

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
7 JULY 2022

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 7 JULY 2022 AT 1100 HOURS IN CHARLES DICKENS HALL BMI, BIRMINGHAM

PRESENT: - Councillor Martin Brooks in the Chair;

Councillors Mohammed Azim, Akhlaq Ahmed, David Barrie, Diane Donaldson, Gareth Moore, Colin Green, Jane Jones, Lee Marsham, Shehla Moledina and Lauren Rainbow and Rick Payne.

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INTRODUCTION

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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 Mahmood Hussain and Mumtaz Hussain.

CHAIR'S ANNOUNCEMENTS

7998 The Chair announced that we would be starting from Item 10 due to streaming issues.

Public speaking was to take place for Items 10, 6 and 7.

The Chair congratulated the department for winning Planning, particularly Alice Jones for being the young planner of the year

Councillor Moore previously objected to item 8 and would therefore not be taking part in the vote. Furthermore Item 10 is in his ward, but he has not expressed any comment on it.

MINUTES

7999 The Minutes of the meeting of the Committee held on 16 June 2022, having been circulated, were confirmed by the Committee and signed by the Chair.

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 - PRIMROSE ESTATE PHASE 3, LAND OFF FOYLE ROAD AND LAND OFF REDDITCH ROAD, KINGS NORTON, BIRMINGHAM, B38 - 2021/02131/PA

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

- Since the publication there have been additional 71 letters of objection regarding site B.
- Planning concerns raised regarding the following: car parking for block C that is adjacent to the pedestrian to the school, road safety, loss of green space, increasing anti-social behaviour in the area, tower blocks overshadowing the school.

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

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

8000

RESOLVED: -

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

REPORT NO. 7 – THE FORMER BINDING SITE, WARSTOCK ROAD, KINGS HEATH, BIRMINGHAM, B14 4RT - 2022/01606/PA

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

- Suggested an additional condition: Unrestricted vehicular access to the frontage of the adjacent TyreCom Autos (or any subsequent occupier) shall be provided and retained at all times from the new access road off Warstock Road as shown on plan No. 20-047-P-03 Rev J.
- Retention of vehicular access for TyreComs Autos.
- 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.

An objector spoke against the application and a supporter spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the public speakers.

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

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

8001

RESOLVED: -

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

Extra Condition

- Retention of vehicular access for TyreCom Autos
Unrestricted vehicular access to the front of the TyreCom Autos building shall be retained at all times from the new access road onto Warstock Road as shown on plan No. 20-047-P-03 Rev J.

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.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 8 - SITE BORDERED BY GOOCH STREET NORTH, KENT STREET AND LOWER ESSEX STREET BIRMINGHAM - 2021/05399/PA

Councillor Moore withdrew from the meeting.

The Area Planning Manager (City Centre) confirmed the following updates:

- Amendment to the resolution to be clear about the spend purpose of the holding fund sum as follows:
13.1 The first S106 Agreement between the applicants and the City Council to secure;
- a) The delivery of The Avenue with a minimum expenditure of £1,041,000 upon those items listed in the External Works – S106 cost plan (Rev. 5 dated 1st June) prior to the first use or occupation of the development;
- b) a deposit of £1,305,000 in a holding fund index linked to firstly be used to deliver noise mitigation works with any residual balance spent on affordable housing; and
- c) a monitoring fee up to a maximum of £10,000.

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

Upon being put to a vote for the listed building consent it was 7 in favour, 2 against and 1 abstention.

8002

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;
- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 1st September 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.

Councillor Moore returned to the meeting

REPORT NO. 9 - CORNER OF ESSEX STREET AND BRISTOL STREET, CITY CENTRE, BIRMINGHAM - 2021/10788/PA

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

- The following typographical errors have been amended: 7.43 - existing should be exiting and for 7.44 - Prior to the arrival of the fire service.

Planning Committee – 7 July 2022

- We have had late objection from local resident regarding the sunlight to their property which the Area Planning Manager summarised and responded to.

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

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

8003

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 and the original report
- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 1st August 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.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO. 10 - 56 HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6RT - 2022/02444/PA

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

- An objection has been received from a local Sargent from the Neighbourhood Police Team (NPT), raising objections on the grounds of anti-social behaviour/ fear of increased crime associated with proposed use.
- A further response has been received from West Midlands Police stating that their formal response to the Planning Application is no objection. They have reviewed the proposal and are content that they have considered all aspects of this application and finds no material considerations to object to the proposals.
- One additional objection also received, raising the following issues:
 - Increased litter/anti-social behaviour;
 - Proposed opening hours are excessive and would be detrimental to residential amenity;
 - Increased demand for on-street parking;
 - Impact on application for Levelling Up funding.

Councillor Robert Alden spoke against the application and a supporter spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the public speakers.

Planning Committee – 7 July 2022

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

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

8004

RESOLVED: -

That planning permission be deferred, minded to refuse.

REPORT NO.11 - GRAVELLY INDUSTRIAL PARK - UNIT 38, TYBURN ROAD, ERDINGTON, BIRMINGHAM, B24 8TG - 2022/03182/PA

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

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

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

8005 **RESOLVED:** -

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

ENFORCEMENT PERFORMANCE REPORT

The Principle Enforcement Officer presented the report to the members.

Members commented on the report and the Principle Enforcement Officer responded thereto.

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

8006 **RESOLVED:** -

That the report be noted, and bi-annual reports continue to be presented to Planning Committee in accordance with the Birmingham Local Enforcement Plan.

PURPOSE BUILT STUDENT ACCOMMODATION: SUPPLY AND DEMAND

The Assistant Director of Planning presented the report to the members.

Members commented on the report and the Principle Enforcement Officer responded thereto.

8007 **RESOLVED:** -

That Planning Committee note the updated paper on 'Purpose Built Student Accommodation: Supply and Demand' (attached as Appendix 1).

OTHER URGENT BUSINESS

Councillor Marsham raised concerns over the quality of the recording of the livestreams.

AUTHORITY TO CHAIR AND OFFICERS

8008 **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.

8009

AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):

In the event that 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 1254 hours.

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CHAIR