

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
23 NOVEMBER 2017**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 23 NOVEMBER 2017 AT 1100 HOURS IN COMMITTEE
ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, Cornish, Douglas Osborn, Fazal, Henley, K Jenkins, C Jones, Linnecor, Moore, Straker Welds and Williams.

PUBLIC ATTENDANCE

- 5848 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

- 5849 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

Planning Committee Meetings

- 5850 The Chairman informed Members that meetings were scheduled to take place on 7, 21 December 2017, 4 and 18 January 2018.

APOLOGIES

- 5851 Apologies were submitted on behalf of Councillors T Ali and Booton.

MINUTES

In referring to report no 20 – former Hardy Spicer Sports Ground and land between Signal Hayes Road and Weaver Avenue, Walmley – 2017/06231/PA, the Head of Planning Management advised that he wished to amend the second sentence of the third paragraph to read:-

However, Leisure Services had confirmed that the reduced contribution could still provide an adequate facility and he drew Members' attention to the 'report back' which gave details of the further advice of Counsel that had been sought. (Minute No 5834 refers).

5852 **RESOLVED:-**

That, subject to the above amendment, the Minutes of that part of the last meeting of the Committee open to the public be noted.

MATTERS ARISING

5853 There were no matters arising.

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

Planning Application No 2017/09217/PA – 2 Orphanage Road, Erdington

5854 Councillor 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 highway safety and the number of takeaways in the area.

PETITION(S)

5855 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 South Area

Report No 8 – 149 Mulberry Road, Bournville – 2017/07848/PA

The Area Planning Manager (South) gave details of comments received from the applicant in support of the proposal.

The Head of Planning Management advised that the objector was not present and, therefore, there would be no public speaking.

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

5856 **RESOLVED:-**

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

Report No 9 – Royalty Bingo Hall, High Street, Harborne – 2017/06779/PA

The Head of Planning Management advised that, as there was no-one present to speak in support of the proposal, there would be no public speaking.

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

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

5857 **RESOLVED:-**

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

Report No 10 – Plot 5, Former Pebble Mill Studios Site, Pebble Mill Road, Edgbaston – 2017/07151/PA

Members commented on the application and it was agreed that the condition requiring the parking area to be laid out prior to use be amended.

The Area Planning Manager (South) responded to Members' comments.

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

5858

RESOLVED:-

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

Amended Condition 8:

Requires the Parking Area to be Laid Out Prior to Use.

The development hereby approved shall not be occupied until vehicle parking has been constructed, surfaced and marked out in accordance with the approved (phased) details and that area shall not thereafter be used for any purpose other than parking.

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, the Car Parking Guidelines SPD and the National Planning Policy Framework.

Report No 11 – Land off Bean Croft, Quinton – 2017/07187/PA

The Area Planning Manager (South) advised that Regulatory Services had raised no objection to the proposal.

Members commented on the application.

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

5859

RESOLVED:-

- (i) That planning permission be granted subject to the conditions set out in the report;
- (ii) that no objection be raised to the stopping up of a section of footway on the corner of Bean Croft and Somerfield Road and that the Department for Transport be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

Report No 12 – Land off Fleming Road, Quinton – 2017/07188/PA

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

5860

RESOLVED:-

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

Report No 13 – University House, Edgbaston Park Road, Edgbaston – 2017/06426/PA

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

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

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

5861 **RESOLVED:-**

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

Report No 14 – University House, Edgbaston Park Road, Edgbaston – 2017/06482/PA

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

5862 **RESOLVED:-**

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

Report No 15 – 8 Druids Lane, Kings Heath – 2017/08197/PA

The Area Planning Manager (South) drew Members' attention to and clarified paragraph 6.15 of the report and separately advised that Transportation Development had requested an extra condition requiring the prior submission and completion of a highways agreement for the site access.

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

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

5863 **RESOLVED:-**

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

New Condition 20:

Requires the Prior Submission and Completion of a Highways Agreement.

The development shall not be occupied until an appropriate highways agreement in respect of the widening of the access into the site off Druids Lane on its eastern side has been approved by the Local Planning Authority and the approved measures have been substantially completed.

The package of measures shall be carried out at the applicant's 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 Policy TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 16 – 1 Whitebeam Croft, Kings Norton – 2017/08893/PA

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

5864 **RESOLVED:-**

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

Planning Application in Respect of the East Area

Report No 17 – The Hare and Hounds Public House, Marsh Hill, Erdington – 2017/03398/PA

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

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

5865 **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 18 – Corner of Essex Street/Bristol Street, Southside, City Centre – 2017/06696/PA

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

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

5866

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 on or before 1 December 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 on or before 1 December 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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Councillor Cornish left the meeting at this point.

Report No 19 – Land at Florence Street, Windmill Street and Bow Street, Holloway Head, City Centre – 2017/06418/PA

The Area Planning Manager (City Centre) in referring to recommendation 8.1 b) advised that the monitoring and administration fee should read £1,500.

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

Upon being put to a vote it was 7 in favour, 3 against and 1 abstention.

5867

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a Deed of Variation to the legal agreement as set out in the report and amended below:-
 - 8.1 b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

- (ii) that, in the event of the above Deed of Variation not being completed to the satisfaction of the local planning authority on or before 21 December 2017, planning permission be refused for the reasons set out in the report;
 - (iii) that, in the event of the Deed of Variation being completed to the satisfaction of the local planning authority on or before 21 December 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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Planning Applications in Respect of the North West Area

Report No 20 – Land off Posey Close, Handsworth Wood – 2017/07185/PA

The Area Planning Manager (North West) advised that Regulatory Services had raised no objection to the proposal subject to extra conditions including a request for a construction method statement, which planning officers did not consider was appropriate, one requiring the prior submission of a contaminated remediation scheme and one requiring the prior submission of a contaminated land verification report which were acceptable.

He added that the City Ecologist had raised no objection to the proposal.

Members commented on the application.

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

5868

RESOLVED:-

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

New Condition 13:

Requires the Prior Submission of a Contamination Remediation Scheme.

No development shall take place until the following components of a site assessment and, if required, a remediation scheme to deal with the risks associated with contamination of the site for the intended use have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment, which has identified:

all previous uses;

potential contaminants associated with those uses;

a conceptual model of the site indicating sources, pathways and receptors;
potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on 1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
- 3) If contamination is found present and assessed as an unacceptable risk to human health and safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

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 14:

Requires the Prior Submission of a Contaminated Land Verification Report

Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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 21 – Land off Cradley Croft, Handsworth Wood – 2017/07186/PA

Members commented on the application and the Head of Planning Management responded thereto.

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

5869 **RESOLVED:-**

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

Report No 22 – 560 Walsall Road, Perry Barr – 2017/07510/PA

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

Upon being put to a vote it was 9 in favour, 2 against and 0 abstentions.

5870 **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 October 2017

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

(See document No 2)

The Head of Planning Management introduced the report and responded to Members' comments.

5871 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in October 2017 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5872 There were no site visits pending.

OTHER URGENT BUSINESS

5873 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

5874 **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

5875 **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 3
meeting.