

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
20 DECEMBER 2018**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 20 DECEMBER 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, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Lou Robson, Lucy Seymour-Smith and Mike Ward.

\*\*\*\*\*

### **PUBLIC ATTENDANCE**

- 6610 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**

- 6611 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](http://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**

- 6612 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**

- 6613 The Chair informed Members that meetings were scheduled to take place on the 03, 17 and 31 January 2019.
- 

**APOLOGIES**

- 6614 Apologies were submitted on behalf of Councillors Safia Akhtar, Maureen Cornish, Gareth Moore and Saddak Miah for their inability to attend the meeting.
- 

**MINUTES**

- 6615 **RESOLVED:-**

That the Minutes of that part of the last meetings of the Committee open to the public held on 22 November and 06 December 2018 be noted.

---

**MATTERS ARISING**

- 6616 There were no matters arising from the Minutes.
- 

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

**A. Planning Application No 2018/9683/PA – 126 Stoney Lane**

- 6617 Councillor Mohammed Azim requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact of the development and parking.

**B. Planning Application No 2018/09904/PA – McDonalds, Chester Road, Erdington**

- 6618 Councillor Adam Higgs requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding highway safety and noise.

**C. Planning Application No 2018/09989/PA – 858 Chester Road, Erdington**

- 6619 Councillor Adam Higgs requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding over-intensity and residential amenity.
-

**PETITION**

**126 Stoney Lane – Petition**

A petition presented by Councillor Mohammed Azim objecting to the planning application was received.

6620

**RESOLVED:-**

That the petition be referred to the Corporate Director, Economy.

---

**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)

The Chair proposed and it was seconded by Councillor Lucy Seymour-Smith that agenda item number 11 be considered as the first agenda item for discussion and consideration.

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

**Report No 11 – 16 Kent Street, Southside, Birmingham, B5 6RD – 2018/03004/PA**

The Area Planning Manager (City Centre) stated that there were a number of updates which were itemised and included within the report.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (City Centre) responded to comments made by the objector and the supporter.

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

Councillor Adam Higgs proposed and it was seconded by Councillor Mike Ward that consideration of the report be deferred pending a site visit to the location.

Councillor Lou Robson proposed and Councillor Lucy Seymour-Smith seconded that consideration of the report be deferred pending consideration of the late information received.

Members also felt that due consideration should be given to the erosion of the specialist character of the area.

Upon being put to a vote pending a site visit to the location it was 7 in favour, 0 against and 3 abstentions.

Upon being put to a vote to defer the report it was 9 in favour, 0 against and 1 abstention.

6621

**RESOLVED:-**

That consideration of the application be deferred pending a site visit and further consideration of the objectors acoustic report and the specialist character of the area.

---

Councillor Keith Linnecor declared a non-pecuniary interest in relation to Agenda Item No 9 and left the meeting.

---

**Planning Applications in Respect of the North West Area**

**Report No 9 – Former BCU City North Campus, Franchise Street, Perry Barr, Birmingham, B42 2SU – 2018/06313/PA**

The Principal Planning Officer stated that there were there were a number of report updates including additional pp and consultation responses. These matters were reported and addressed and additional conditions recommended.

Members commented on the application and the Principal Planning Officer and the Assistant Director responded thereto.

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

6622

**RESOLVED:-**

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

**• 3 Additional conditions:**

- **CONDITION 1:** Requires site-specific infiltration testing, in accordance with BRE 365 Guidance

No development shall take place until site-specific infiltration testing has been undertaken, site-specific infiltration rates are identified in the specific locations of any proposed infiltration features, and a subsequent report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing 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.

- **CONDITION 2:** 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. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing 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.

- **CONDITION 3:** Submission of a Sustainable Drainage Operation & Maintenance Plan

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan has been submitted to, and approved in writing by, the Lead Local Flood Authority.

The approved drainage system shall thereafter be operated and maintained thereafter in accordance with the approved Sustainable Drainage Operation and Maintenance Plan

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing 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 Keith Linnecor returned to the meeting having had no part in the discussions or the decisions that took place.

---

**Report No 10 – Land Rear of 29 - 39 Reddicap Heath Road, Sutton Coldfield, Birmingham, B75 7DU – 2018/02839/PA**

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

## **Planning Committee – 20 December 2018**

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

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

6623 **RESOLVED:-**

That the refusal be endorsed.

---

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

#### **Report No 12 – Western Power Distribution, Warstock Road, Birmingham, B14 4ST – 2018/09275/PA**

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

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

Upon being put to a vote it was 9 in favour, 0 against and 1 abstention –

6624 **RESOLVED:-**

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

---

#### **Report No 13 – 69 Billesley Lane, Moseley, Birmingham, B13 9QX – 2018/07715/PA**

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

An objector spoke against the application.

A supporter spoke in favour of the application.

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

Members commented on the application and during the course of discussion it was agreed that additional amended conditions be added to the application. The Area Planning Manager (South) responded appropriately.

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

6625 **RESOLVED:-**

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

- **additional /revised 3 conditions;**

**Revised Condition 2**

Requires the submission of sample materials

Samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. 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 Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework

**Revised Condition 4**

Arboriculture Method Statement - Submission Required

No development shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.

Any tree(s) removed following the commencement of development shall be replaced. Details of species, planting stock size and exact location of replacement tree(s) to be submitted and agreed in writing with the Local Planning Authority. The replacement tree(s) are to be maintained for a minimum period of 5 years. Replacement tree(s) are to be planted in the next planting season following the felling of the trees; if the replacement tree(s) are destroyed, die or are removed within two years of the date of planting, trees of the same size and species shall be planted at the same place during the next available planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the amenity of the area and continuity of tree cover is maintained in the long-term in the interests of amenity in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing 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.

**New condition**

Removes PD rights for new windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and/or re-enacting that order with or without modification), no windows/dormer

## **Planning Committee – 20 December 2018**

windows shall be inserted or constructed other than those expressly authorised by this permission.

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

---

Councillor Lucy Seymour-Smith left the meeting.

---

### **Report No 14 – 61 Langleys Road, Birmingham, B29 6HR – 2018/07715/PA**

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

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

Upon being put to a vote it was 7 in favour, 2 against and 0 abstentions –

6626 **RESOLVED:-**

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

---

Councillor Lucy Seymour-Smith returned to the meeting.

---

### **Report No 15 – 145 Stoner Road, Hall Green, Birmingham, B28 0QW – 2018/08457/PA**

The Area Planning Manager (South) stated that there were four extra objections to the application which had been addressed in the report submitted.

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

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

6627 **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 November 2018**

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



(See Document No. 2)

6628 **RESOLVED:-**

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

---

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

6629 Site visit to 16 Kent Street, Southside, Birmingham, B5 6RD – 2018/03004/PA to be arranged in due course.

Site visit to Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Village, Pritchatts Road, Edgbaston, Birmingham, B15 2QU – 2018/05359/PA will be held on 24 January 2019.

---

**OTHER URGENT BUSINESS**

6630 No other urgent business was raised.

---

**AUTHORITY TO CHAIR AND OFFICERS**

6631 **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**

6632 **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 meeting.

3