

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
28 JULY 2022

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 28 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, Jack Deakin, Diane Donaldson, Gareth Moore, Colin Green, Jane Jones, Lee Marsham, Shehla Moledina and Lauren Rainbow and Rick Payne.

8010

INTRODUCTION

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

8013

Councillor Lee Marsham.

CHAIR'S ANNOUNCEMENTS

8014 The Chair welcomed Councillor Deakin to the committee.

The Chair also announced that the agenda would start with Item 11 and that Item 12 was withdrawn as the officer is unwell.

Councillor Moore received emails for item 11 but has not expressed any interest. Furthermore, Councillor Payne attended a meeting in Erdington but hasn't expressed any interest in Item 11.

MINUTES

8015 The Minutes of the meeting of the Committee held on 7th July 2022 are to follow.

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 EAST AREA

REPORT NO.11 - 56 HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6RT - 2022/02444/PA

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

- 18 further letters of objection received, including an objection from Revd Emma Sykes (Vicar of St. Barnabas Church, Erdington), Daniel Mandley (Pastor of OIKOS Community Church & Café, adjoining the application premises) and Paulette Hamilton M.P.

The objections were summarised as follows:

- Detrimental Impact on the vitality & viability of the centre
- Cumulative impact, already too many betting offices
- Detrimental impact on the regeneration of the area & the levelling up bid
- Possible anti-social behaviour & increased crime
- Increased litter

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Members were reminded that officers had recommended approval of the application. However, notwithstanding this, Members were advised that should they resolve to refuse the application, 2 reasons for refusal are suggested within the report back.

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

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

8016 **RESOLVED:** -

That planning permission be refused for the reason(s) set out in the report.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 6 - CENTRAL METHODIST HALL, 196 - 224 CORPORATION STREET, CITY CENTRE, BIRMINGHAM, B4 6QB - 2022/02598/PA

Councillor Deakin withdrew from the meeting.

The Principal Planning Officer (City Centre) confirmed the following updates:

- The lead local flood authority has not given any objections subject to the conditions referring to a drainage strategy and maintenance plan. For Item 6 this is condition 9 and for Item 7 this is condition 20.
- In addition, the application also submitted an external lighting strategy to address condition 11 on Item 6 and condition 17 for Item 7.
- Birmingham City conservation officer and city design colleagues have both commented that further detail is required therefore the conditions still stand on both items notwithstanding a submitted lighting strategy.

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

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

8017 **RESOLVED:** -

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

REPORT NO. 7 – CENTRAL METHODIST HALL, 196 - 224 CORPORATION STREET, CITY CENTRE, BIRMINGHAM, B4 6QB - 2022/02607/PA

Councillor Deakin returned to the meeting.

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

8018 **RESOLVED:** -

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

**REPORT NO. 8 - UPPER GOUGH STREET CAR PARK, BIRMINGHAM, B1
1JG - 2022/02908/PA**

The Principal Planning Officer (City Centre) confirmed the following updates:

- One additional third-party neighbour letter received in support raising comments how the scheme would be an economic boost and would make upper Gough street safer and more attractive.
- No additional comments were received from the health and safety executive regarding the fire report despite the additional consultation.
- Paragraph 7.11, 7.13 and 7.48 as well as the recommendation at 9.1 the report refers to a section 278 agreement of the Highways Act. This has been replaced with a generic Highways agreement as Section 278 may not be the most appropriate mechanism. This does not impact the delivery of the disabled parking bays that will be required just the mechanism in which we do so.
- The last recommendation currently says subject to a Section 106 legal agreement however Birmingham Property Services still own the site therefore the recommendation has been changed to just a legal agreement in case Section 111 or Section 106 needs to be entered depending on the sale of the land. This does not change the terms of resolution.
- Resolution 9.1 amended: That In the event that no new and substantive objections are received during the consultation period (expires 28th July 2022), application 2021/05033/PA be APPROVED subject to the prior completion of a suitable legal agreement to secure the following

Members commented on the application and the Principal Planner (City Centre) responded thereto.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

8019

RESOLVED: -

- (i) That planning permission be granted subject to the completion of a 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 27th 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 NORTH WEST AREA

**REPORT NO. 9 - FORMER ROYAL WORKS, COLESHILL STREET,
SUTTON COLDFIELD, BIRMINGHAM - 2022/00861/PA**

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

- Change to section 106 resolution is required. Paragraph 9.1 needs to be amended so that it secures 53 apartments to be delivered as shared ownership. The remaining 32 apartments will be delivered as affordable rent and secured by an additional condition.
Amended recommendation:
- 9.1 That consideration of planning application 2022/00861/PA be approved subject to the completion of a planning obligation agreement to secure the following: 53 no. apartments to be delivered as shared ownership units; Financial contribution of £10,000 to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access; Financial contribution of £7,000 for flashing speed sign; Financial contribution of £5,000 for pedestrian friendly measures (guard rails / bollards / dropped kerbs); Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.
- Additional condition:
- Restricts units to be affordable units
- Prior to the first occupation of any of the units hereby approved a scheme detailing the affordable housing provisions for the 32no. affordable rent units within the assisted living accommodation shall have been submitted to and approved in writing by the local planning authority. The affordable housing scheme shall be in accordance with the submitted affordable housing statement. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme to be submitted shall include the following:
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing in perpetuity;
- clauses to not bind mortgagees or chargees and allowances for right to buy or similar Government schemes and the process for the developer to replace any units lost through these exceptions;
- and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To ensure the delivery of the units as affordable dwellings in order to meet the requirements of Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

8020 **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 and as amended by the update
 - (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 26th 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.
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REPORT NO. 10 - NEW HALL HOTEL, WALMLEY ROAD, SUTTON COLDFIELD, BIRMINGHAM, B76 1QX - 2021/05890/PA

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

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

8021 **RESOLVED:** -

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

OTHER URGENT BUSINESS

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

8022 **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.

8023 **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 1128 hours.

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CHAIR