

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
28 APRIL 2022

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 28 APRIL 2022 AT 1100 HOURS IN THE CHARLES DICKENS HALL, BMI, BIRMINGHAM

PRESENT: - Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Maureen Cornish, Diane Donaldson, Peter Griffiths, Julie Johnson-White, Saddak Miah, Gareth Moore, Dominic Stanford, Martin Straker-Welds, Saima Suleman and Mike Ward.

INTRODUCTION

- 8200 The Chair notified the Committee, that this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. She highlighted Members who sat on this Committee were sitting as representatives of the Council as a whole and not Ward Councillors.

NOTICE OF RECORDING

- 8201 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

- 8202 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

- 8203 Councillor Bob Beauchamp.

CHAIR'S ANNOUNCEMENTS

- 8204 The Chair advised that meetings were scheduled to take place on 26th May.
- The Chair announced there was public speaking for Item 6, 11 and 12.
- Councillor Moore stated Item 12 is in his ward however he has not expressed any opinions on the application so will still be taking part.
- Councillor Cornish stated she has also not expressed an opinion on Item 12 and will therefore still be taking part.
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MINUTES

- 8205 The Minutes of the meeting of the Committee held on 7 April 2022, having been circulated, were confirmed by the Committee and signed by the Chair.
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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 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 - FORMER 'THE TREES' PUBLIC HOUSE SITE, BRISTOL ROAD, EDGBASTON, BIRMINGHAM, B5 7TT- 2020/09703/PA

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

- Received number of revised and updated documents since issuing the report to reference the change from 31 stories to 26 stories. There were revised plans and we consulted on those but the supporting statements have been received in the last few days.
- Had a look at statements and nothing in there to change any conclusions or recommendations to members today.
- From the reports we have received, we have had an updated townscape and visual appraisal which includes an updated heritage statement.
- We have also had an updated design and access statement, updated bed space needs assessment, an urban design note and QC advice. In relation to those two last documents the design note and the QC advice, these were also sent to members of Committee
- In relation to the design and access statement, the applicant's view is that reducing the scale down to 26 stories has reduced the visual impact on the conservation area and listed buildings. Reducing the building to

16 stories which the City had suggested, would in their view, result in a less elegant built form particularly in views to and from the city.

- They conclude the scheme is compliant with national and local design policies.
- For members benefit we don't disagree with those conclusions purely from a design perspective. There are no objections to the proposal in terms of the bed space report, so this is in relation to the need for new student accommodation. They have updated their report because the application was submitted a while ago and that takes into account any consents that have been granted more recently and also any schemes that have been implemented on site.
- Have updated figures that indicate a potential under-supply of bed spaces for students between 980 and 1585 bed spaces.
- The report also looks at the wider economic impact of the proposal and puts some projected figures which are slightly different to the report that is in front of you.
- Paragraph 6.4 has two changes – there is a potential for 4 million pound net expenditure per annum from students who would be living in the accommodation and 40 jobs supported locally through the expenditure.
- Suggested reasons for refusal relates to drainage, have had updated information from the applicant and a revised consultation response from the lead local flood authority and they are now satisfied with the information that has been submitted.
- Suggested the removal of reason four, so it would just be the 3 heritage reasons rather than the drainage reason. If this application is minded to approve we would need a suite of conditions in relation to drainage.
- Have had number of notes and emails sent to members, have had a direct letter to members from Fusion Students and also a note from them, however there is nothing in there that needs further comments.

Objectors spoke against the application including Councillor Matt Bennett and a supporter spoke in favour of the application.

The Area Planning Manager (South) responded to the 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 13 in favour of refusal, 0 against and 0 abstention.

8205

RESOLVED: -

That planning permission be refused for the reason(s) set out in the report, minus reason 4

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO.7 - 153-161 CORPORATION STREET, BIRMINGHAM - 2019/10362/PA

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

- The principal ecologist has reviewed the scheme and recommends a construction ecological management plan condition due to the potential impact upon birds and bats.

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, 2 against and 1 abstention.

8206 **RESOLVED:** -

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

REPORT NO.8 - 153-161 CORPORATION STREET, BIRMINGHAM - 2019/10409/PA

Upon being put to a vote for the listed building consent it was 13 in favour, 0 against and 0 abstention.

8207 **RESOLVED:** -

That listed building consent be granted subject to the conditions set out in the report.

REPORT NO.9 - LAND AT 1-4 KEY HILL DRIVE, NOS 2, 54-58 KEY HILL AND 17-21 HOCKLEY HILL, JEWELLERY QUARTER, BIRMINGHAM, B18 5NY - 2021/06272/PA

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

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

Upon being put to a vote it was 13 in favour, 0 against and 2 abstention.

8208 **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 30 June 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.

**REPORT NO. 10 - SMALLBROOK QUEENSWAY BUILDINGS,
SMALLBROOK QUEENSWAY, BIRMINGHAM - 2022/02874/PA**

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

- The City Design Team raised no objections to the application.

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

Upon being put to a vote it was 13 in favour, 0 against and abstention.

8209

RESOLVED: -

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

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

**REPORT NO.11 - 68 WOOD END LANE, ERDINGTON, BIRMINGHAM -
2021/06385/PA**

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

- Received an amended plan to remove a ground floor side facing window that would face number 66. We felt removing the side facing window would reduce the impact on number 66.

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

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

Upon being put to a vote it was 6 in favour, 5 against and 3 abstention.

8210

RESOLVED: -

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

**REPORT NO. 12 - LAND TO THE EAST OF SUTTON ROAD, ERDINGTON,
BIRMINGHAM - 2021/08850/PA**

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

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- Speakers for and against the proposal have both submitted additional correspondence, the comments received largely repeat what is covered within the committee report.
 - The agents have provided a letter outlining the amendments which have been made to the proposals through the course of the application and also the benefits of the development. They have also provided a brochure to members outlining the proposals. In summary it is stated that:
 - The materials have changed from grey cladding to brick to better reflect the character of the area.
 - A boundary wall is proposed along Sutton Road, as well as the provision of electric vehicle charging spaces and additional tree planting and landscaping around the site.
 - In terms of Transport, there have been a number of highway related concerns raised by the school. These concerns have been raised through an objection letter and a report which have been fully addressed via technical notes.
- The benefits of the development include:
- A vacant brownfield site will be redeveloped to provide a new food store.
 - The proposal will improve customer choice and enhance the shopping experience in Erdington.
 - The proposal is fully compliant with both the sequential and retail impact tests.
 - The proposed building will provide a clean and contemporary design and there will be positive economic impact as a result of new employment.
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- Highclare School has provided a further objection based on child safety grounds, created by the access point proposed.
 - The school has sought their own legal and highway advice.
 - They consider that the proposed access, only 75 metres from the traffic lights and opposite the site egress, will increase the risk of accidents, become more congested and will lead to their egress being blocked.
 - They consider that an existing access to the north of the site should be used instead.
 - It is considered that reference should be made to the Arup report that the school commissioned and request that the proposal is refused or deferred giving the applicant the opportunity of providing a safer access.

In addition:

- 3 further letters of objection have been received, raising similar concerns to those objections set out in the Committee report and also 1 letter of support has been received.
- One minor correction to the committee report; paragraph 7.22 should refer to policy DM6 - Noise and Disturbance rather than policy DM8 - Places of Worship.
- For clarity - Condition 10 (prior to submission of a construction employment plan) also includes the local employment strategy in the detailed wording.
- Condition 21 should include words 'provision of' delivery and service area prior to occupation.

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

application.

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

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

Upon being put to a vote it was 12 in favour, 1 against and 0 abstention.

8211 **RESOLVED:** -

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

REPORT NO. 13 889 CHESTER ROAD, ERDINGTON, BIRMINGHAM, B24 0BS - 2021/10836/PA

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

- Further information has been received from the agent relating to the use of the property, they have advised that there is no record of the property being used as a family dwelling. There has been no council tax band allocated to the property since 8th January 2012 and also no rateable value history on the property. Therefore, the current use is a care home.
- The client purchased the property as a vacant property and if it was being used as temporary accommodation then that was unlawful. They consider the use is still a care home.
- The property was used as a care home and the Care Quality Commission website still indicates that the property is a care home.
- The estate agent marketed the sale of the property for potentially different uses subject to planning consent, with the exception of use as a care home, within class 2 license for 12 bedrooms.
- The property was built in the 1930s, and it is acknowledged that the sanitary facilities would require upgrading to meet current legislation to make it suitable for modern standards.
- It should be noted that the use of the property as a care home ceased a number of years ago and that the facilities remain outdated compared to a modern care home facility.
- Additionally the property has fallen into disrepair internally since its closure as a care home.
- Therefore, the agent considers that based on the records available with the valuation Agency, the Care Quality Commission and Community Tax records, the property still falls under a use as a care home.

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

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

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Upon being put to a vote it was 9 in favour, 2 against and 2 abstention.

8212 **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

8213 **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.

AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):

8214

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 1246 hours.

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CHAIR