

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 24 MAY 2018

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY 24 MAY 2018 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND
4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Mike Sharpe in the Chair;

Councillors Mohammed Azim, Bob Beauchamp, Maureen Cornish, Peter Griffiths, Ziaul Islam, Julie Johnson, Keith Linnecor, Karen McCarthy, Gareth Moore, Lou Robson and Lucy Seymour-Smith.

PUBLIC ATTENDANCE

- 6185 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/WEBCAST

- 6186 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.

DECLARATIONS OF INTEREST

- 6187 Members were reminded 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 was declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

CHAIRMANS ANNOUNCEMENTS

Planning Committee Meetings

- 6188 The Chairman informed Members that scheduled future meetings were included in agenda item 10.
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APOLOGIES

- 6189 Apologies were submitted on behalf of Councillors Adam Higgs and Safia Akhtar for their inability to attend the meeting.
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APPOINTMENT OF THE PLANNING COMMITTEE, MEMBERS, CHAIRMAN AND DEPUTY CHAIR

- 6190 **RESOLVED:-**

- (i) That the resolution of the City Council appointing the Committee and Chairman, with membership set out below for the period ending with the Annual Meeting of the City Council in May 2019 be noted:-

Labour Group

Councillors Safia Akhtar, Mohammed Azim, Peter Griffiths, Ziaul Islam, Julie Johnson, Keith Linnecor, Karen McCarthy, Lou Robson, Lucy Seymour-Smith and Mike Sharpe (Chairman).

Conservative Group

Councillors Bob Beauchamp, Maureen Cornish, Adam Higgs and Gareth Moore.

Liberal Democrat Group

Councillor Mike Ward.

- (ii) that Councillor Karen McCarthy be elected Deputy Chair, for the purpose of substitution for the Chairman if absent, for the period ending with the Annual Meeting of the City Council in 2019.

The Chairman welcomed all new Members serving on the Planning Committee.

FUNCTIONS, POWERS AND DUTIES

6191 **RESOLVED:-**

That the functions, powers and duties as set out below be noted:-

To exercise the powers and duties of the Council with regard to development control and strategic planning matters and, in particular, to:

- (i) exercise all the powers and duties of the Council as a local planning authority (apart from any Executive functions);
 - (ii) exercise the powers and duties of the Council with respect to building control;
 - (iii) be accountable for the Local Land Charges service.
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MINUTES

6192 **RESOLVED:-**

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

MATTERS ARISING

Food Bank Relocation on former Colliers Site (Minute No. 6179 refers)

6193 Councillor Gareth Moore advised that he had requested an update with regard to the relocation of the above but as yet had not received a reply.

The Chairman stated that the matter had been noted and that officers will respond to him directly in due course.

CONSERVATION AND HERITAGE PANEL

It was -

6194 **RESOLVED:-**

- (i) That Councillors Ziaul Azim, Bob Beauchamp and Lou Robson be appointed to serve on the Conservation and Heritage Panel and that Councillor Ziaul Azim be appointed Chairman for the period ending with the Annual Meeting of the City Council in 2019;

Planning Committee – 24 May 2018

- (ii) that meetings of the Conservation and Heritage Panel be held on the following Mondays commencing at 1000 hours:-

2018

11 June
09 July
13 August
10 September
08 October
12 November
10 December

2019

14 January
11 February
11 March
08 April
13 May

DATES OF PLANNING COMMITTEE MEETINGS FOR 2018-2019

It was -

6195

RESOLVED:-

That meetings of the Committee be held on the following Thursdays commencing at 1100 hours:-

2018

24 May (Annual/First Meeting)

07 June
21 June

05 July
19 July

02 August
16 August
30 August

13 September
27 September

11 October
25 October

08 November
22 November

06 December
20 December

2019

03 January
17 January
31 January

14 February
28 February

14 March
28 March

11 April
25 April

09 May
23 May (Annual/First Meeting)

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

6196 No notifications were received.

PETITIONS

6197 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 North West Area

Report No 13 – Shree Geeta Bhawan Mandir Hindu Temple, 107-117 Heathfield Road, 13 Brecon Road and Land Rear of 1 St Peters Road, Handsworth – 2018/00032/PA

The Principal Planning Officer (North West) introduced the report.

Two objectors spoke against the application.

A supporter spoke in favour of the application.

The Principal Planning Officer (North West) responded to comments made by the objectors and the supporter.

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

Upon being put to a vote it was 5 in favour, 0 against and 6 abstentions.

6198 **RESOLVED:-**

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

Report No 14 – Boldmere Sports and Social Club, Boldmere Road, Sutton Coldfield – 2018/01365/PA

The Principal Planning Officer (North West) introduced the report.

Members commented on the application and the Principal Planning Officer (North West) responded thereto. Concern was expressed by Members that a response from West Midlands Police was required with regard to the allegations of anti social behaviour.

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

6199 **RESOLVED:-**

That the determination of the application be deferred to undertake consultation with West Midlands Police and minded to refuse on the grounds of anti-social behaviour.

Planning Applications in Respect of the South Area

Report No 15 – Land at Austin Avenue (adjacent to Smyth Toy Superstore), Longbridge – 2018/01697/PA

The Area Planning Manager (South) introduced the report.

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

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

6200 **RESOLVED:-**

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

Delete Condition 19 – re non-food retail.

Amend Condition 4:

Limits the maximum sales area of the unit to 1,400sq.m, with no more than 420 sqm of comparison goods.

The Class A1 retail development hereby permitted shall have a maximum sales area of 1,400sq.m, within which there shall be no more than 420 sqm of comparison goods sales.

Reason: In order to define the permission and secure the satisfactory development of the application site in accordance with Policies TP21 and TP22 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Report No 16 – Modbury Avenue, Land at Bartley Green – 2017/0959/PA

The Area Planning Manager (South) introduced the report.

An objector spoke against the application.

A supporter spoke in favour of the application.

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 0 abstentions.

6201

RESOLVED:-

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

Amend Condition 4, re Landscape:

Requires the prior submission of hard and soft landscape details. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority 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 the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of **four** 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 17 – Plot 3 Longbridge Technology Park, Devon Way, Longbridge – 2018/01680/PA

The Area Planning Manager (South) introduced the report.

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.

6202

RESOLVED:-

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

Report No 18 – Plot 4 Pebble Mill, Mill Pool Way off Pebble Mill Road, Edgbaston – 2018/01541/PA

The Area Planning Manager (South) introduced the report.

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

Upon being put to a vote on whether to defer determination of the application in order to carry out wider public consultation, it was 6 in favour, 0 against and 5 abstentions.

6203

RESOLVED:-

That determination of the planning application be deferred.

Report No 19 – University of Birmingham, Atla Biosciences, University Road West/Ring Road South, Edgbaston – 2018/01462/PA

The Area Planning Manager (South) introduced the report.

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.

6204

RESOLVED:-

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

Amend Condition 1: Ecology

Requires the prior submission of details of bird/bat boxes, and other possible wildlife features. Prior to the occupation of the building, details of the design, location and post-development monitoring arrangements of 2x bird nesting

boxes and 2 x bat boxes, and any other possible wildlife features to be provided as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes and any other possible wildlife features shall be installed in accordance with the approved details and thereafter maintained.

Reason: To enhance the nature conservation interest of the 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.

Amend Condition 12: Drainage

Requires the implementation of the sustainable drainage scheme The proposed drainage scheme shall be implemented in accordance with the Proposed Drainage Layout Plan (reference 1993-ARP-P1-SI-DR-C-6150 - Revision C2) and the associated technical reports (including SoE-C-R001, SoE-C-R-002, SoE-C-R-003, and SoE-C-R-004), unless a revised/alternative drainage scheme is agreed in writing by Local Planning Authority. The agreed drainage scheme shall be implemented in accordance with the approved building prior to the first use of the building.

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 TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Councillor Peter Griffiths declared a non-pecuniary interest in relation to agenda item No. 20 (Gemeindehaus) on the grounds that he was a Member of the Bournville Village Trust and left the meeting.

Report No 20 – Gemeindehaus, 1 College Walk, Selly Oak – 2017/08949/PA

The Area Planning Manager (South) introduced the report.

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 0 abstentions.

6205

RESOLVED:-

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

Delete Condition 3 – obscure glazing.

Councillor Peter Griffiths returned to the meeting having had no part in the discussion or the decision that took place.

Report No 21 – Quarry Sports & Social Club, 82 Quarry Lane, Northfield – 2017/07534/PA

The Area Planning Manager (South) introduced the report.

Members commented on the application and requested a site visit.

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

6206 **RESOLVED:-**

That determination of the planning application be deferred pending a site visit.

Report No 22 – Hillside House, Quarry House, Rushmore House, Redworth House & Dowry House, Cock Hill Lane – 2018/01113/PA

The Area Planning Manager (South) introduced the report.

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 1 abstention.

6207 **RESOLVED:-**

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

Councillor Lou Robson declared a non-pecuniary interest in relation to agenda item No. 23 (Cole Bank Road) on the grounds that she had organised a petition and had raised an objection to the application and left the meeting.

Report No 23 – Cole Bank Road – Grass Verge, Moseley – 2018/02656/PA

The Area Planning Manager (South) introduced the report.

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

Upon being put to a vote it was 4 in favour, 3 against and 2 abstentions.

6207 **RESOLVED:-**

That no prior approval is required.

Councillor Lou Robson returned to the meeting having had no part in the discussion or the decision that took place.

Councillor Peter Griffiths declared a non-pecuniary interest in relation to agenda item No. 24 (Magnolia House) on the grounds that he was implicated in the first application for planning permission and left the meeting.

Planning Applications in Respect of the City Centre Area

Report No 24 – Magnolia House, 73 Conybere Street – 2018/00974/PA

The Principal Planning Officer (City Centre) introduced the report.

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

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

6208

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 discussion or the decision that took place.

Report No 25 – Lionel House, 86 Lionel Street, City Centre – 2018/01601/PA

The Principal Planning Officer (City Centre) introduced the report and stated that there is a correction to the report in the Recommendation at 8.1 reference to “and additional health services and capacity in the vicinity of the site” at sub paragraph a) should be deleted; and as a separate sub paragraph b) there should be reference to “payment of a planning administration and monitoring fee of £10,000.”

The Assistant Director, Economy, gave an update on recent requests from NHS Trust Foundations for funding towards staffing costs. He advised that there are policies in the BDP relating to health and the Infrastructure Development Plan identifies these types of infrastructure but this does not include staffing costs. He concluded that the requests are not covered by policy and as such unable to support requests for funding towards staffing costs.

Members commented on the application and the Assistant Director, Economy and the Principal Planning Officer (City Centre) responded thereto.

Upon being put to a vote it was 5 in favour, 2 against and 4 abstentions.

6209

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 29 May 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 29 May 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 East Area

Report No 26 – 252 Short Heath Road – 2018/01735/PA

The Principal Planning Officer (East) introduced the report.

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

Upon being put to a vote it was 4 in favour, 5 against and 1 abstention.

6210

RESOLVED:-

That the determination of the planning application be deferred minded to refuse on the grounds of over concentration of HMOs within the locality and the intensive use of the premises.

Report No 27 – 107 High Street, Erdington – 2018/01889/PA

The Principal Planning Officer (East) introduced the report.

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

Upon being put to a vote it was 3 in favour, 3 against and 5 abstentions.

The Chairman used his casting vote in favour of the application.

It was -

6211 **RESOLVED:-**

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

Report No 28 – Jaguar Land Rover, Chester Road, Castle Bromwich – 2018/01496/PA

The Principal Planning Officer (East) introduced the report.

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

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

6212 **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 April 2018

The following schedule was submitted:-

(See document No 2)

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

6213 **RESOLVED:-**

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

At 1317 hours the Committee adjourned the meeting for a comfort break and reconvened at 1327 hours.

At this point Councillor Maureen Cornish left the meeting.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6214 **Quarry Sports & Social Club, 82 Quarry Lane, Northfield – 2017/07534/PA**

It was agreed that Members undertake a site visit to Quarry Sports & Social Club, 82 Quarry Lane, Northfield on 31 May 2018.

OTHER URGENT BUSINESS

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

Permitted Development due to Default Approval – Heath Road / Hawthorne Road, Bournville – Erection of 17.5 m telecommunications Pole

The Assistant Director, Economy gave the following verbal report:

- The erection of a 17.5m Telecommunications Pole on Heath Road / Hawthorne Road, Bournville had become permitted development because the application was not determined within the requisite 56 day period due to two problems around the dating of receipt of the application.
- Officers have been instructed to note that all future applications will be considered from the day received in the Council's postal depot rather than the day received within the office.
- Officers will be writing to all local residents, Councillors and the MP that had raised objections to the application.

Members expressed concern that the application had received consent by default, but under the circumstances it was noted that in this instance it was unavoidable.

6215 **RESOLVED:-**

That the verbal report on the permitted development of the erection of a 17.5m Telecommunications Pole on Heath Road / Hawthorn Road, Bournville via default be noted.

AUTHORITY TO CHAIRMAN AND OFFICERS

6216 **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

6217

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