

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>28 APRIL 2016</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 28 APRIL 2016 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors Azim, Beauchamp, Booton, Cornish, Douglas Osborn, Fazal, Griffiths, Linnecor, McKay, Straker Welds and F Williams.

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### **PUBLIC ATTENDANCE**

- 4626 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.

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### **NOTICE OF RECORDING**

- 4627 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](http://www.birminghamnewsroom.com)) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Planning Committee Meetings**

- 4628 The Chairman informed Members that meetings were scheduled to take place on 12, 26 May, 9 and 23 June 2016.

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### **APOLOGIES**

- 4629 Apologies were submitted on behalf of Councillors C Jones and Moore.

**MINUTES**

4630 **RESOLVED:-**

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

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**MATTERS ARISING**

4631 There were no matters arising.

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

4632 No notifications were raised.

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**PETITION**

**905B Aldridge Road, Great Barr – 2016/02151/PA**

A petition presented by Councillor Linnecor objecting to the proposed hot food takeaway at 905B Aldridge Road, Great Barr, was received.

4633 **RESOLVED:-**

That the petition be referred to the Director of Planning and Regeneration.

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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 OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 1)

**Planning Application in Respect of the City Centre Area**

**Report No 8 – Masshouse Plot 7 (Exchange Square), Eastside – 2016/01063/PA**

Members commented on the application.

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

4634

**RESOLVED:-**

That approval be given to the reserved matters relating to access, appearance, landscaping, layout and scale pursuant to planning permission no 2014/06135/PA, as amended by planning application no 2016/01063/PA subject to the conditions set out in the report.

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**Planning Applications in Respect of the East Area**

**Report No 9 – Platt Brook Way, Sheldon – 2015/05549/PA**

The Area Planning Manager (East) advised that an addendum to the report, setting out a response to an additional objection/independently commissioned transport statement received from a local resident, had been circulated to Members:-

(See document No 2)

The Area Planning Manager (East) advised that an additional letter objecting to the proposal had been received.

The Area Planning Manager (East) wished to amend the conditions.

An objector spoke against the application.

The Transport Manager responded to comments made by the objector.

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

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

4635

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 28 May 2016, 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 28 May 2016, favourable consideration would be given to the planning

application subject to the conditions set out in the report and amended below:-

Amended Condition 1:

Requires the scheme to be in accordance with the approved remediation strategy and verification plan.

The development hereby approved shall be implemented in accordance with the approved Remediation Strategy and Verification Plan dated January 2016 (ref: 14 1426RS). Any changes to these components require the written consent of the Local Planning Authority prior to implementation. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 5:

Requires the scheme to be in accordance with the approved landscape details.

The development hereby approved shall be implemented in accordance with the approved landscape details (Drawing nos R/1828/1E and R1828/2D 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 Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**Report No 10 – 1 College Road, Moseley – 2015/10201/PA**

The Area Planning Manager (East) advised that she wished to add a condition.

A Member commented on the application.

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

4636

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 5 May 2016, 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 5 May 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

New Condition 15:

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 reinstatement of redundant footway crossing on College Road frontage and installation of a scheme of additional parking deterrent features in the vicinity of the site frontage 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 Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**Report No 11 – Kingsbury Road Car Park, Castle Vale – 2016/00704/PA**

The Area Planning Manager (East) advised that, following discussions with the applicant, she wished to amend the conditions

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

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

4637

**RESOLVED:-**

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

Amended Condition 1:

Requires the prior submission of sample materials.

Prior to the erection of any building(s)/structure(s), details of samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Delete Condition 4.

Amended Condition 6:

Requires the prior submission of a construction method statement/management plan.

No development shall take place (other than ground works including exploratory works (trial holes, surveys and silt trenches) and service diversions) until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall provide for details of the following:

- \* the parking of vehicles of site operatives and visitors
- \* location of loading and unloading of plant and materials
- \* hours of demolition/construction/delivery

The approved statement shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 7:

Restricts no more than 1,122 employee vehicles and requires the prior submission, approved and completion of works for the S278/TRO Agreement.

No more than 1,122 employee vehicles shall discharge from Kingsbury Road from the development hereby approved until a package of highway measures shall be submitted and approved in writing by the Local Planning Authority, and has been substantially completed on site as approved.

The package of measures shall include signalised junction works, lighting, signage, tree replacement, dedication of land as HMPE and associated works as shown on Drawing No: 152727 RDG X01 ST PL A 0015 J are to be carried out at the applicant's expense to Birmingham City Council specification.

This excludes the use of the car parking spaces for product parking which will not use the public highway to travel from the plant to the car park.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.38 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Delete Condition 8.

New Condition 24:

Requires submission of an updated detailed travel plan submitted within 6 months and reviewed annually.

An updated detailed Travel Plan shall be submitted within 6 months from the completion of the development hereby approved and monitored and reviewed annually (or other agreed frequency). This should include clear objectives to influence and encourage reduced dependency on the single occupancy vehicles, improved mode share by sustainable modes (public transport, walking, cycling and powered two-wheelers) 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 Paragraphs 3.8, 3.10, 6.17 and 6.38 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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**Report No 12 – 316 Green Lane, Bordesley Green – 2016/01146/PA**

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

4638

**RESOLVED:-**

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

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**Planning Applications in Respect of the South Area**

**Report No 13 – Newman University, Genners Lane, Bartley Green – 2016/01385/PA**

The Area Planning Manager (South), in referring to paragraph 6.41 of the report, clarified the details of the CIL.

He advised that he wished to add a condition regarding charging points for electric vehicles.

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.

4639

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority on or before 12 May 2016, 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 12 May 2016, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below:-

New Condition 28:

Requires provision of charging points for electric vehicles.

Three charging points for electric vehicles shall be provided within one of the car parks within the application site before the car park within



phase 2B, of the development hereby approved, is first brought into use or occupied and shall thereafter be retained.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.77 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement;
- (v) that no objection be raised to the stopping up of the areas of public highway on Grazebrook Croft and within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.

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**Report No 14 – Land to Rear of Nos 9, 11 and 15 Lutley Grove, Bartley Green – 2016/01039/PA**

A Member commented on the application.

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

4640 **RESOLVED:-**

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

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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

4641 There were no site visits pending.

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**OTHER URGENT BUSINESS**

4642 No other urgent business was raised.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

4643 **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.

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**EXCLUSION OF THE PUBLIC**

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**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.