

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
27 SEPTEMBER 2018**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 27 SEPTEMBER 2018 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, Peter Griffiths, Mohammed Fazal, Adam Higgs, Keith Linnecor, Saddak Miah, Gareth Moore, Lou Robson, and Mike Ward.

PUBLIC ATTENDANCE

- 6446 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

- 6447 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

- 6448 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

6449 The Chair informed Members that meetings were scheduled to take place on 11 and 25 October and 8 November 2018.

The Chair announced a fond farewell to Simon Turner (Area Planning Manager) as he was leaving his employment with Birmingham City Council. On behalf of local Ward Councillors and residents of Selly Oak she wished him well in all his future endeavours.

Members of the Planning Committee echoed sentiments raised by the Chair and applauded him for all his hard work during his years of service.

APOLOGIES

6450 Apologies were submitted on behalf of Councillors Safia Akhtar and Lucy Seymour-Smith for their inability to attend the meeting.

MINUTES

6451 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public held on 13 September 2018 be noted.

MATTERS ARISING FROM THE MINUTES

6452 There were no matters arising from the Minutes.

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

6453 No notifications were received.

PETITIONS

6454 No petitions were submitted.

APPOINTMENT OF THE PLANNING COMMITTEE CHAIR AND DEPUTY CHAIR

It was proposed and seconded that Councillor Azim be appointed Deputy Chairman.

It was proposed and seconded that Councillor Keith Linnecor be appointed Deputy Chairman but Councillor Linnecor withdrew his nomination.

Planning Committee – 27 September 2018

Therefore, upon being put to a vote for Councillor Azim to be appointed Deputy Chairman it was 5 in favour, 3 against and 2 abstentions.

6455

RESOLVED:-

- i) Members noted the resolution of the City Council appointing Councillor Karen McCarthy as Chair for the period ending with the Annual Meeting of the City Council in May 2019;
- ii) that Councillor Mohammed Azim be elected Deputy Chair, for the purpose of substitution for the Chair if absent, for the period ending with the Annual Meeting of the City Council in 2019.

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 10 – 1200 Stratford Road, Hall Green, Birmingham, B28 8HN – 2017/07893/PA

Councillor Lou Robson declared a non-pecuniary interest as she was raising an objection to the application and advised that she would not take part in discussions as a Planning Committee Member.

The Area Planning Manager (South) introduced the report stated that the conditions contained in the report be amended to read that Conditions 11 and 12 be deleted and that reference to a Traffic Regulation Order (TRO) in condition 14 be deleted. He added that concerns from the local neighbourhood Policing team had been expressed although there was no overall objection from West Midlands Police. Multiple objections received from local residents and Hall Green Secondary School and Yorkmead Primary School as well as objections received from Councillors Jenkins, Clements and former Councillor Bowles. Councillor Jenkins had also submitted a 53 signature petition objecting to issues on the same grounds that were already included in the report.

Councillor Lou Robson and one other objector spoke against the application.

Two supporters spoke in favour of the application.

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

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

It was proposed and seconded that a site visit be arranged and that the timing of the visit be appropriate to coincide with traffic conditions in order to give an accurate view of traffic congestion in the area.

Upon being put to a vote it was 7 in favour, 0 against and 4 abstentions. (Councillor Gareth Moore wished that it be recorded that he abstained from voting because he was unable to attend the site visit next Thursday).

6456 **RESOLVED:-**

That the application be deferred pending a site visit.

Report No 11 – The Clock Tower Building, Former Martineau Centre, Balden Road, Harborne, Birmingham, B32 2EH – 2018/05364/PA

6457 The Area Planning Manager (South) advised that the Planning Application had been withdrawn by the Director from the agenda.

Report No 12 – 24 Hampshire Drive, Edgbaston, Birmingham, B15 3NZ – 2018/06195/PA

The Area Planning Manager (South) introduced the report and made reference to the map submitted with the report and stated that a minor correction to the red edge of the map had been changed.

An objector spoke against the application.

The Area Planning Manager (South) responded to comments made by the objector.

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

Upon being put to a vote it was 1 in favour, 5 against and 6 abstentions.

6458 **RESOLVED:-**

That the application be deferred minded to refuse in view of the detrimental impact on the amenities to house number 26 Hampshire Drive.

Report No 13 – Former Hall Green Greyhound Stadium, York Road, Hall Green, Birmingham, B28 8JR – 2018/04758/PA

The Area Planning Manager (South) introduced the report and stated that the wording in the report on the last line of paragraph 1.3 should read 'west' and not north east and that the second line of paragraph 6.9 should read 'full plans' and not indicative. He also stated that references in paragraphs 2, 3, 6 and 11 were out of date in accordance with the NPPF but had not changed significantly.

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.

6459

RESOLVED:-

No prior approval required.

Councillor Adam Higgs declared a non-pecuniary interest as he had previously raised an objection some years ago to Agenda Item No. 14 and he therefore left the meeting.

Report No 14 – Former Hall Green Greyhound Stadium, York Road, Hall Green, Birmingham, B28 8LQ – 2018/04103/PA

The Area Planning Manager (South) introduced the report and advised that clarification on matters including Affordable Housing and Fire Service access needed to be sought and would be added as an additional condition to the recommendation.

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

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

6460

RESOLVED:-

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

Design (elevations):

Requires the prior submission of further design details.

No development shall take place until full details of all elevations have been submitted to and approved in writing by 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, Places for Living SPG, and the National Planning Policy Framework.

Affordable Housing:

Requires the prior submission of Affordable Housing details

No dwelling shall be occupied until details of the location and tenure of the Affordable Housing units have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP31 of the Birmingham Development Plan 2017, the Affordable Housing SPG, and the National Planning Policy Framework.

Councillor Adam Higgs returned to the meeting having had no part in the discussions or the decision that took place.

Report No 15 – 16 Pavenham Drive, Edgbaston, Birmingham, B5 7TW – 2018/05609/PA

The Area Planning Manager (South) introduced the report and advised that there were no further updates.

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

Councillor Gareth Moore proposed and it was seconded that an additional condition to restrict the application turning into a HMO should be applied to the conditions in the report.

Upon being put to a vote to add an additional condition to restrict the application becoming a HMO it was 12 in favour, 0 against and 0 abstentions.

6461

RESOLVED:-

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

Removes Permitted Development rights for Class C4 use:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015, or any order amending, revoking or re-enacting that Order with or without modification, the property shall not be occupied as a Class C4 house in multiple occupation.

Reason:

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

Planning Applications in Respect of the City Centre Area

Report No 16 – 33 Pitsford Street (Mr Tyre Site), Ladywood, Birmingham, B18 6LJ – 2017/10934/PA

The Principal Planning Officer (City Centre) introduced the report and stated that the Jewellery Quarter Trust comments were missing from section 4.7 of the report which are that they support the principle of re-developing the site, the mix

of uses proposed included new employment/commercial space, the new thoroughfare to the Jewellery Quarter platforms, the number of residential units and the level of parking which could be lower due to proximity of the station. Wish to endure that careful attention needs to be paid to the detail of the elevations and that the scheme is delivered as intended application and that the highest quality of materials are used. They ask whether there is an opportunity to provide another station access point from Key Hill Cemetery.

The following further representations had been received to the amended plans:

- Local Services – still have issues with the proposed scale and appearance of the buildings particularly on the Key Hill side and fear that they will dominate and change the character of the cemeteries directly adjacent.
- Victorian Society – Continue to object to the scale and massing of the development despite the amendments made. Consider the proposals represent over-development of the site and remain unconvinced by the overall scale. Consider the appearance with substantial blocks of buildings remains monolithic and the design is not characteristic of the Jewellery Quarter Conservation Area. It would be a negative impact on the setting of both of the listed cemeteries, listed buildings nearby and the character and appearance of the Conservation Area.
- Birmingham Civic Society – Supports the mix of units particularly the commercial uses at ground floor level, the amount of the development, the layout and the scale and massing and courtyard gardens. However, object to the elevation treatment which they consider to be very disappointing as there is no coherent approach to the design, too many different materials and styles which are not in keeping with the character of the Jewellery Quarter. Consider the variation is forced, chaotic and confusing and the elevations need further radical refinement. Also consider the design of the courtyard gardens/public realm is inconsistent and confused and query their maintenance and that of green walls. Question the design of the 'enclosure' to the escalators and whether it would be safe for users during the evening.

The Principal Planning Officer (City Centre) finally concluded that there is also a change to the recommendation to extend the time period for completion of the legal agreement until 19 October 2018.

Members commented on the application and the Principal Planning Officer (City Centre) responded to Members concerns.

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

6462

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement, pursuant to Section 111 of the Local Government Act 1972 which requires the applicants to complete Section 106 Obligations 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 19 October

Planning Committee – 27 September 2018

2018 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 19 October 2018, 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 17 – Car Park, corner of Proctor Street / Rupert Street, Nechells, Birmingham, B7 4EE – 2018/03749/PA

The Area Planning Manager (North West) introduced the report and advised 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.

6463

RESOLVED:-

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

Report No 18 – Land Bounded by, 2-10 Mere Green Road / 296-324 Lichfield Road, Mere Green, Sutton Coldfield, Birmingham, B75 5BS – 2017/09747/PA

The Area Planning Manager (North West) introduced the report and stated that further updates had been received with an additional representation addressed to the Planning Committee objecting to the proposed amendment, making reference to the photograph included within the report, absence of a cabling plan and evidence that car parking spaces would be lost if the trees were planted. A further representation had been received expressing disappointment that the tree lined avenue has not appeared. Representation was received from Councillors Simon Ward, Jane Mossom and Clare Horrocks stating that they are pleased that further negotiations and discussions had taken place and believe that the two trees should be positioned centrally. They add that they hoped that a compromise could be found that is agreeable to all parties and the matter can be closed.

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.

6464

RESOLVED:-

That planning permission be granted.

Report No 19 – Bamar Works, 180 Aston Hall Road and 63-81 Aston Hall Road, Aston, Birmingham, B6 7LP – 2018/06873/PA

The Area Planning Manager (North West) introduced report and advised that there were no further updates.

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

6465

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 20 – Washwood Heath Freight Yard, North of Common Lane, Washwood Heath, Birmingham, B8 2SQ – 2017/04513/PA

The Area Planning Manager (East) introduced the report and advised that following discussions with the agents and consultees, including HS2, the following conditions have been amended: 1, 4, 7, 13, 24, 25 and 28. Conditions 30 and 32 have been deleted.

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

6466

RESOLVED:-

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

Condition 1

(Environment Statement) – Amend reason to updated 2017 EIA Regulations rather than the 1999 version:

Requires the scheme to be in accordance with the environmental statement.

The development hereby approved shall be implemented in accordance with the conclusions and mitigation measures outlined in the Environmental Statement/Environmental Supporting Documents Environmental Statement Volume 1 (Job No. 407.05731.00021) dated 15.05.17

Environmental Statement: Appendices Volume 2 (Job No. 407.05731.00021) dated May 2017

Volume 3: Townscape/ Visual Impact Assessment Figures Dated May 2017 and subsequent amendments dated June 2018 as follows:

Dwg No: M16.103(a).D.008 (Zone 1 - Figure 11A), M16.103(a).D.009 (Zone 2 - Figure 13A), M16.103(a).D.010 (Zone 3 - Figure 15A), M16.103(a).D.011 (Zone

3 - Figure 16A), M16.103(a).D.012 (Zone 4 - Figure 18A), M16.103(a).D.013 (Zone 5 - Figure 20A), M16.103(a).D.014 (Zone 6 - Figure 22A), M16.103(a).D.017 (Night views from Zone 1 & 2 - Figure 24) Design and Access Statement (Ref: M16.103.R.003) dated May 2017 Design and Access Statement - Addendum to doc ref: M16.103(a).R.001 dated July 2018.
Planning Application Statement (job No. 407.0573100021) dated 15 05 2017
Written correspondence and supporting documents in relation to Surface Water Management Plan/ drainage dated 14th November 2017 and 15th December 2017 submitted with the planning application.

Reason:

In order to define the permission and comply with the Environmental Impact Assessment Regulations 2017 and ensure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 4 amended wording to delete “set out in (3)”.

Requires further remediation strategy if unidentified contamination is found to be present at the site during development

If during development contamination not previously identified is found to be present at the site and assessed as an unacceptable risk to human health 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.

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 legislation) in relation to the intended use of the land after remediation.

Reason:

In order to secure the satisfactory development of the application site and to ensure that the development will be protective of Controlled Waters at all times in accordance with Policy PG3 and TP6 of the BDP, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD and NPPF.

Condition 7 (Submission of a sustainable drainage scheme)

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. No part of the surface water drainage scheme shall be located within the approved landscaping details (Condition 16). 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 PG3, TP3, TP6 and TP7 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Condition 13 (Commissioning noise report)

Requires commissioning noise report details within 2 months of operation. Within two months of the asphalt plant becoming operational, noise commissioning survey shall be undertaken and submitted in writing to and approved by the Local Planning Authority. The noise commissioning report together with the methodology and conclusions shall:

- a) demonstrate compliance with the noise limit of Condition 12 (Noise levels from plant and machinery) as well as EPU Noise and Vibration Policy (2017);
- b) if the survey does not demonstrate such compliance with the report it must include measures to reduce noise such that the levels stipulated by Condition 12 (Noise levels from plant and machinery) will be met;
- c) such measures as are agreed shall be carried out within a time period of 2 months and compliance demonstrated by further Survey together with mitigation measures to be implemented within a time period to be approved in writing by the local planning authority. The approved detail shall be implemented and maintained thereafter.

Reason:

In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 24 (Approved Plans) to include one additional plan:

Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers
W406/ 00003 (Current Situation: Main Site)
W406/00004 (General Arrangement: Main Site)
W406/ 00005 (General Arrangement: Application Site)
W406/ 00016 (Landscaping Plan)
W406/ 0008A (Aggregate Storage bays, Layout and Elevations), W406/00007A (Asphalt Plant Location [Enclosed with Cladding]),
W406/ 00023 (Asphalt Plant 3D Cladding Elevation),
W406/00011 (Rail Offloading and Toast Rack Storage Arrangement),
W406/ 00015 (Current Situation: Application Site)
W406/ 00006 (Asphalt Plant Elevations (Internal Infrastructure))
W406/ 0012A (Feed Hopper and Ramp Elevation)
W406/ 0010A (Office and Control Room, Layout and Elevations),
W406/ 0019A (Rail Offloading and Toast Rack Cladding Elevations)
W406/ 0008A (Aggregate Storage Bays, Layout and Elevations)
W406/00022 (Toast Rack 3D Cladding Elevations)
W406/ 0009A (Workshop Elevations)

W406/ 0002 (Site Location Plan)
W406/ 00021 (Site Layout (showing Hurricane Park revised access arrangement))
WWH721 Elev (Weighbridge Office Elevation)
WWH721 (Weighbridge office layout)
WWH721 Elev (Weighbridge office Side Elevation)
W406/ 0013 (Site Access Layout)
('the approved plans')

Reason:

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

Condition 25 (Prevent any development on western part of the site)

No development hereby permitted shall take place in any part of the area shown edged yellow on Drawing No. W406/00020 (HS2 Safeguarding Area) being the area subject to safeguarding directions dated 22 August 2018 made by the Secretary of State for Transport ("the Safeguarding Directions") ("the Safeguarded Area") unless and until:

- a) Safeguarding directions are made by the Secretary of State for Transport after the date of this permission which replace the Safeguarding Directions and do not include the Safeguarded Area within the zone safeguarded for the purposes of the HS2 rail project from London to the West Midlands; or
- b) High Speed Two (HS2) Limited has confirmed in writing to the LPA that the Safeguarded Area is no longer required for the purpose of the HS2 rail project from London to the West Midlands.

To the extent that the event in (a) or (b) does not apply to the whole of the Safeguarded Area, the developer shall only undertake development in that part of the Safeguarded Area which is no longer safeguarded or is no longer required as has been confirmed in writing by High Speed Two (HS2) Limited.

Reason:

To enable the development hereby approved to be implemented whilst safeguarding implementation of Phase One of HS2, a nationally significant infrastructure project and in accordance with Policy TP41 of the Birmingham Development Plan.

Condition 28 (Vehicle charging points): Amended wording:

Requires the provision of a vehicle charging point
No fewer than 10% of non-dedicated parking spaces shall be provided with electric vehicle charging points.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP5 of the Birmingham Development Plan and the National Planning Policy Framework.

Condition 30 (Means of access) & 32 (Siting/ design of the access) -
Conditions removed as the details would be covered by Condition 27 (S278/ TRO Agreement).

Report No 21 – Land off Battery Way, Tyseley, Birmingham, B11 3DA – 2018/04301/PA

The Area Planning Manager (East) introduced the report and stated that following discussions with the agents and consultees a number of conditions have been amended. In addition the Unilateral undertaking under S106 has now been signed and the recommendation is therefore to approve subject to conditions.

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

6467

RESOLVED:-

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

Condition 1

Requires the scheme to be in accordance with the listed approved plans.

The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 8341 P13B, 8341 P14A, 8341 P15A, 8341 P16, 8341 P2000, 8341 P2001A, 8341, P2002, 8341, P2003A, 8341, P2004A, 8341 P2005A, 145594004 T4, 145594009 T1, 145594011 T3, 14559 4012 T2, 667 P02, 667 P03, JBR 18001 AE 802 T1 ('the approved plans').

Reason:

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

Condition 3

Requires of hard and/or soft landscape details in accordance with approved plans.

Landscaping shall be carried out in accordance with the approved landscaping plans reference 647 P01C. 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 the 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.

Condition 4

Requires submission of a landscape management plan.

A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management

responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason:

To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Condition 6

Requires the prior submission of unexpected contamination details if found on a phased basis.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared for that phase of development, submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 7

Requires submission of a drainage scheme.

The drainage scheme for the site shall be carried out strictly in accordance with Plans: 5994003 T4, Plan 5994009 T1, Plan 5994011 T3, Plan 5994012 T2, Final FRA Issue 5 and permeable areas calculations dated received 09.08.18. The scheme shall be implemented in accordance with the approved details and thereafter maintained prior to occupation of the units hereby approved.

Reason:

In order to secure the satisfactory development of the application site 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.

Condition 9

Requires submission of a habitat/nature conservation management plan.

Details of the habitat/nature conservation management plan shall be carried out strictly in conjunction with 647 P01 C. Details shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- Monitoring and remedial / contingencies measures triggered by monitoring.

The plan 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 TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

Condition 11

Requires the submission of a lighting scheme.

The lighting scheme as detailed in lighting plan JBR18001 AE 802 T1 shall implemented in accordance with these details. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason:

To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

Condition 16

Requires the submission of a commercial travel plan.

The detailed travel plan shall be submitted to and approved the Local Planning Authority in line with the Framework Travel Plan as submitted. This should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan.

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 and the National Planning Policy Framework.

Condition 18

Requires the submission of cycle storage details.

The development shall not be occupied until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles

have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Reason:

In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 19

Requires the provision of a vehicle charging point.

The development shall provide parking spaces shall be provided with electric vehicle charging points details of which shall be submitted and be in conjunction with the Travel Plan objectives and approved in writing by the Local Planning Authority and retained as such in perpetuity.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP5 of the Birmingham Development Plan and the National Planning Policy Framework.

Report No 22 – Land off Battery Way, Tyseley, Birmingham, B11 3DA – 2018/05863/PA

The Area Planning manager (East) introduced the report and following discussions with the agents and consultees the following conditions have been amended: 1, 2, 3, 7, 8, 11, 15, 16 and 19. Condition 5 has been deleted and a further contamination remediation condition added.

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

6468

RESOLVED:-

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

Condition 1

Requires the scheme to be in accordance with the listed approved plans.

Requires the scheme to be in accordance with the listed approved plans

The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 8341 P24, 8341 P25, 8341 P26, 8341 3000, 8341 3001, 8341 3002, 8341 3003, 8341 3004, 8341 3005, 8341 3006, 145594003 T4, 145594009 T1, 145594011 T3 145594012 T2 667 P02, 667 P03 667 P01C('the approved plans').

Reason:

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

Condition 3

Requires of hard and/or soft landscape details in accordance with approved plans.

Landscaping shall be carried out in accordance with the approved landscaping plans reference 667 P01C. 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 the 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.

Condition 4

Requires the prior submission of a landscape management plan.

A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason:

To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Condition 6

Requires the submission of contamination remediation monitoring in accordance with the agreed plan.

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan as approved by Local Planning Authority as set out in that plan, prior to development (other than remediation works) taking place. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any development on the site.

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.

Condition 7

Requires submission of a drainage scheme.

The drainage scheme for the site shall be carried out strictly in accordance with Plans: 5994003 T4, Plan 5994009 T1, Plan 5994011 T3, Plan 5994012 T2, Final FRA Issue 5 and permeable areas calculations dated received 9.8.18. The scheme shall be implemented in accordance with the approved details and thereafter maintained prior to occupation of the units hereby approved.

Reason:

In order to secure the satisfactory development of the application site 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.

Condition 9

Requires submission of a habitat/nature conservation management plan.

Details of the habitat/nature conservation management plan shall be carried out strictly in conjunctions.

Details shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- Monitoring and remedial / contingencies measures triggered by monitoring.

The plan 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 TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

Condition 11

Requires the submission of a lighting scheme.

The lighting scheme as detailed in lighting plan JBR18001 AE 802 T1 shall be implemented in accordance with these details. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason:

To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

Condition 16

Requires the submission of a commercial travel plan.

The detailed travel plan shall be submitted to and approved the Local Planning Authority in line with the Framework Travel Plan as submitted. This should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan.

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 and the National Planning Policy Framework.

Condition 18

Requires the prior submission of cycle storage details.

No occupation of the development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Reason:

In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 19

Requires the provision of a vehicle charging point.

The development shall provide parking spaces shall be provided with electric vehicle charging points details of which shall be submitted and be in conjunction with the Travel Plan objectives and approved in writing by the Local Planning Authority and retained as such in perpetuity.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP5 of the Birmingham Development Plan and the National Planning Policy Framework.

Report No 23 – Battery Way, Tyseley, Birmingham – 2018/03809/PA

The Area Planning Manager (East) introduced the report and advised that there were no further updates.

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

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

6469

RESOLVED:-

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

POLICY REPORTS

A. Appeal Decisions Received from the Planning Inspectorate in August 2018

The following schedule was submitted:-

(See document No 2)

The Area Planning Manager introduced the report and responded to Members' comments.

The Chair congratulated the enforcement team on their successful outcome of dismissed appeal decisions.

6470

RESOLVED:-

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

B. Financial Viability in the Planning Process

The following briefing note was submitted:-

(See document No 3)

The Corporate Director of Economy introduced the report and responded to Members' comments.

6471

RESOLVED:-

That the briefing note be noted.

C. Changes to Licensing of Houses in Multiple Occupation (HMOs)

The following report was submitted:-

(See document No 4)

The Planning Policy Manager and the Licensing Officer introduced the report and responded to Members' comments.

Councillor Gareth Moore welcomed the report but expressed concern that rogue landlords needed to be identified and dealt with accordingly.

6472

RESOLVED:-

That the report be noted.

D. Presentation on Birmingham Municipal Housing Trusts (BMHT's) Modular Homes Project

The Corporate Director of Economy introduced the presentation and the Housing Development Manager made the following points:

- Land is a precious resource and has to be developed upon in order to achieve maximum value.
- The construction industry has to adapt in order to survive.
- Vacant sites were good spaces for modular units as it prevented ASB and fly-tipping on derelict run down vacant spaces.
- The modular units will consist of high quality materials and has a life span of a regular brick build house. Units can be used for a range of different tenancies and sold on the housing market. However, it is proposed to build these via BMHT for social rent.
- Cycle parking will be provided to the rear of every modular unit.
- A pilot scheme had been undertaken and local residents had welcomed the modular units into the community.

Members welcomed the presentation but expressed the following concerns:

- Need to work on the design of the modular units.
- Car parking spaces for each modular was required. Car owners will park vehicles in neighbouring residential streets which will receive objections from current local residents.
- Need to locate modular homes on good transport networks if car parking spaces not provided.
- Modular homes need to be situated as a combined community and not sited in between existing housing.
- Brown field sites need to be investigated as suitable locations for modular homes.
- Need to attract a Birmingham factory and local employees to produce good quality, long lasting modular units.

6473

RESOLVED:-

That the presentation and verbal report be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6474

The Chair suggested Thursday 4 October 2018 at 1130 hours for the next site visit to 1200 Stratford Road, Hall Green, B28 8HN.

OTHER URGENT BUSINESS

Demolition of a House in the Four Oaks Conservation Area

- 6475 The Assistant Director advised that the demolition works were fully examined and was fully compliant with planning objectives. The property in question was not Victorian or Edwardian. The building was not a heritage asset and was not within the conservation area.

Councillor Lou Robson accepted the response but stated that the 20th Century Society should have been consulted prior to the building being demolished.

AUTHORITY TO CHAIRMAN AND OFFICERS

- 6476 **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

- 6477 **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 meetings.

3