

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>12 SEPTEMBER 2019</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 12 SEPTEMBER 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Zhor Malik, Saddak Miah and Gareth Moore.

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### **PUBLIC ATTENDANCE**

- 7140 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.

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### **NOTICE OF RECORDING**

- 7141 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.

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### **DECLARATIONS OF INTEREST**

- 7142 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.

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### **APOLOGIES**

- 7143 Apologies were submitted on behalf of Councillors Maureen Cornish, Diane Donaldson, Keith Linnecor, Lou Robson and Mike Ward for their inability to attend the meeting.

**CHAIR'S ANNOUNCEMENTS**

- 7144 The Chair informed Members that meetings were scheduled to take place on the 26 September, and 10 and 24 October 2019.
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**MINUTES**

- 7145 That the public section of the Minutes of the meeting of the Committee held on 1 August 2019 be noted.
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**MATTERS ARISING**

- 7146 Councillor Gareth Moore referred to Minute No. 7079 on page 4515 under *Other Urgent Business* he had raised concerns regarding advertising and signs belonging to Ocean and that information had not been shared with him. He had followed this up earlier this week and believed that there was a list of sites where there were concerns around these signs. He added that it was assumed that they may have been done under delegated powers.

The Chair advised that a detailed email had been received concerning the issue. She added that her understanding was that the signs were on sites that were previously used for advertising and that some sites were no longer needed.

The Area Planning Manager (East) stated that there had been on-going investigation by Corporate Services and Planning. He added that his understanding was that there were already 300 plus adverts that would be removed and planning consent had been given for around 250 or thereabout, but only around 125 would be implemented. They were moving those adverts down to about 125 to 120 range. Where they were replacing existing locations those were dealt with under delegated powers, but to give a definitive response they will go back and check those planning applications.

Councillor Gareth Moore stated that the signs that were removed were not replaced with the new signs as indicated to him by residents in his Ward. He added that he appreciated the emails that were shared this week, but the one on the Ring Road was still there. No information was shared stating that this had happened.

The Chair commented that this will be taken up.

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

**Planning Application No. 2019/06655/PA – 106 Church Road, Erdington, Birmingham, B24 9BD**

- 7147 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of amenity and highway safety.
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**PETITIONS**

- 7148 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.**

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**REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH**

The following reports were submitted:-

(See Document No. 1)

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

**Report No 9 – Boldmere Centre, St Michaels Road, Sutton Coldfield, Birmingham B73 5SY - 2018/10455/PA**

The Area Planning Manager (North West) advised of further dialogue with the applicant and the LLFA - recommend changes to conditions 4 and 6, relating to drainage, allowing ground works and below ground infrastructure to be undertaken prior to the submission of these details.

Submitted ground level details were now considered acceptable and as such condition 13 could now be deleted and the levels plan added to the list of approved plans in condition 1.

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

Upon being put to a vote it was 7 in favour, 0 against and 1 abstention -

- 7149 **RESOLVED:-**

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

Revised Conditions 4 and 6

4) Requires the prior submission of a drainage scheme (foul and surface drainage)

No development (excluding ground works and below ground infrastructure) shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented in accordance with the approved details 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 in order to secure the satisfactory development of the application site 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.

6) Requires the prior submission of a sustainable drainage scheme No development (excluding ground works and below ground infrastructure) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development and the previously approved 'Surface Water Management/SuDS Analysis' Report, 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 13 be deleted and revised Condition 1

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 on drawing numbers AP18032-L01 Rev B, AP18032-L02 Rev C, AP18032-L03 Rev C, AP18032-L04 Rev B, AP18032-L05 Rev C, AP18032-L06 Rev C, AP18032-L07 Rev B, AP18032-L08 Rev C, AP18032-L20 Rev A and SC180810-101 Rev A ('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.

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**Report No 10 – Plot 5, Advanced Manufacturing Hub, Land bounded by Priory Road and Aston Hall Road, Aston, Birmingham B6 - 2019/00637/PA**

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

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

7150

**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 East Area**

**Report No 11 – Former Starbank Primary School (Annexe) 256 Hob Moor Road, Small Heath, Birmingham B10 9HH - 2019/04307/PA**

The Area Planning Manager (East) indicated that Condition 14 could be deleted as it could be merged with Condition 13. Condition 28 would become a compliance Condition rather than a pre-commencement condition as a further report has been submitted and agreed by the City Ecologist.

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

Upon being put to a vote it was 5 in favour, 2 against and 1 abstention -

7151

**RESOLVED:-**

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

Condition 14 be deleted

Revised Condition 13

Requires Construction Method Statement/ management plan to be implemented in accordance with details submitted

The construction method statement/ management plan hereby approved shall be implemented in accordance with approved details as per Construction Method Statement for the new Eden Girls Leadership Academy on Hob Moor Road prepared by Morgan Sindall and the measures shall be retained for the duration of the construction period.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and 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.

Revised Condition 28

Requires Construction Ecological Mitigation Plan to be implemented in accordance to approved details

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details in the Construction Ecological Management Plan (RT-MME-130210-04 dated August 2019), reptile survey (RT-MME-130210-03), section R7/R8 of the PEA (RT-MME-129636-01), section of the bat surveys (RT-MME-130210-01) and section

R1 of the GCN survey (RT-MME-130210-02) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of nature conservation in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

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**Report No 12 – Former Hallmoor School, Hallmoor Road, Kitts Green, Birmingham B33 9QY - 2019/04567/PA**

The Area Planning Manager (East) indicated that Condition 21 could be changed from Travelwise to Birmingham Business Connected. The Area Planning Manager (East) stated that Regulatory Services have requested a condition prohibiting the use of the MUGA outside school hours, in order to safeguard residential amenity.

Upon being put to a vote it was 7 in favour, 0 against and 1 abstention -

7152

**RESOLVED:-**

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

Proposed Condition:

The multi-use games area shall be for the use of school pupils only and shall not be used outside the hours of 09:00 to 18:00 hours during school term times and not at all on Saturdays, Sundays and Public holidays.

REASON: In order to safeguard the amenities of the occupiers of dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017.

Condition 21 to read

Requires the applicant to join Birmingham Business Connected.

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

**Report No 13 – Land off Kings Road, Kings Heath, Birmingham B14 - 2019/03026/PA**

The Principal Planning Officer (South) stated that there was an error in Paragraph 1.2 as the breakdown of affordable housing was incorrect. Rather than being 100% affordable rent the scheme consists of 32 affordable rent units and 15 shared ownership properties. He indicated that the following further representation was made:

10 additional objections have been received raising no new issues.

## **Planning Committee – 12 September 2019**

An additional petition has been received with 26 signatures. This raises the following concerns:

- Reduced privacy for the residents of Pineapple Place;
- Vulnerable residents will be at greater risk of crime and anti-social behaviour; and
- Damage to valuable amenity that is Pineapple Place and older people in the local area.

An Arboricultural method Statement has been submitted by the applicant. This have been reviewed by the Tree Officer and is considered to be acceptable. It is therefore recommended that condition 15 is amended to reflect that the Arboricultural Method Statement was no longer required pre-commencement and the scheme should instead be implemented in accordance with the statement.

An objector spoke against the application.

The agent spoke in favour of the application.

The Principal Planning Officer (South) and the Transportation Manager responded to the comments made by the objector and agent.

Members commented on the application and the Principal Planning Officer (South) and the Transportation Manager responded thereto.

Upon being put to a vote it was 1 in favour, 4 against and 3 abstentions –

The Chair confirmed that the grounds for refusal would be traffic, size of the internal space within the dwellings and density.

7153

### **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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### **Report No 14 – Highbury Hall, 4 Yew Tree Road, Moseley, Birmingham B13 8QG - 2019/06019/PA**

The Principal Planning Officer (South) stated that there were no updates.

Councillor Moore welcomed the application and Councillor Peter Griffiths fully supported the application

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

7154

### **RESOLVED:-**

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

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**Report No 15 – Land to the rear of 30 Russell Road, Moseley, Birmingham B13 8RE - 2019/03112/PA**

The Principal Planning Officer (South) stated that there were no updates.

An objector spoke against the application.

The applicant spoke in favour of the application.

The Principal Planning Officer (South) responded to the comments made by the objector and the applicant.

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

7155 **RESOLVED:-**

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

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**Report No 16 – 300 Robin Hood Lane, Hall Green, Birmingham B28 0EG - 2019/04498/PA**

The Principal Planning Officer (South) stated that there were no updates.

An objector spoke against the application.

The applicant and agent spoke in favour of the application.

In response to a comment by the applicant the Chair advised that the Committee had every confidence in the officers. Also the Party Wall Act concerns were not a material planning consideration.

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

The Chair proposed that the application be deferred for more information, but the Committee did not agree to the proposal.

Upon the recommendations within the report being put to a vote it was 3 in favour, 4 against and 1 abstention -

7156 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds of harm to character and harm to residential amenity.

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

7157 There was no site visits raised.



**OTHER URGENT BUSINESS**

7158 No other urgent business was raised.

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**AUTHORITY TO CHAIR AND OFFICERS**

7159 **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**

7160 **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

Presentation –Alexander Stadium 3

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