

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
16 JANUARY 2020

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 16 JANUARY 2020 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Peter Griffiths, Adam Higgs, Julie Johnson, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 7368 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

- 7369 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

- 7370 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.

APOLOGIES

- 7371 Apologies were submitted on behalf of Councillors Mohammed Fazal, Keith Linnecor and Martin Straker Welds for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 7372 The Chair informed Members that the following meetings were scheduled to take place on the 30 January, 13 February and 27 February 2020.

REPORT NO 9 – WESTON HOUSE, 6 NORFOLK ROAD, EDGBASTON, BIRMINGHAM, B15 3QD – 2019/02889/PA

The Chair reported that the above-mentioned application had been withdrawn at the request of the Director as further information had come forward on the item which needs to be assessed.

MINUTES

- 7373 That the public part of the Minutes of the Meetings held on 21 November 2019, 5 December 2019, and the Minutes of the Meeting held on 19 December 2019 were noted.
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MATTERS ARISING

- 7374 Councillor Gareth Moore referred to the Minutes 21 November 2019 (Minute No. 7295 – Officer Contacts) that the requested information be circulated to Members of the Planning Committee and not the whole City Council as recorded.

At the request of Councillor Gareth Moore, the Chair agreed to address with officers that the information requested was circulated to the Committee in due course.

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

- 7375 There were no notifications by Members of planning applications submitted for consideration to be determined by Committee.
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PETITIONS

- 7376 None submitted.
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The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH (ACTING)

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO 9 – WESTON HOUSE, 6 NORFOLK ROAD, EDGBASTON, BIRMINGHAM, B15 3QD – 2019/02889/PA

7377

The above-mentioned report was withdrawn by the Director as further information had come forward on the item which needed to be assessed.

REPORT NO 10 – 5 ARLEY ROAD, SELLY OAK, BIRMINGHAM, B29 7BQ – 2019/09652/PA

The Chair indicated that she would not express an opinion on this application as it was within her Ward.

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

Upon being put to a vote it was 8 in favour, 2 against and 1 abstention -

7378

RESOLVED:-

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

PLANNING APPLICATION IN RESPECT OF THE CITY CENTRE AREA

REPORT No 11 – 100 BROAD STREET, CITY CENTRE, BIRMINGHAM, B15 1AU – 2019/05158/PA

The Area Planning Manager (City Centre) indicated that there were 2 updates.

He reported that there was a need to clarify that at paragraph 1.5 which stated that the top two floors will be managed communal amenity spaces for residents, and that it should be noted that the applicant was seeking permission for a flexible use (for residential amenity space and A1, A4 and D2 as well) on these top floors.

It was noted that such flexibility was not sought on the third floor of the tower and the podium building which will form resident amenity spaces, this was to enable potential for some publicly accessible bar, restaurant or gym space which had not yet been decided.

The second update was in accordance with paragraph 6.32 whereby it had been confirmed that the City's independent financial advisers had concluded their work.

He reported that the 5% on site affordable housing would comprise of a mix of 13 (1- bedroom apartments) and 12 (2-bedroom apartments) totalling 25 units at 75% of market value and therefore the recommendation:

8.1(a) should be amended to read: “the provision of 5% on-site affordable housing comprising of 13 (1 bed 2 person units), 8 (2 bed 3 person units) and 4 (2 bed 4 person units) at 75% of market value and;

8.2(a) would be amended to remove reference to a financial contribution and to therefore read: “In the absence of any suitable legal agreement to secure on site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF”.

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

Councillor Lou Robson recognised the hard work that had been undertaken by officers for the inclusion of affordable housing as originally this had been considered unviable for this application.

Councillor Mike Ward made known that he did not fully support the application and that the original building should not be demolished and replaced.

Upon being put to a vote it was 10 in favour, 1 against and 0 abstention -

7379

RESOLVED:-

- (i) That consideration of the application be approved pending the completion of a suitable legal agreement as set out in the report and amended below:
 - 8.1 a) should be amended to read:
“the provision of 5% on-site affordable housing comprising of 13 x 1B2P, 8 x 2B3P and 4 x 2B4P units at 75% of market value”.
 - 8.2 a) be amended to remove reference to a financial contribution and to therefore read:
“In the absence of any suitable legal agreement to secure on-site affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and NPPF”
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution, planning permission be refused for the reason set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority within a period of 3 months from the date of this resolution, 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.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

**REPORT NO 12 – 65 CHESTON ROAD, CHESTON INDUSTRIAL ESTATE,
BIRMINGHAM, ASTON, B7 5ED – 2019/07010/PA**

The Area Planning Manager (North West) indicated that there were several updates.

He reported that the applicant had requested that 2, 3 and 8, which require details to be submitted prior to occupation, were amended to enable the business to move onto the site and then submit the details within a specific time period. He confirmed that the reasoning for this was the applicant was moving off their existing site on 17 January 2020, as the site was required as part of the HS2 development.

Although not an ideal request, there was the recognition of a particular need and believed it was a pragmatic approach as the business does need to move quickly and as such, it is recommended, that the condition relating to lighting, CCTV and cycle storage which require the submission of details also include a time scale implementation which are submitted within 2 months from the date of the consent.

It was noted that they would like to recommend that Condition 7 is amended to remove Section 278 as it is not required for the proposed access works.

It was further noted that they had received representation from Regulatory Services and although raised no objection recommended the following conditions:

- Crushing and processing operations – these to be undertaken between 7 am to 7 pm – satisfied night time deliveries can still be undertaken and that it is an industrial location within a core employment area - believe this is reasonable.
- That the proposed portacabin is supported at least 100ml above ground level in order to ensure there is no break in the ground as there could be issues to do with contamination.
- No food waste to be imported on to the site.

Following further clarification from the Chair, the Area Planning Manager (North West) confirmed that in addition to the conditions that required amending in the report, the above 3 conditions were additional conditions.

The Chair sought agreement from the Committee that they would add the conditions to the list for consideration.

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

7380

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report and the following amendments and additional conditions detailed below:

• **Amended conditions:**

2. Requires the submission of a lighting scheme
Within 2 months of the date of this decision a detailed lighting scheme, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed in accordance with the implementation timetable 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.
3. Requires the submission of a CCTV scheme
Within 2 months of the date of this decision a scheme for the provision of a network of close circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The CCTV system shall be installed in accordance with the approved details prior to first occupation 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.
7. Requires details of design and maintenance of access
Details relating to the design and maintenance of the existing access arrangements will be submitted to the Local Planning Authority for approval within 2 months of the date of this consent. The submitted details may include inter alia highways improvement details, street furniture (e.g. street lighting columns) and statutory undertakers' apparatus as may be considered appropriate. The approved details shall be implemented within a 12 month period following grant of planning permission (subject to other consenting requirements), carried out at the applicants expense to Birmingham City Council specification, and maintained for the duration of the development.
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.

8. Requires the submission of cycle storage details
Within 2 months of the date of this decision details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles, including a timescale for implementation, shall be 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.

• **Additional Conditions:**

- Restricts crushing and processing operations to 7am-7pm
All crushing and processing operations (i.e. baling, cropping, tyre removal, cranes and fork lifts etc) shall be restricted to 07:00-19:00.
Reason: In order to 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.
- Requires Portacabins to be raised
The Portacabins hereby approved shall not be placed directly on to the ground and shall be raised up on to girders/ supports of at least 100mm.
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.
- Prevents processing of food or putrescible waste
The waste to be processed/ handled at the site shall be in accordance with the details provided within the Planning Statement. No food or putrescible waste shall be imported on 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.

**REPORT N0 13 – PLOTS 3 & 4, ADVANCED MANUFACTURING HUB,
ASTON HALL ROAD, ASTON, BIRMINGHAM, B6 7TU – 2019/06615/PA**

The Area Planning Manager (North West) indicated that there were several updates.

He reported that they were still awaiting feedback from the Lead Local Flood Authority (LLFA) on the submitted additional drainage and as such, would like to seek to prevent any further delay, a deferral to grant delegated powers to officers to approve the application subject to receiving no objection from the LLFA.

He further reported that the applicant had submitted additional details in relation to the Construction Management Plan, boundary treatment, materials, levels and lighting, which are acceptable and conditions 2, 5, 6, 7 and 13 should now be amended to reflect as compliance conditions.

It was noted that information has also been submitted in relation to landscaping and condition 4 should also now be a compliance condition but amended to still require details of density and spacing. The landscaping plan should also be added to the list of approved plans at condition 1.

It was noted that condition 8 relating to architectural details should be deleted due to details already submitted, the nature of development and its non-sensitive location.

It was noted that condition 12 relating to cycle storage should be amended to allow it to be addressed on an individual unit basis.

The wording for condition 15 relating to the Framework Travel Plan should be altered to reflect discussions with the Council Travel Plan Team.

An employment strategy had been submitted and discussed with the Council Employment Team and condition 16 should be amended to require the submission of an Employment Performance Statement.

Condition 17 needed to be amended to limit the maximum single B8 unit to 929sqm (10,000 sq ft) as an appropriate rounded figure.

The Chair sought confirmation from the Committee that they were agreeable with the above-mentioned changes.

In response to a Member's comments, the Area Planning Manager (North West) responded thereto.

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

7381

RESOLVED:-

That the planning application be granted subject to the conditions set out in the report and the amendments detailed below:

• 11 Amended Conditions:

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 location plan 041.72.01 revision C, site layout plan 041.72.05 revision E, Elevations Block A 041.72.14, Elevations Block B 041.72.15 revision B, Elevations Block C 041.07.16 revision B, Elevations Block D 041.72.17 revision B, landscape layout 770.10.06, **Planting Plan West 770.19.05, Planting Plan East 770.29.05 and Island plant beds 770.12.01** ('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.

2. **Requires the work to be carried out in accordance with the Construction Management Plan**
The development hereby approved shall be carried out in accordance with the details provided in the Construction Management Plan Revision B, received 15th January 2020.
Reason: In order to 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.
4. **Requires the hard and/or soft landscape to be carried out in accordance with the submitted details**
The hard and soft landscaping works shall be carried out in accordance with the approved plans detailed in condition 1. Prior to any landscaping work being carried out the details of the density and spacing of the planting shall be submitted to the Local Planning Authority for written approval. 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.
5. **Requires boundary treatment to be as approved**
The boundary fencing to the application site shall be 2.4m high, black powder coated, paladin fencing. The approved scheme shall be implemented before occupation of the buildings hereby permitted and shall be retained thereafter.
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
6. **Requires the building to be built in accordance with the submitted schedule of materials**
The external surfaces of the buildings hereby permitted shall be finished in accordance with the approved plans and the materials schedule received 14th January 2020.
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.
7. **Requires the levels to be as approved**

The development hereby approved shall be implemented in accordance with the levels details as shown in Appendix E of the Flood Risk Assessment, Revision B, received 4th December 2019.

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.

12. Requires the installation of cycle storage

Secure and covered cycle storage for cycles and motorcycles shall be provided in-line with BCC cycle parking standards, in the form of covered, secure storage located within each individual unit prior to first occupation of each of the units in the development and shall thereafter be 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.

13. Requires the lighting to be installed in accordance with the submitted scheme

The development hereby approved shall not be occupied until the detailed lighting scheme, **as shown on the submitted Cudd Bentley External Lighting Assessment, received 4th December 2019.** 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.

15. Requires compliance with the Framework Travel Plan

The submitted Framework Travel Plan (FTP) should be uploaded through the “STARSfor” portal that Birmingham City Council is a member of – www.starsfor.org and the site registered with relevant information. The development shall thereafter be undertaken and operated in strict accordance with the FTP, by way of individual occupiers also registering and uploading information specific to their units, whilst independently engaging with “STARSfor” accordingly over the monitoring period.

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.

16. Requires the employment strategy to be complied with

The construction of the development hereby approved shall be carried out in accordance with the submitted Local Employment Strategy. Prior to occupation of any of the units the Employment Strategy Appendix 1 Performance Statement will be completed and submitted to the Council confirming how the person-weeks of employment, apprenticeships, graduate and work placements have been delivered at the site.

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Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.

17. **Restrict amalgamation of units and subsequent B8 use**

To limit the B8 uses on the site none of the units hereby approved shall be amalgamated and thereafter used for B8 use. To clarify no B8 use shall be created through amalgamation of units and shall not occupy a floor area of greater than **929sqm**.

Reason: To ensure that this part of the Regional Investment Site provides employment and to restrict the amount of B8 uses on the site in accordance with the spirit of TP18 of the Birmingham Development Plan and the National Planning Policy Framework.

- **Condition 8 deleted:**

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO 14 – 8A THE GARDENS, ERDINGTON, BIRMINGHAM, B23 6AG – 2019/05988/PA

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

Councillors Gareth Moore and Lou Robson commented on the lack of information within the report relating to the heritage aspect whereby the Area Planning Manager (East) responded thereto.

Councillor Gareth Moore although requested to move a deferral for full consideration of the heritage impacts to include the views of the conservation officer, the Chair confirmed that these aspects had already been considered by officers and could not be re-considered.

The Committee Lawyer advised the Committee.

Councillor Gareth Moore proposed a motion which was seconded by Councillor Adam Higgs to move a deferral for additional information to be provided on the listed building consent and any other heritage aspect.

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

7382

RESOLVED:-

That the planning application be deferred for further information on the listed building consent and any other relevant heritage issues to be provided.

REPORT NO 15 – 117 GRAVELLY HILL NORTH, ERDINGTON, BIRMINGHAM, B23 6BJ – 2019/06258/PA

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

Councillor Gareth Moore commented on the application and the Area Planning Manager (East) responded thereto.

Councillor Gareth Moore proposed an additional condition which was seconded by Councillor Bob Beauchamp that it removes the permitted development right to create a Housing Multiple Occupation (HMO).

Upon being put to the vote for the additional condition it was 11 in favour, 0 against and 0 abstention which was carried.

The approval of the application was put to a vote and it was 11 in favour, 0 against and 0 abstention -

7383 **RESOLVED:-**

That the planning application be granted subject to the conditions set out in the report and the additional condition detailed below:

• **Extra Condition**

PD0C05 –Use restricted to this only
Prevents the use from changing within the use class
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the premises/building(s)/site(s) shall be used for C3 purposes only and for no other purpose including any other purpose in Class C4 of the Schedule to the Town and Country Planning (Use Classes) Order 2019, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification. Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7384 There were no site visits raised.

OTHER URGENT BUSINESS

Changes to Planning Policy – Student Accommodation

7385 In response to Councillor Moore's enquiry relating to the above, the Chair stated that she was only aware of the information that had been made available before Christmas.

AUTHORITY TO CHAIR AND OFFICERS

7386

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

7387

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 21 3
November 2019 and 5 December 2019.