

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
16 MARCH 2023**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 16 MARCH 2023 AT 1100 HOURS IN COMMITTEE ROOMS 3 &
4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Martin Brooks in the Chair.

Councillors Akhlaq Ahmed, David Barrie, Jack Deakin, Jane Jones, Mahmood Hussain, Shehla Moledina, Lee Marsham, Gareth Moore, Rick Payne and Colin Green.

8141

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.

8142

NOTICE OF RECORDING

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.

8143

DECLARATIONS OF INTEREST

The Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES

8144 Councillors Akhlaq Ahmed and Diane Donaldson.

CHAIR'S ANNOUNCEMENTS

8145 The Chair recommended an amendment to the agenda so that it started with the building regulation challenges report, prior to the consideration of the planning applications.

MINUTES

8146 The minutes of the meeting of the Committee held on 23rd February 2023, 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)

THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - ANNUAL SCHEME OF CHARGES

The report was presented to the members.

Upon being put to a vote it was 8 in favour, 0 against and 1 abstention.

8152

RESOLVED -

That the policy report be noted.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

**REPORT NO. 6 - 2 STATION STREET, CITY CENTRE, BIRMINGHAM, B2
4AU - 2023/00312/PA**

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

- Condition 8 to be deleted.
- Amendments to the non-Class E Floorspace amounts in the report and re-wording of condition 3.
- Update on the issue of Bio Solar PV design.
- Condition 9 has been deleted and the green/brown roofs added to the landscaping and ecology details required by condition 7

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

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

8146

RESOLVED: -

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

AMENDED CONDITION:

Condition 3 has been amended to read “Limits floor space of non-E Class Uses” and will read.

“The maximum gross (internal) floorspace used for non Class E uses shall not exceed 3,147 sqm 14,891 sqm Class E office floorspace of which up to 1,315 sqm may be used for flexible Class E and/or Class F1(b) and/or F1(c) and/or sui generis uses (to allow for cinema, theatre, or live music venue, bars and drinking establishments) and up to 1,832 sqm may be used for bars and drinking establishments (sui generis)”

**REPORT NO. 7 - TYPHOO TEA, BORDESLEY STREET, BIRMINGHAM, B5
- 2022/08628/PA**

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

- Condition 32 should be titled “Requires prior submission of a building recording survey” and not structural recording.
- Following comments from EPU conditions 35 and 36 to be deleted.

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

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

8147

RESOLVED: -

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

**REPORT NO. 8 - LAND AT GOUGH STREET/SUFFOLK STREET,
QUEENSWAY, BIRMINGHAM, B1 1LT - 2022/04246/PA**

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

- Reminded Members that they previously deferred this decision minded to refuse.
- Condition 3 – remove the reference to cladding, as cladding is no longer proposed.
- Condition 4 – remove the reference to columns as the scheme no longer includes columns.
- Amend condition 36 - to include following wording:
'for the avoidance of doubt, the ribbed/modelled/rusticated brickwork as shown in approved plan [Proposed Façade Bay Study Gable P501 PA2 and Proposed Façade Study at Suffolk Street P503 PA2] shall be constructed at least 20mm deep'
Further objections from the Victorian Society, reiterated what they said on the original report.
- Noted that a representation from the applicants had been sent directly to Members.

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

Upon being put to a vote, on the recommendation in the original report, it was 8 in favour, 2 against and 0 abstention.

8148

RESOLVED: -

Authority is granted to officers to issue a decision in accordance with the resolution set out in the original report.

**REPORT NO. 9 - CORNER OF CHEAPSIDE AND MOSELEY ROAD,
BORDESLEY, BIRMINGHAM, B12 - 2022/01880/PA**

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

- Additional condition regarding the construction of a sample panel.

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

8149

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 15th June 2023, or

Planning Committee – 16 March 2023

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.

NEW CONDITION

Prior to above ground construction of the development a plan a 2m square panel (for constructed on site) shall be submitted and approved in writing by the local planning authority. The panel must illustrate/include:

- The application and handling of the key external materials, including junctions between two different materials;
- A corner or stepped profile of the building;
- A full window including sill, reveals, soffit and window unit; and
- Eaves, coping and rainwater goods.

The agreed panel shall be constructed on site and approved in writing by the local planning authority within three months of the agreed panel. The development shall be implemented in accordance with the approved panels.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 the City Design Guide SPD and the National Planning Policy Framework.

REPORT NO. 10 - FORMER SYTNER/BMW DEALERSHIP, SITE ON CORNER OF NEWHALL HILL, SAND PITS, CAMDEN STREET, SLOANE STREET AND SUMMER HILL TERRACE, JEWELLERY QUARTER, BIRMINGHAM - 2022/07459/PA

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

- Additional condition requiring a programme of archaeological works.
- Provided the information from the missing table at 7.90.
- Amendment to resolution 9.1B- add in that any unspent money on public realm would be directed to offsite affordable housing.

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

Upon being put to a vote it was 5 in favour, 3 against and 2 abstention.

8150

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 as amended by the update:

Planning Committee – 16 March 2023

- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 16th May 2023, 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 NORTH WEST AREA

REPORT NO. 11 - 10-38 BIRMINGHAM ROAD, SUTTON COLDFIELD, BIRMINGHAM, B72 1QQ - 2022/04441/PA

The Principal Planning Officer (North West) advised of an omission in paragraph 1.2 of the Officers Report where “an element of single storey” should have been included in describing the heights of the buildings.

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, 2 against and 1 abstention.

8151

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 24th March 2023, 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.

REPORT NO. 12 - NORTHERN SECTION OF FORMER HILLTOP GOLF COURSE OFF PARK LANE, HANDSWORTH, BIRMINGHAM, B21 8LJ - 2022/07069/PA

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

- Since publication, information in relation to condition 2 (arboricultural method statement) has been agreed and the condition can be changed from a pre-commencement to a compliance condition, as well as adding a tree pruning protection condition and a tree protection plan compliance condition.
-
- Leisure Services raise no objection.

Planning Committee – 16 March 2023

- 2 objections received raised concerns about impact on birds and that members, and the committee, of Hill Top Golf Course were not notified and some plans were posted after the consultation period had expired. In response, the City Ecologist raise no objection, consultation was undertaken in accordance with statutory requirements and the adopted Statement of Community Involvement (including Hill Top Golf Course being notified), and information was received during the application process and was not of a nature requiring public re-consultation.

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

8146

RESOLVED: -

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

EXTRA CONDITIONS:

Requires tree pruning protection

All tree work shall be carried out in accordance with British Standard BS3998 'Recommendations for Tree Work' (2010 and any subsequent edition).

Reason: 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.

Requirements within pre-defined tree protection areas

The protection of any existing tree to be retained in accordance with the approved plans and particulars Arboricultural Method Statement 'Birmingham City Council Planning Ref: 2022/07069/PA – Sandwell Valley Urban Bike Park Arboriculture Method Statement' and Tree Protection Plan 'OT-SUBP-D16 dated 03.03.2023' both received on the 7th March 2023. shall be achieved as follows:

- a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars as referenced above which shall have been previously submitted to and approved by the Local Planning Authority in writing;
- b) if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority;
- c) the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site;
- d) within any area fenced in accordance with this condition nothing shall be stored placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the authority; and
- e) no equipment, machinery or structure shall be attached to or supported by a retained tree.

These measures shall apply for the duration of the construction phase and until all equipment; machinery and surplus materials have been removed from the site.

Planning Committee – 16 March 2023

Reason: 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.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO. 13 - LAND OFF BORDESLEY GREEN ROAD AND VENETIA ROAD, BIRMINGHAM, B9 4TL - 2022/09301/PA

The Principal Planning Officer (East) confirmed there were no updates.

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

8147

RESOLVED: -

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

REPORT NO. 14 - NORTH BIRMINGHAM ACADEMY, 395 COLLEGE ROAD, KINGSTANDING, BIRMINGHAM, B44 0HF - 2022/08037/PA

The Principal Planning Officer (East) confirmed there were no updates.

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

8150

RESOLVED: -

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

REPORT NO. 15 - PHOENIX PARK, BRICKFIELD ROAD, HAY MILLS, BIRMINGHAM, B25 8EZ - 2021/10266/PA

The Principal Planning Officer (East) confirmed the following update:

- Deletion of conditions 5 and 17 as information has been provided.

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

8151

RESOLVED: -

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

OTHER URGENT BUSINESS

Sarah Scannell referred to report 8 and stated that members voted on the

Planning Committee – 16 March 2023

recommendation in paragraph 10 of the report.

Councillor Deakin asked if they could receive a briefing note on how Independent viability assessments are undertaken. Sarah stated she is happy to do the note and explain what goes into the assessment and what the policy states.

AUTHORITY TO CHAIR AND OFFICERS

8153

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.

8154

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 1143 hours.

.....
CHAIR