

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 9 NOVEMBER 2017

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 9 NOVEMBER 2017 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Sharpe in the Chair;

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

PUBLIC ATTENDANCE

- 5814 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

- 5815 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and members of the press/public could record and take photographs except where there were confidential or exempt items.

CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 5816 The Chairman informed Members that meetings were scheduled to take place on 23 November, 7, 21 December 2017 and 4 January 2018.

APOLOGIES

- 5817 Apologies were submitted on behalf of Councillors Booton and Moore.

MINUTES

The Head of Planning Management advised that the voting in respect of report no 18 – Land to the East of Ardath Road, Kings Norton – 2017/02922/PA should read 12 in favour, 1 against and 0 abstentions (Minute No 5802 refers) and with that amendment it was:-

5818 **RESOLVED:-**

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

MATTERS ARISING

5819 There were no matters arising.

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

5820 No notifications were received.

PETITION(S)

5821 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 East Area

Report No 8 – 385 Ladypool Road, Sparkbrook – 2017/06642/PA

The Committee was advised that the application had been withdrawn from the agenda by the Corporate Director, Economy.

5822 **RESOLVED:-**

That it be noted that the application had been withdrawn from the agenda by the Corporate Director, Economy.

Report No 9 – Former DVSA Site, Garretts Green Lane, Sheldon – 2017/07706/PA

The Area Planning Manager (East) advised that she wished to delete condition 2 concerning noise levels for plant and machinery.

A Member commented on the application.

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

5823

RESOLVED:-

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

Delete Condition 2.

Report No 10 – Ward End Park Road (Former Depot), Land Off, Washwood Heath – 2017/06786/PA

The Area Planning Manager (East) advised that she wished to add a condition requiring the prior submission and completion of works for the Section 278/ Traffic Regulation Order agreement.

A Member commented on the application.

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

5824

RESOLVED:-

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

New Condition 23:

Requires the Prior Submission and Completion of Works for the S278/TRO Agreement.

The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed.

The package of measures shall include an application for a new Traffic Regulation Order on Ward End Park Road and are to be carried out at the applicant's expense to Birmingham City Council specification.

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

Report No 11 – 1 Bangor Road, Bordesley Green – 2017/03740/PA

An objector spoke against the application.

Supporters spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objector and supporters.

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

Upon being put to a vote it was 8 in favour, 3 against and 0 abstentions.

5825 **RESOLVED:-**

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

Councillor Douglas Osborn left the meeting during consideration of the item and, therefore, did not vote on the recommendation.

Report No 12 – Kingsbury Road, Outside 416, Erdington – 2017/07947/PA

The Area Planning Manager (East) advised that information concerning the package of highway measures for the relocation of the existing street sign had been received. Therefore, she wished to delete condition 1 and, as prior approval was no longer required, change the recommendation to 'that no prior approval is required'.

Councillor T Ali declared an interest advising that he was a Vodaphone customer.

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

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

5826 **RESOLVED:-**

That no prior approval is required.

Report No 13 – 140 and 142 Shard End Crescent and 435-441 Heath Way, Shard End – 2017/08050/PA

A Member commented on the application.

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

5827

RESOLVED:-

That it be noted that prior approval is required and that planning permission be granted subject to the conditions set out in the report.

Planning Applications in Respect of the South Area

Report No 14 – Aldi, Berkeley Precinct, Alcester Road South, Maypole – 2007/04491/PA

The Area Planning Manager (South) gave an update on the current position regarding the proposed deed of variation to remove the affordable housing obligation from the Section 106 Legal Agreement.

He referred to letters objecting to the proposal that had been received from Councillors Barnett, Buchanan and Davis, and another local interested party representing Billesley Ward, and a letter of reluctant support from Steve McCabe, MP for Selly Oak Constituency.

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

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

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

5828

RESOLVED:-

- (i) That the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation;
 - (ii) that the applicant be required to pay a monitoring and administration fee associated with the legal agreement of £1,500.
-

Report No 15 – 92 Rotton Park Road, Edgbaston – 2017/08136/PA

A Member commented on the application.

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

5829 **RESOLVED:-**

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

Councillor Williams left the meeting at this point.

Planning Applications in Respect of the North West Area

The Committee agreed to consider reports nos 16 and 17 together but voted on each recommendation separately.

Report No 16 – Land to the Rear of 30/32 Reservoir Road, Fronting Reservoir Retreat (Former Warehouse), Edgbaston – 2017/06358/PA

A Member commented on the applications and the Head of Planning Management responded thereto.

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

5830 **RESOLVED:-**

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

Report No 17 – Land to the Rear of 30/32 Reservoir Road, Fronting Reservoir Retreat (Former Warehouse), Edgbaston – 2017/06404/PA

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

5831 **RESOLVED:-**

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

Councillor Williams returned to the meeting during consideration of the item and, therefore, did not vote on the recommendation.

The Committee agreed to consider reports nos 18 and 19 together but voted on each recommendation separately.

Report No 18 – Benson Community School, Benson Road, Hockley – 2017/05113/PA

A Member commented on the applications.

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

5832 **RESOLVED:-**

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

Report No 19 – Benson Community School, Benson Road, Hockley – 2017/05163/PA

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

5833 **RESOLVED:-**

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

Report No 20 – Former Hardy Spicer Sports Ground and Land between Signal Hayes Road and Weaver Avenue, Walmley – 2017/06231/PA

The Area Planning Manager (North West) advised that the application was for determination, drew Members' attention to the 'report back' and gave details of further representations that had been received from the YMCA and local residents.

Members commented on the application and sought further information regarding the proposed amended scheme and whether or not the City Council would be vulnerable to an appeal if the Deed of Variation to the Section 106 Agreement was refused.

The Senior Solicitor advised that, regarding the like for like replacement, the amended scheme would not deliver an identical proposal as there would be a reduction of money. However, Counsel had confirmed that it would provide an adequate facility and he drew Members' attention to the 'report back' which gave details of the further advice of Counsel that had been sought.

The Head of Planning Management explained the relevant planning policies concerning variations to Section 106 Legal Agreements and made particular reference to the National Planning Policy Framework. He stressed the importance of the need for more specific reasons for refusal if Members wished to continue down that route.

Additional reasons for refusal were suggested by Councillor Henley. However, the Senior Solicitor advised that the reasons were equally as weak as those referred to in the 'report back' and reiterated his concerns if the Deed of Variation was refused.

Hereon, Councillor Williams proposed and Councillor Cornish seconded that the Committee vote upon the original recommendation to endorse the Deed of Variation to the existing Section 106 Legal Agreement and it was 10 in favour, 1 against and 1 abstention. (It should be noted that the Chairman voted on the recommendation).

5834 **RESOLVED:-**

That the Deed of Variation to the existing S106 Legal Agreement be endorsed.

Report No 21 – Plot 6A The Hub, Nobel Way, Witton – 2017/06899/PA

A Member commented on the application.

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

5835 **RESOLVED:-**

That approval be given to the reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning permission no 2016/00969/PA, as amended by planning application no 2017/06899/PA subject to the conditions set out in the report.

Report No 22 – 321 Birmingham Road, Sutton Coldfield – 2017/07923/PA

Councillor Cornish suggested that the conditions be monitored to ensure they were met and, therefore, requested that the application premises be targeted. The Head of Planning Management advised that due to resource constraints this could only be for a limited time.

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

5836 **RESOLVED:-**

- (i) That planning permission be granted subject to the conditions set out in the report;
 - (ii) that the application premises be targeted.
-

Report No 23 – Concorde House, Union Drive, Sutton Coldfield – 2017/08131/PA

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

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

5837 **RESOLVED:-**

That no prior approval is required.

Planning Application in Respect of the City Centre Area

Report No 24 – 100 Caspar House, Charlotte Street, City Centre – 2017/06851/PA

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

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

5838 **RESOLVED:-**

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

ISSUES REPORT

212-223 Broad Street, City Centre – 2017/08357/PA

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

(See document No 2)

A representative of Moda Living Ltd - the applicant and Glenn Howells - the architects gave a powerpoint presentation outlining the proposal for a mixed use development comprising residential accommodation, office space and retail outlets.

The presentation included the key elements of the Moda Living business model, details of the surrounding area and how the proposal would sit with existing buildings, the importance of the site and location, details of amenity space and layout, the design and external appearance and access/parking.

The Area Planning Manager (City Centre) drew Members' attention to each of the issues detailed in the report.

Members considered and commented on each of the issues set out in the report and the following were amongst the points made:-

Issue 1 – A Member made reference to the substantial three storey podium and welcomed the elegant design which he considered would be appropriate for the location and comprised a good mix of apartments.

Issue 2 – A Member considered that, when compared with some buildings in other countries, the proposed height was modest.

In response to questions from Members, the architect explained the proposed location of the stairwells and confirmed that all apartments would be fitted with sprinklers.

A Member suggested that the development should include a green area for residents.

Issue 3 – No comments were received.

Issue 4 – The Chairman expressed concern that some of the apartment sizes were below the minimum standard and as a consequence might be difficult to let.

The applicant pointed out that he was confident that all apartments would be let and advised that a management team would be on site.

The Head of Planning Management added that the development was a 'lifestyle choice'.

Issue 5 – No comments were received.

Issue 6 – A Member welcomed the inclusion of a cycle hub.

Issue 7 – No comments were received.

In response to comments by Members, the Area Planning Manager (City Centre) and Transport Manager advised that details of waste disposal and maintenance of the building would be covered in the full application.

5839

RESOLVED:-

That the report be noted and Members' comments forwarded to the Corporate Director, Economy.

Councillor K Jenkins left the meeting at this point.

POLICY REPORT

Update of Local Validation Requirements for Planning Applications

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

(See document No 3)

The Head of Planning Management introduced the report.

5840 **RESOLVED:-**

That the report be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

5841 There were no site visits pending.

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:-

The Capital Asset Value for Amenity Trees (CAVAT)

5842 In response to a question by Councillor Williams, the Head of Planning Management explained that it was difficult to protect trees that were not covered by a Tree Preservation Order or within a conservation area.

He added that, although the Council did not have the power to fine a company for felling a tree that was protected by a Tree Preservation Order, as this was a matter for the courts, the Council could make legal representation and suggest an appropriate amount for the fine.

AUTHORITY TO CHAIRMAN AND OFFICERS

5843 **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

5844

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.