

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE**  
**12 MARCH 2020**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 12 MARCH 2020 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Zhor Malik, Gareth Moore, Simon Morrall, Lou Robson and Martin Straker Welds.

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**PUBLIC ATTENDANCE**

- 7482 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**

- 7483 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

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**DECLARATIONS OF INTEREST**

- 7484 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**

- 7485 Apologies were submitted on behalf of Councillors Johnson, Malik and Ward.

**CHAIR'S ANNOUNCEMENTS**

- 7486 She informed Members that the following meetings were scheduled to take place on the 26 March 2020, 9 April 2020 and 23 April 2020.
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**MINUTES**

- 7487 That the public part of the Minutes of the Meeting held on 13 February 2020 was noted.

That the public part of the Minutes of the Meeting held on 27 February 2020 was noted.

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**MATTERS ARISING**

- 7488 There were no matters raised.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

- 7489 There were no notifications by Members of planning applications submitted for consideration to be determined by the Committee.
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**PETITIONS**

- 7490 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.**

**REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH (ACTING)**

The following reports were submitted:

(See Document No. 1)

**PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA**

**REPORT No. 9 – 1 LONGFELLOW ROAD, BIRMINGHAM, B30 1BN – 2019/10590/PA**

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

Councillor Donaldson referred to the application and highlighted the health merits of each bedroom having an en-suite facility and the Area Planning Manager (South) responded thereto.

Upon being put to a vote it was 7 in favour, 3 against and 0 abstention.

7491 **RESOLVED:-**

That consideration of the planning application be approved subject to the conditions detailed in the report.

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**REPORT No. 10 – 103a HIGH STREET, HARBORNE, BIRMINGHAM, B17 9NR – 2020/00606/PA**

The Area Planning Manager (South) advised there was one update.

She reported that there had been one additional letter of objection, on the grounds of:

- Light pollution
- Close to objectors' homes and lack of consultation
- Unnecessary use of energy
- Distracting to drivers and pedestrians and cyclists

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

7492 **RESOLVED:-**

That temporary advertisement consent 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 – LAND AT JUNCTION OF STRATFORD ROAD/HIGHGATE ROAD, SPARKBROOK, BIRMINGHAM, B11 – 2018/07490/PA**

The Area Planning Manager (East) advised that there were several updates and subsequently detailed the following:

Changes to wording of condition 8 – Limit hours of use retail/professional services:

- Change from 08:00 – 20:00 Mon-Sat and 09:00 – 18:00 Sun/BH to 08:00 – 22:00 Mon-Sat and 09:00 – 19:00 Sun/BH.

Changes to wording of condition 9 – Limits the hours of use (Café/restaurant)

- Change from 07:00 – 20:00 Mon-Sat and 09:00 – 18:00 Sun/BH to 07:00 – 23:30 Mon-Sat and 09:00 – 21:00 Sun/BH

Condition 12 to restrict use of amplification equipment has been deleted following re-consultation with Regulatory Services.

Typo in the condition to limit the use as premises for financial/professional services to 2no. units

- Refer to Use Class A2 and not A4.

Councillor Moore made known his support for the application.

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

7493

**RESOLVED:-**

- (i) That consideration of the application be approved 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 by 17 April 2020 planning permission be refused for the reason set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority by 17 April 2020 planning permission for application 2018/07490/PA be approved. subject to the conditions set out in the report and the amended conditions detailed below:

**Amended Conditions:**

Changes to wording of condition 8 – Limit hours of use retail/professional services:

- Change from 08:00 – 20:00 Mon-Sat and 09:00 – 18:00 Sun/BH to 08:00 – 22:00 Mon-Sat and 09:00 – 19:00 Sun/BH.

Changes to wording of condition 9 – Limits the hours of use (Café/restaurant)

- Change from 07:00 – 20:00 Mon-Sat and 09:00 – 18:00 Sun/BH to 07:00 – 23:30 Mon-Sat and 09:00 – 21:00 Sun/BH

Condition 12 to restrict use of amplification equipment has been deleted following re-consultation with Regulatory Services.

Typo in the condition to limit the use as premises for financial/professional services to 2no. units

- Refer to Use Class A2 and not A4.
- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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**REPORT No. 12 – 57-70 ALFRED STREET, SPARKBROOK, BIRMINGHAM, B12 8JR – 2019/03970/PA**

The Area Planning Manager (East) advised that there had been 7 additional representations which were (3 of support and 4 of objection) received, on the following grounds:

- Already such venues in the immediate area
- Increased parking/traffic problems
- Area unsuitable for such a use
- Noise Pollution
- Will impact on existing businesses
- Site would be better suited to affordable housing
- The adjoining NHS dialysis centre adjoining will be impacted in terms of parking and inconvenience.

In support of the application:

- The premises were difficult to let and the investment was welcomed.
- The use will increase footfall in the local area and will boost business and the local economy.

It was noted that the comments received had already been covered in paragraph 6.18 of the officer's report.

It was noted that the applicant had requested that the 2-year temporary time limit for the permission be extended to 3 years to enable the conditions to be discharged and the proposal to be implemented. Officers have considered this request and resolved that A 3-year limit would be appropriate.

- 2-year temporary time condition changed to 3 years.

Councillor Robson shared concerns raised previously by Councillor Shabrana Hussain regarding the application and made known that she was unsupportive of the proposed extended timeline.

Councillors Fazal and Miah made known their support for the application and the Transport Development Manager and Area Planning Manager (East) responded thereto.

The Chair reminded Members that they were voting on an amended temporary timeline condition from 2 years to 3 years.

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

7494

**RESOLVED:-**

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

- 2-year temporary time condition changed to 3 years.

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**PLANNING APPLICATION IN RESPECT OF THE NORTH WEST AREA**

**REPORT No. 13 – LAND AT HAGLEY ROAD, DUCHESS ROAD & BEAUFORT ROAD (NEW GARDEN SQUARE), LADYWOOD, BIRMINGHAM, B16 8LB– 2019/08815/PA**

The Principal Planning Officer (North West) advised that the Applicant has submitted additional information for assessment by the LLFA and officers.

The LLFA however, continue to maintain their objection to the scheme, on the grounds that the development does not meet the requirements of Policy TP6, from the BDP.

Officers however deem these requirements to be met, as;

The Applicant has confirmed that a variety of SuDs have been incorporated within the scheme, to meet the requirements of TP6.

A total run off rate of 70% would be achieved on site, when compared to the existing situation, as agreed with the LLFA and the Council under the former Outline approval on site;

The applicant has further confirmed no transfer of catchment for run off would be used on site and that there is no increased risk of flooding when compared to the former outline approval; and

The applicant has agreed to submit evidence, by way of condition, to confirm their agreement with STW as a pre commencement condition which is attached.

Further to this amended CGI's have been received and these have been displayed accordingly.

At this juncture, the Chair sought clarification from the Principal Planning Officer (North West), that this was a subsequent amendment to a plan that the Committee had already approved which had included the flood measures, and that nothing in this application had an impact on the flood measures.

The Principal Planning Officer (North West) confirmed that this was already an approved scheme and subsequently highlighted the small changes to the building height parameters for the residential element of the scheme.

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

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

7495

**RESOLVED:-**

- (i) That consideration of planning application 2019/08815/PA be deferred pending the completion of a suitable 106 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 30 April 2020 planning permission be refused for the reason 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 30 April 2020 planning permission for the planning application 2019/08815/PA be approved. subject to the conditions set out in the report.
- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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**REPORT No. 14 – 164 BRIDGE STREET WEST, HOCKLEY, BIRMINGHAM, B19 2YX – 2019/07194/PA**

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

A Member commented unfavourably on the application and the Area Planning Manager (North West) responded thereto.

Upon being put to a vote it was 6 in favour, 4 against and 0 abstention -

7496

**RESOLVED:-**

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

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**REPORT No. 15 – 135-137 CHESTNUT LODGE, CHURCH LANE,  
HANDSWORTH WOOD, BIRMINGHAM, B20 2HJ – 2019/09325/PA**

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

A Member commented unfavourably on the application and the Area Planning Manager (North West) responded thereto.

In response to comments from the Chair, the Area Planning Manager (North West) stated that the case officer had included self-contained flats for context and confirmed the HMO percentage was 5.8% which included the application site.

Upon being put to a vote it was 5 in favour, 5 against and 0 abstention –

The Chair although had some concerns regarding the size of the HMO agreed to vote in favour of the application:

It was 6 in favour, 5 against and 0 abstention and therefore carried.

7497

**RESOLVED:-**

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

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**REPORT No. 16 – 156 CRAMLINGTON ROAD, GREAT BARR,  
BIRMINGHAM, B42 2EG – 2019/09207/PA**

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

The Chair reminded Members that a retrospective application was a legitimate process and that they would be only voting on the planning aspect of the application.

Councillors Cornish and Moore expressed concern regarding the application and the Area Planning Manager (North West) responded thereto.

Councillors Griffiths and Straker-Welds made known their support for the application.

Councillor Moore moved and seconded by Councillor Morall for a 6 months temporary consent;

Upon being put to a vote it was 3 in favour, 6 against and 0 abstention and therefore lost.

In response to Councillor Moore's questions as to whether staff had been appropriately trained and DBS checked, the Chair advised that this was not part of the Committee's remit for consideration.



Upon being put to a vote it was 6 in favour, 3 against and 1 abstention -

7498 **RESOLVED:-**

That the application be approved subject to the conditions detailed in the report.

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**REPORT No. 17 – LAND AT DOUG ELLIS SPORTS CENTRE, 150  
WELLHEAD LANE, PERRY BARR, BIRMINGHAM, B42 2SY –  
2019/08852/PA**

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

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

7499 **RESOLVED:-**

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

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**REPORT No. 18 – FORMER BCU CITY NORTH CAMPUS, FRANCHISE  
STREET, PERRY BARR, BIRMINGHAM, B42 2SU – 2019/10558/PA**

The Area Planning Manager (North West) advised there were several updates and detailed the following:

- Remove condition 2 and 45 from description (not changed)
- Table 1 p3 plot 9 remove the 3 (only 1 extra sedum roof)
- Table 1 p3 plot 11 remove words “replacement of” clarify retail use is additional to existing uses
- Para 4.2 LLFA now confirmed they have no objection
- Para 6.5 ref to condition 45 needs to be replaced with 46
- Para 6.15 should read D2 community use not D1
- Remove conditions 17 and 24 from the list contained within the report.

Members commented and expressed concern relating to the number of amended conditions and both Area Planning Managers (North West) responded thereto.

Upon being put to a vote it was 6 in favour, 4 against and 0 abstention -

7500 **RESOLVED:-**

That the application be approved subject to the conditions set out in the report with the exception of 17 and 24 which are removed.

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

7501 There were no site visits raised.

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**OTHER URGENT BUSINESS**

7502 No other urgent business raised.

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**AUTHORITY TO CHAIR AND OFFICERS**

7503 **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**

7504 **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**

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**Planning Committee – 12 March 2020**

**PRIVATE**

**MINUTES**

7505 **RESOLVED:-**

That the public and private Minutes of the meetings of the Committee held on 13 February and 27 February 2020 were confirmed and signed.

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**MATTERS ARISING**

7506 No matters were raised.

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**OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

7507 There was no other urgent business raised.

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The meeting ended at 1155 hours

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CHAIR