLIC ATTENDANCE

- 6663 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

- 6664 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

- 6665 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

- 6666 The Chair informed Members that meetings were scheduled to take place on the 31 January and 14 and 28 February 2019.

APOLOGIES

- 6667 Apologies were submitted on behalf of Councillors Safia Akhtar, Maureen Cornish and Mohammed Fazal for their inability to attend the meeting.
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MINUTES

- 6668 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public held on 20 December 2018 be noted.

MATTERS ARISING

- 6669 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 2019/00232/PA – 80 Church Road, Erdington, Birmingham, B24 9BD

- 6670 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 on residential amenity and the number of HMO's already in existence in the area.

B. Planning Application No 2018/10383/PA – 166 Park Hill Road, Harborne, Birmingham, B17 9HD

- 6671 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 on residential amenity and the number of HMO's already in existence in the area.

C. Planning Application No 2018/10444/PA – 41 Newman Road, Erdington, Birmingham, B24 9AG

- 6672 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 on residential amenity and the number of HMO's already in existence in the area.
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PETITIONS

A. Additional signatures to petition presented at City Council: 22 Bed HMO at Cross Keys Public House, Erdington, Birmingham – 2018/00529/PA

Councillor Gareth Moore submitted additional signatories in relation to the above petition objecting to the application, and it was -

6673

RESOLVED:-

That the petition be referred to the Corporate Director, Economy for appropriate action.

B. Support for Masjid Community and Education Centre Project, Birmingham – 2018/00529/PA

Councillor Azim submitted the above petition in support of the Community Centre Project, and it was -

6674

RESOLVED:-

That the petition be referred to the Corporate Director, Economy for appropriate action.

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 – Land off Lench's Close, Moseley, Birmingham, B13 9EY – 2018/02361/PA

The Area Planning Manager (South) stated that there was one additional condition required for the car parking layout for disabled persons.

An objector spoke against the application.

A supporter spoke in favour of the application.

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

Members commented on the application and the Area Planning Manager (South) responded appropriately and in light of concerns raised she advised that condition 3 as detailed in the report could be expanded to include drainage of the car park.

Upon being put to a vote for the additional condition for the car parking layout for disabled persons and amended condition 3 for the drainage of the car park it was 8 in favour, 1 against and 2 abstentions -

6675

RESOLVED:-

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

- Extra Condition

Disabled parking provision:

Notwithstanding the approved plans the parking area hereby approved shall be provided with disabled parking provision in the ratio of 1 wider disabled space for every 10 spaces, which shall thereafter be retained for use by residents.

Reason:

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

- Amended Condition 3

Requires the submission of hard surfacing materials:

Details of the materials to be used for hard and paved surfacing **and drainage thereof** shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development 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 PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 10 – Corner of Bells Lane and Bells Court, Druids Heath, Birmingham, B14 5YS – 2018/04658/PA

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

Members commented on the application and the Area Planning Manager (South) responded appropriately and in light of the concerns raised she advised that condition 11 as detailed in the report can be extended to ensure that all replacement trees were mature trees.

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

6676

RESOLVED:-

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

- Amended Condition 11

Requires the submission of hard and/or soft landscape details:

Details of hard and/or soft landscape works **which must include mature trees** shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason:

In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.

Report No 11 – Land to the rear of 16-26 Springcroft Road and 11-23 Lyncroft Road, Hall Green, Birmingham, B11 3EL – 2018/07962/PA

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

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

Members congratulated officers on the additional work undertaken in terms of enforcement.

Upon being put to a vote to refuse on the grounds given at point 1.3 in the report and it was 4 in favour, 7 against and 0 abstentions.

The Chair then asked Members to vote to approve in accordance with the original recommendation and it was 7 in favour, 4 against and 0 abstentions.

6674 **RESOLVED:-**

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

Report No 12 – The Pavilion, Boundary View, Selly Oak, Birmingham, B29 6TY – 2018/09130/PA

The Area Planning Manager (South) stated that some Members had been sent an email from an objector but the concerns did not raise any additional issues that were not already listed in the report.

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

6675 **RESOLVED:-**

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

Planning Applications in respect of the East Area

Report No 13 – Burcot Road Council Depot, Burcot Road, Erdington, Birmingham, B24 0RN – 2018/09789/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 11 in favour, 0 against and 0 abstentions –

6676 **RESOLVED:-**

That no prior approval is required.

Planning Applications in Respect of the North West Area

Report No 14 – 3-7 Farncombe Drive, Sutton Coldfield, Birmingham, B74 4QS – 2018/07426/PA

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

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

6677 **RESOLVED:-**

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

Planning Committee – 17 January 2019

Councillor Peter Griffiths declared a non-pecuniary interest in relation to agenda item no. 15 and left the meeting.

Report No 15 – Land Adjacent 49 Heaton Street, Hockley, Birmingham, B18 5BB – 2018/08051/PA

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

Generally Members felt that there was a need for housing but that it was important that the design and character of the buildings blended into the surrounding environment.

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

Upon being put to a vote it was 6 in favour, 4 against and 0 abstentions –

6678

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 decisions that took place.

Report No 16 – Crystal Court, Aston Cross Business Village, Rocky Lane, Aston, Birmingham, B6 5RQ – 2018/06058/PA

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

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

6679

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 17 – Connaught Square (Land bounded by High Street (Deritend), Rea Street, Bradford Street and Stone Yard), Digbeth, Birmingham, B12 – 2016/08273/PA

The Area Planning Manager (City Centre) stated that there was one update in the report and that recommendation 8.1 be amended to read ‘to be paid in a phased manner, in accordance with a payment phasing to be agreed in writing by the Local Planning Authority’.

Members stated that developers needed to be more innovative and there was a need for a varied range of housing types in City Centre housing developments including family housing.

The Area Planning Manager (City Centre) and the Assistant Director responded accordingly.

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

6680

RESOLVED:-

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

Recommendation 8.1(i)

A financial contribution of £1,250,000 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing **to be paid in a phased manner, in accordance with a payment phasing to be agreed in writing by the Local Planning Authority;**

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 01 February 2019, 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 01 February 2019, 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;
- (v) that no objections be raised to the stopping up of part of the footway affected by the development at the corner of Chapel House Street and Stone Yard 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.

POLICY REPORT

Appeal Decisions Received from the Planning Inspectorate in December 2018

The following schedule of Appeal decisions received from the Planning Inspectorate in December 2018 was submitted:-

(See document No 2)

6681 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6682 The Chairman reminded Members of the site visit scheduled to take place on 24 January 2019 at 0830 hours to Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Village, Pritchatts Road, Edgbaston, Birmingham, B15 2QU – 2018/05359/PA.

During the course of discussion concerning the visit to 16 Kent Street, Southside, Birmingham, B5 6RD – 2018/03004/PA, Members agreed to hold a day time visit and a late evening visit at the location. It was suggested that the day time visit be held on 7 February 2019 and the late evening visit take place on 26 January 2019, as there was an event taking place in the vicinity. The visit was subject to officer representation and the meeting point and time will be communicated to all in due course.

OTHER URGENT BUSINESS

6683 No other urgent business was raised.

AUTHORITY TO CHAIR AND OFFICERS

6684 **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

6685 **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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