

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
29 SEPTEMBER 2022

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 29 SEPTEMBER 2022 AT 1100 HOURS IN COMMITTEE
ROOMS 3 & 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT: - Councillor Martin Brooks in the Chair.

Councillors Akhlaq Ahmed, Diane Donaldson, Colin Green, Mahmood Hussain, Jane Jones, Lee Marsham, Shehla Moledina and Gareth Moore.

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INTRODUCTIONS

The Chair notified the Committee, that this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. He highlighted Members who sat on this Committee were sitting as representatives of the Council as a whole and not Ward Councillors.

NOTICE OF RECORDING

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The Chair advised, and the Committee noted, that the meeting would be webcast for live or subsequent broadcast via the Council's YouTube channel (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

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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. The Chair noted that Members should also express an interest if they had expressed a view on any of the applications being considered at the meeting and take no part in the consideration of the item.

APOLOGIES

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Councillors Mumtaz Hussain, Rick Payne, Lauren Rainbow, David Barrie, Lauren Rainbow and Jack Deakin.

CHAIR'S ANNOUNCEMENTS

8054 The Chair announced that there would be public speaking for Item 6 and Item 8.

Councillor Moore is a trustee for the Birmingham LGBT in Item 12 and will not be taking part in the discussions.

Councillor Marsham Item 10 is in his ward, but he has not expressed any interest.

MINUTES

8055 The Minutes of the meeting of the Committee held on 8th September 2022 were agreed.

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, TRANSPORT AND SUSTAINABILITY

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 6 - 1750-1756 PERSHORE ROAD, COTTERIDGE, BIRMINGHAM, B30 3BH- 2022/05457/PA

A speaker spoke in favour of the application and an objector spoke against the application.

The Principal Planning Officer (South) responded to the comments made by the speakers.

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

Upon being put to a vote it was 2 in favour, 4 against and 1 abstention.

8056 **RESOLVED:** -

That planning permission be refused.

Reason for refusal:

Inadequate outdoor amenity space would be provided creating an unacceptable living environment for the proposed occupier's contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, Policies DM2 and DM11 in the Development Management in Birmingham DPD, Houses in Multiple Occupation SPD (2022), Birmingham Design Guide SPD (2022) and the National Planning Policy Framework.

REPORT NO. 7 – 8 SHUTLOCK LANE, KINGS HEATH, BIRMINGHAM, B13 8NZ- 2022/05441/PA

The Area Planning Manager (South) confirmed the following updates:

- 2 further objections have been received raising the following additional matters:
- The care provider has previously received a poor OFSTED report; and
- The local area has very few amenities which could have a detrimental impact on the development of the proposed occupiers.

- Paragraph 5.6 of the Officer Report should have included a further objection from Councillor Izzy Knowles which raised the following concerns:
- There is no information about the management of the Children's home, or the number and ages of children who will be placed there.
- The plans show no provision for on-site staff, nor any evidence of experience or competence to operate a children's home.
- A previous planning approval for extensions could be implemented without the need for further permission or consultation.
- Shutlock Lane used to be within an area of restraint to prevent further concentration of institutional uses and to retain family housing; and
- There is a severe shortage of affordable 3 to 4 bed family houses in this part of Birmingham.

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

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

8057 **RESOLVED:** -

- (i) That planning permission be granted subject to the conditions set out in the report.

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

8058 **RESOLVED:** -

- (ii) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report
- (iii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 7th October 2022, or such later

date as may be authorised by officers under powers hereby delegated, planning permission be refused for the reason(s) set out in the report; and

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH AREA

REPORT NO. 8 - HOLLAND ROAD CAR PARK, LAND OFF HOLLAND ROAD, SUTTON COLDFIELD, BIRMINGHAM, B72 1RQ - 2021/10265/PA

The Area Planning Manager (North West) confirmed the following updates:

- Changes to conditions – adding ventilation details to the noise insulation condition.
- Add a condition to require six units on the northern elevation to be sealed and also add a condition to require overheating and ventilation assessment.
- These requirements only related to a small number of units, six out of the proposed 43 units will be sealed. This represents just under 14% of the total units and officers consider the significant benefits associated with the scheme and highlighted within the report, this arrangement is considered accessible.
- Amend the second bullet point in paragraph 9.1 to read ‘A commitment from the sale of the car park to fund the refurbishment of the cinema to the amount of £200,000. In the event that no refurbishment of the cinema takes place within the relevant time frame, the sum of money is reallocated towards off-site affordable housing’.
- Amend paragraph 9.2 which relates to the reasonable refusal to include the absence of a commitment for the sale of the car park to fund the refurbishment of the cinema would be contrary to TP12 of the BDP and the NPPF.

A speaker spoke in favour of the application and an objector spoke against the application.

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 0 abstention.

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RESOLVED: -

That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report:

- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 7th October, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the reason(s) set out in the report; and

- (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

Amended condition 24:

Requires the submission a Noise Insulation Scheme to establish residential acoustic protection

Prior to the occupation of the dwelling(s), a scheme of noise insulation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details to ensure that all windows, any other glazed areas and external doors to habitable rooms on all elevations of the building provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 38 dB. Any ventilation on these elevations to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) of at least 41 dB.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

New conditions:

- Requires the units on the northern elevation to be sealed
Prior to the occupation of the residential units hereby approved, details of sealed windows to habitable rooms to the units on the northern elevation (nos. 2, 3, 14, 15, 27 and 28) shall be submitted to the Local Planning Authority for approval prior to installation. The approved details shall be installed prior to first occupation and thereafter retained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, Policy DM2 of Development Management in Birmingham DPD 2022 and the National Planning Policy Framework.

- Requires the prior submission of a ventilation and overheating assessment
Prior to the commencement of above ground works, a ventilation and overheating assessment shall be prepared and submitted to the Local Planning Authority for approval. The details shall identify how background ventilation and purge ventilation will be achieved and how the risk of overheating will be mitigated for occupants, by the installation of an enhanced mechanical solution. Once the scheme is approved in writing, the development shall be implemented in accordance with the approved details 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, Policy DM2 of Development Management in Birmingham DPD 2022 and the National Planning Policy Framework.

**REPORT NO. 9 - ODEON CINEMA, MANEY CORNER, SUTTON
COLDFIELD, B72 1QL - 2022/00122/PA**

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

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

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

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RESOLVED: -

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

REPORT NO. 10 - WINDSOR STREET, NECHELLS - WINDSOR STREET HOLDER STATION, B7 4DN - 2022/06492/PA

The Area Planning Manager (North West) confirmed the following updates:

- Paragraph 7.1 should refer to the City Solicitor.

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

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RESOLVED: -

That the contents of the report are noted, and authorisation given to the Director of Legal and Democratic Services to make an order revoking Hazardous Substances Consent 2001/06074/PA.

REPORT NO. 11 - LAND ADJACENT TO CAREY ACADEMY, 67 WARREN ROAD, KINGSTANDING, BIRMINGHAM, B44 8QH - 2022/04596/PA

The Area Planning Manager (North West) confirmed the following updates:

- West Midlands Fire Service's comments on this application have been shared with the applicant who consider that the matter can be dealt with post-planning with Building Control who will consider it against Fire Safety Approved Document B.
- The proposed extension would be occupied by a maximum of three people and will have all the required fire detection and fire equipment installed alongside fire separation of the walls and roofs, as required under Building Regulations.
- Fire safety equipment is checked and updated annually as part of their liability and will do the same for the tailoring unit.
- WMFS state that in the case of a fire, a delay will occur in firefighting actions due to the narrow and long access road. This can be mitigated with sprinklers being installed in the building in addition to an alarm which can be connected to an alarm receiving centre which could lead to the discovery of a fire outside operating hours and when the building is closed.
- Officers remain of the view that there are no grounds to refuse the planning application due to the width and length of the existing access

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and matters would be addressed outside the planning process under Building Regulations

Upon being put to a vote it was 6 in favour, 0 against and 1 abstention.

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RESOLVED: -

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

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 12 - LAND AT LOWER ESSEX STREET, HURST STREET AND SHERLOCK STREET, BIRMINGHAM - 2021/05033/PA

Councillor Moore withdrew from the meeting.

The Area Planning Manager (City Centre) confirmed there were no updates.

Upon being put to a vote it was 6 in favour, 0 against and 0 abstention.

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RESOLVED: -

- (i) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report back
 - (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 20th October 2022, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the reason(s) set out in the report; and
 - (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO. 13 - VACANT LAND ADJACENT 48 VANN CLOSE, SMALL HEATH, BIRMINGHAM, B10 0DE - 2022/05712/PA

The Principal Planning Officer BMHT confirmed there were no updates.

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

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RESOLVED: -

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

OTHER URGENT BUSINESS

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

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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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AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):

If a Planning Committee meeting(s) are unable to be held in person and/or cancelled, the Assistant Director (Planning), in consultation with the Planning Committee, has authority to determine planning applications that would otherwise have been considered by the Committee.

The meeting ended 1144 hours.

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CHAIR