

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
7 NOVEMBER 2019**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON  
THURSDAY, 7 NOVEMBER 2019 AT 1100 HOURS IN COMMITTEE ROOMS  
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

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**PUBLIC ATTENDANCE**

- 7241 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**

- 7242 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 except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 7243 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.

Councillor Lou Robson declared an interest in Item 10 and added that she was doing some work with the architect, not on this scheme, but with something else and that she will be leaving the room prior to the discussion on the item.

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**APOLOGIES**

- 7244 Apologies were submitted on behalf of Councillors Zhor Malik and Martin Straker Welds.
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**CHAIR'S ANNOUNCEMENTS**

- 7245 The Chair reminded members that the next three meetings were scheduled to take place on the 21 November, and 5 and 19 December 2019.

Training will be held on Thursday 14 November 2019, at 1330 hours and that this was the Committee's mandatory update training and that it was hoped to see the members there next week. The 21 November's meeting fell within the middle of their Peer Review visit from the Planning Advisory Service. Details will be circulated to Members and that they needed to put 1400 hours in their diaries as a drop-in session for Members of the Committee.

The Chair advised that she vary the agenda for today and that she will move item 21, *The Report Back from the Site Visit to the Flapper Public House* up to the first item under the City Centre Area. The second site visit report she would take at the end of the City Centre Area.

The Chair added she had taken the Birmingham Rep report off the agenda in order to allow for further discussion to take place.

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**MINUTES**

- 7246 There were no Minutes for this meeting.
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**MATTERS ARISING**

- 7247 No matters were raised.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**Planning Application No. 2019/08630/PA – Land off Barrows Lane (former Co-op playing pitches), Yardley, Birmingham, B26 1SA**

- 7248 Councillor Mike Ward requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of the strength of public feelings about the 110-dwelling development, not least the loss of green space in the area which was already deficient. A petition concerning the application was presented to Full City Council on the 5 November 2019.
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**PETITIONS**

7249 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.**

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**REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH**

The following reports were submitted:-

(See Document No. 1)

**Planning Applications in respect of the City Centre Area**

**Report No 21 – Report Back Following Site Visit – 31 October 2019 – The Flapper Public House, Kingston Row, City Centre, Birmingham - 2018/08647/PA**

The Principal Planning Officer (City Centre) stated that the Planning Committee site visit took place on Thursday 31 October 2019 and was attended by Members of the Planning Committee, Councillor Kath Hartley, officers from the Planning and Transportation together with the applicant, planning agent and architect. In addition, there was between 20 – 30 residents at the meeting who raised a number of issues:-

- The Flapper Public House was a popular, valuable community facility and was one of the few remaining alternative music venue in the city.
- It would undermine people's enjoyment of the canal.
- Although the site was not listed, it had heritage value as redevelopment of this area was one of the first canal site redevelopment in the city and was given a Civic Trust Award in 1979
- The proposed development would create a cannon effect along the canal and would be contrary to the open character of the area.
- Access to the Public House for large vehicles would be poor which would make access for deliveries and emergency vehicles difficult.
- It would overshadow the canal.
- There were queries raised concerning the lack of notification concerning the site visit concerning the development, landscaping and issues in relation to water pressure from drainage.

The Principal Planning Officer (City Centre) stated that in response the applicant noted that:-

- ❖ The site had been earmarked for development since 2011 and that the building fabric was deteriorating and that the site was not the only night-time entertainment and there were plenty of other alternatives.
- ❖ Subsequently, the applicant had provided further information about the condition of the building.

## **Planning Committee – 7 November 2019**

- ❖ The premises were old and many aspects of it had reached the end of its practical life and if retained would require extensive refurbishment at a cost of around £450k.
- ❖ A rent review was due from the freeholder, further increasing the burden of costs to be met by the applicant.
- ❖ These additional cost in rent will continue making the operation of the business untenable since funding was not available to meet all these costs.
- ❖ The applicant had previously agreed to a reduction in rent for the operational tenant by over 20% and had held this for the last eight years. This had enabled the tenant to continue to operate the Public House venue to date, but this was not a sustainable position moving forward.
- ❖ It was not an option to increase the rent paid by the tenant sufficiently to cover these costs.
- ❖ In these circumstances the Flapper Public House will therefore close on the 7 January 2020, irrespective of the outcome of this planning application.
- ❖ Pertaining to the observations, in terms of the loss of the Flapper Public House, redevelopment of this site would lead to loss of the canal side Public House and the small-scale music venue.
- ❖ However, there were a number of other alternative pubs in the area and it was not considered that the Flapper Public House would significantly reduce diversity of offer within the city for people's day to day needs.
- ❖ The applicant had identified 22 alternative music venues within the city. These alternative music venues had been reviewed and was detailed in the Planning Officer's report.
- ❖ There were six realistic alternatives that provided a similar live music function to the Flapper Public House that were similar in size and similar music genre.
- ❖ In terms of heritage asset and building design the Flapper Public House was built in the 1970's and was considered for listing in 2018 but was not added to the list on the basis of its lack of architectural and historic interest.
- ❖ The new development, by placing it on the water edge itself takes the physical site of the buildings along the southern side of the canal directly on the canal edge.
- ❖ The design of the three and four storeys building between 15.3m and 17.7m high, references traditional canal site.
- ❖ In terms of access, the low level of car parking was noted, but as the site was in the city centre, all surrounding roads were subjected to parking controls and the site was reasonably close to all public transport facilities.
- ❖ Birmingham City Council Transportation had therefore raised no objection to safeguarding conditions in particular as the access to the site was so constrained a condition was suggested to secure a Construction Management Plan to ensure continued access to Cambridge Wharf and measures to protect the cobbled Kingston Row.
- ❖ Regarding the other issues raised, the orientation of the average building was such that it would cast a shadow over the canal basin for part of the day, however given the modest three and four storey scale of the development, it was not considered that it would unduly overshadow the canal basin.

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- ❖ As suggested by the Canal and River Trust, it was proposed to make provision for electricity to be applied to the canal boat moorings. Also, Severn Trent and the Local Lead Flood Authority had raised no objections subject to suitable conditions.
- ❖ In terms of the procedure, all those who commented on the planning application were notified of the Planning Committee site visit.
- ❖ In terms of the recommendation, therefore, we note the comments, but do not consider the objections made and the site visit raised no new issues and he would therefore adhere to the original recommendation to approve subject to conditions and the completion of a legal agreement.

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

The Committee Lawyer advised that all planning application before the Planning Committee must be determined on the basis of the planning merits of that proposal not in relation to any land ownership interest or other sites that would come forward for consideration where the city does have an interest but has no bearing on the deliberations or decisions. The consideration must be confined to the planning merits of the proposal and any historical proposal that the city may put forward for this or other areas generally did not have a bearing on the Committee's deliberation or decision that they make.

The Principal Planning Officer (City Centre) commented that there were a lot of points raised by Members of the Planning Committee and they could go through those and come up with suggested reasons for refusal if this was what the Committee Members were minded recommending.

Dealing with the points raised by the Committee – in relation to the impact on the canal basin, they had looked closely at the design and they had come up with a design that fits in with the traditional canal site heritage of the area. There were historic photographs of the site which showed how the previous buildings were set back along the edge of the canal.

The Principal Planning Officer (City Centre) reiterated that in terms of the position of the building and its elevational treatment, officers had worked with the architect to come up with the design of the building which reflects the original canal site housing where they were dealing with a heritage site. The building was not listed, but it was considered for listing in 2018, but it was not added to the local list at that time on the basis that it lacked historical and architectural interests.

In terms of it being an asset of community value, there were a lot of comments at the Committee site visit about the value of Public House to residents and the application had generated a lot of opposition with over 200 objections to it. There was certainly support for the Public House.

In terms of the music side of the venue there were policies to safeguard small scale venues, but the applicant had done a report which looked at the totality of music venues in the city and had identified 22 other venues six of which had suitable similar size and similar music genre, but the Committee may not feel that this was enough.

In terms of access, he could only reiterate that BCC Transportation had raised no objections to the access as a safeguarding condition. The proposed scheme provides two parking spaces for people with disabilities. The scheme would not generate a lot of car park traffic but it would have deliveries for people living there. Whether the site could be considered for local listing was something they could take up.

The Chair advised that they were voting on the recommendation to approve.

Upon being put to a vote on the recommendation to approve, it was 0 in favour, 10 against and 1 abstention.

The reasons for refusal were community value of the venue particularly in light of the BDP policies TP24 and TP25; issues around access and the design features of the area and the impact on the canal.

7250

**RESOLVED:** -

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse

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**Report No 9 – 5 Centenary Square, Broad Street, City Centre, Birmingham, B1 1DR - 2018/06718/PA**

The Principal Planning Officer (City Centre) advised that there was a reserved matter planning application granted in 2014 for a seven and eight storey office building. The current application was similar in design, but with an additional storey and some minor changes. In terms of the updates the Local Lead Flood Authority had confirmed that they now had no objections subject to condition of implementation of a sustainable drainage scheme and further information regarding the operation and maintenance plan. There was a slight amendment to Condition 3 which requires the prior submission of a drainage scheme. At present, it refers to no development excluding demolition shall take place until the drainage scheme had been submitted in order to follow the wording of the other conditions. They were suggesting “no development excluding demolition of the initial site strip and site set up” be included.

In relation to paragraph 4.6 of the report, the Principal Planning Officer (City Centre) advised that they had no comments from Transport for West Midlands, but there was on-going dialogue between the applicant and Transport for West Midlands in terms of the coordination of the Metro works along Broad Street.

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

7251

**RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report and amended below:-

- **Revised condition 3**

Requires the prior submission of a drainage scheme

No development (excluding demolition/initial site strip & site set up) shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

**• Additional condition required by the LLFA**

Requires implementation of the sustainable drainage scheme and further information regarding the operation and maintenance plan

No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved Sustainable Drainage Assessment and the Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development. Prior to the discharge of this condition “as built drawings” and cross sections of all SuDS included within the approved drainage strategy shall be submitted. Further information is required within the operation & maintenance plan required for this development in support of the application to discharge the planning condition including:

- Details of party responsible for the maintenance of each feature
- Specification for inspection and maintenance actions (including frequency of tasks and setting out minimum standard of maintenance required)
- Proposed arrangements for adoption/ownership to secure operation of the scheme throughout its lifetime
- Details of proposed contingency plans for failure of any part of the drainage systems that could present a hazard to people

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

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**Report No 10 – 34-44 Northwood Street, Jewellery Quarter, Birmingham, B3 1TU - 2019/00964/PA**

Councillor Lou Robson indicated that she may have a conflict of interest as she was doing some work with the architect, not on this scheme, but with something else and withdrew from the meeting.

The Principal Planning Officer (City Centre) indicated that there were no updates, but there was some clarification for the Planning Committee as this

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application and the next one were both on Northwood Street. The site they were looking at first, was in St Pauls and Canal Corridor section of the Jewellery Quarter where there was no presumption against residential development, which was a different scenario to the second application that the Planning Committee would be considering.

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

7252

### **RESOLVED:-**

That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;

That, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 20 December 2019, planning permission be refused for the reasons set out in the report;

That, in the event of the legal agreement being completed to the satisfaction of the local planning authority by the 20 December 2019, favourable consideration would be given to the planning application subject to the conditions set out in the report;

That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

Councillor Lou Robson returned to the meeting having had no part in the discussion or the decision that took place.

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### **Report No 11 – Birmingham Repertory Theatre, 6 Centenary Square, Broad Street, City Centre, Birmingham, B1 2EP - 2019/05185/PA**

7253

It was noted that this item was withdrawn from the agenda to allow for further discussion to take place.

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### **Report No 22 – Report Back Following Site Visit – 31 October 2019 – Land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place (premises currently occupied by AE Harris & Baker & Finnemore), Jewellery Quarter, Birmingham - 2018/04882/PA**

The Principal Planning Officer (City Centre) stated that the site visit that took place was attended by officers, Councillors, representatives from the applicants, planning agents and the architects. There were 15 local residents and representatives from the Victorian Society and the Jewellery Quarter Development Trust. The Principal Planning Officer (City Centre) summarised the main issues from the site visit as stated in the addendum to the report and responded to further issues raised by a neighbour regarding building heights policies and the relocation of Baker and Finnemore.

Additional clause to apply a monitoring fee.



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

The Head of City Design stated that the important point to understand was the greater good and Members were saying that there were many positives. This was connecting and re-stitching this site as the wider part in context of the Jewellery Quarter and takes its characteristics from the Jewellery Quarter - the tight streets, the streets that were opened up into small pocket spaces which were characteristics of the Jewellery Quarter. One of the things that had not been mentioned was the richness of the architecture as there was that variety in the mixture of the architecture. Listening to concerns from the issues reported back, getting that richness through the architecture as they had terracotta buildings, glazed brick buildings as well as traditional brick buildings, it was that richness to the scheme there.

The issue in terms of height was the definition of what four storeys were. The domestic scale within the Jewellery Quarter and there was also a manufacturing scale in the Jewellery Quarter and that varies in height. What could be a domestic four storey building was different to a manufacturing four storey building. When you look at the scheme that was proposed, the relationship where the smaller building and where they were in close proximity to surrounding buildings and where the five-storey pop-up were the key marker buildings in the scheme.

Upon being put to a vote 9 in favour, 0 against, 2 abstention it was

7254

**RESOLVED:-**

That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;

That, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 20 December 2019, planning permission be refused for the reasons set out in the report;

That, in the event of the legal agreement being completed to the satisfaction of the local planning authority by the 20 December 2019, favourable consideration would be given to the planning application subject to the conditions set out in the report;

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 East Area**

**Report No 12 – 1159-1185 Chester Road, Birmingham B24 0QY - 2019/03185/PA**

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An objector spoke in respect of the application and in doing so emphasised that he did not object to the application but requested that a cut through be provided on Chester Road to allow ambulances to turn right.

The applicant spoke in favour of the application.

The Area Planning Manager (East) indicated that there were two updates – Firstly, that the applicant had requested an amendment to Condition 9 in relation to the delivery hours. The deliveries could take place one hour before store opens and one hour before store closes – this was effectively 0700 hours and 2300 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays which would seem to be a reasonable request as the store was not immediately surrounded by residential accommodations. Secondly, the West Midlands Ambulance Service had objected to the proposals in that they had requested they look on the possibility in providing a cut-through onto the Chester Road and perhaps a traffic light control junction as they considered this store could result in possible delays along the Chester Road.

The Area Planning Manager (East) stated that in relation to the comments made, if they look at Figure 2 of the report, they could see the junction where the ambulances would pull out on to Chester Road which was opposite the Aldi application site. The Ambulance Station was around 300m away down that road. They were not consulted on the application as they were not directly adjoining the site. The consultation was carried out in accordance with the statutory requirements. When an ambulance leaves that access it turns left travels around 100m to the next cut-through and then do a right turn along Chester Road.

The Area Planning Manager (East) stated that they had carefully considered the possibility of providing a cut-through at this point but it was felt that to require it as part of this application, it was felt that this would be an unreasonable requirement. They needed to look at the merits of the application and in planning terms it was considered acceptable in terms of the sequential test it would be seen as appropriate. In terms of the actual site, there were a number of occupiers on the site and there was a lot going on at the site potentially and a number of accesses many of which will be closed off and they will have just one main access.

The Area Planning Manager (East) advised that Transportation made no objections and they were happy to support the proposal and the request to provide an access at that point for the Ambulance Service was something that they thought could be considered as a separate issue.

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

Upon being put to a vote it was 2 in favour, 3 against and 6 abstentions.

Councillor Gareth Moore proposed that the decision be deferred for the further consideration of the traffic implications in particular the Ambulance situation. The Chair commented that given the voting figures this was sensible.

The Chair put the proposal of the deferral for further consideration of the transportation issue to the vote and it was 9 in favour, 0 against and 2 abstentions.

7255

**RESOLVED:-**

That consideration of the application referred to in the report be deferred for further information.

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**Report No 13 – 3 Elmdon Road, Acocks Green, Birmingham, B27 6LJ - 2019/01470/PA**

The Area Planning Manager (East) indicated that there were two updates. There were two further objections from neighbours. In summary they states that:

The use of a semi-detached property was not suitable for providing a home for vulnerable children and the use of such properties pose a fire risk.

The Area Planning Manager (East) stated that he had additional comments expressed by the applicant. The applicant expresses concerns regarding Planning Committee actions and made reference to a briefing paper published by the House of Commons Library in August 2019. He considers that the decision-making process had not been clear and comprehensive and not enough details and reasons for refusal and had been provided. He further pointed out that Regulatory Services had expressed no objections and that there were multiple examples of areas across Birmingham of semi-detached properties being used for child care purposes.

The Chair commented that there was a potential reason for refusal at paragraph 1.5 of the report and the Committee will vote for and against that reason. If the Committee vote for refusal, the application will be refused for that reason. If they wish to re-open the discussion, then they vote against paragraph 1.5 and then they look again at the application itself, including the conditions .

On a vote for those in favour of a refusal, it was 5 in favour, 6 against 0 abstention.

The discussion was therefore re-opened on the original application

The Chair stated that in paragraph 1.4 from the original report (top of second page), there was an additional condition that was recommended. The Committee was in favour of adding this condition. With the additional condition as set out in paragraph 1.4 of the original report -

Upon being put to a vote it was 6 in favour, 5 against and 0 abstentions

7256

**RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report and amended below:-

• **Additional condition**

Requires the prior submission of noise insulation (variable)

Prior to the occupation of the development hereby approved a scheme of internal noise insulation between the application site and the adjacent property number 5 Elmdon Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of the adjacent dwelling in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

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At this juncture, the Chair indicated that as she had made comments on the next three applications prior to becoming a member of the Committee she would withdraw from the meeting.

Councillor Keith Linnecor assumed the Chair.

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**Planning Applications in respect of the South Area**

**Report No 14 – 70 Ribblesdale Road, Selly Oak, Birmingham B29 7SQ - 2019/06846/PA**

The Area Planning Manager (South) stated that there were no updates, but that a late objection was received this morning whilst she was sitting in Committee from the Monkspath Neighbourhood Forum. The key points raised by Monkspath Neighbourhood Forum were that:

- They had objected to the application and their comments were in the original report. Having read the Committee report they would like the following to be reported –
  - a. They requested that the application be deferred in order to review the Article 4 HMO assessment. That they had been collecting a list of the HMOs within the area and wish to ensure that these had been considered as part of the application.
  - b. They believed the report did not accurately reflect the enforcement history as this application was only a response from the enforcement being notified that the property was being unlawfully used as an HMO when a site visit was undertaken.
  - c. They would like a response to their comments as to the reasons for Birmingham's change in the position from the previous application which prohibited the use of the property as an HMO.
  - d. They disputed that the property did not have typical residential character and the property had multiple extensions to accommodate the use of a five-bed HMO.

- e. They further disputed that the property will be used in a similar manner to a family home and the proposed use of a five-bed HMO was larger than most family homes in the area and most HMOs were living independently from one another.

The Area Planning Manager (South) stated that for the benefit of Members the application made clear that the application was retrospective and was a retention of the use. It was known that as it was said that the fact that it was retrospective it had no bearing on the consideration of the application, but to look at the merits of the application

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

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

The Deputy Chair confirmed that the grounds for refusal were an over concentration of HMOs in the locality and being contrary to the wider Selly Oak Supplementary Planning Document.

7257

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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**Report No 15 – 94 Bournbrook Road, Selly Oak, Birmingham, B29 7BU - 2019/05758/PA**

The objector requested that Planning Application Reports Nos. 15 and 16 be taken together as the properties were semi-detached houses and any decisions would apply to both.

The Deputy Chair agreed to the objectors request for both applications to be taken together.

Two objectors spoke against the applications.

The applicant spoke in favour of the applications.

The Area Planning Manager (South) stated that in relation to the issue of the lawful use, both properties had been used as single family dwellings which was Use Class C3, and they could lawfully be used as a small HMO, so they could have a 6 bed HMO in each of them without any further requirement for planning permission as they were outside of the Article 4 area. This was a strong fall-back position and there was a high likelihood that even if they were to resist seven bedrooms, they would revert back to being used as a 6 bed HMO. They were looking at the additional impact of the one extra bedrooms as a 7 bed rather than a 6 bed, rather than looking at the core principle of the change of use to an HMO.

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The Area Planning Manager (South) stated that as the objector had mentioned they have had a large number of appeals in this area and they had refused a number of applications in the last two years for 7, 8 and 9 bed HMOs in the Bournbrook area, but outside of the Article 4 area and they had subsequently lost all of those appeals. Inspectors had put considerable weight on the fall-back and the fact that these properties could be occupied by 6 people without planning permission. They had looked at the additional impact of the additional person and two people rather than looking at the principle. They had lost the argument in terms of impact and character, impact on residential amenity and the impact on services and infrastructure etc. because of the strong fall-back position.

The Area Planning Manager (South) stated that this point had been emphasised in terms of Members deliberation on this application. In terms of some of the other changes undertaken to the properties particular to the frontage they would be permitted development and would not need consent for those. On both applications they were looking at small extensions at the rear which complies with the policies.

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

The Area Planning Manager (South) read the following paragraph from one of the inspectors decisions in relation to the character of the Bournbrook area – Due to the already high existing levels of HMOs in the Bournbrook area which includes the appeal site, the area was purposely omitted from the Council's Article 4 Direction which removes permitted development rights. There was already that consideration when the Council was setting up the Article 4 whether to include Bournbrook or not. Having looked at the existing character and the changes that had already taken place, it was considered that it was right to leave it out of the Article 4 Direction. The inspectors were picking up on that issue and using that in terms of helping them make their decisions.

The Area Planning Manager (South) advised that the Committee needed to focus on what was the additional impact and harm caused by the one extra bedroom in each of those properties.

At this juncture, the Committee Lawyer advised that as the speaker was registered to speak for Planning Application report No.16, he will need to exercise that right to speak. From the Committee perspective, there has been some debate in relation to both properties. To avoid further confusion, if the Committee hears the speaker for Report 16 now and if the applicant wishes to say anything more in addition to what he had stated previously he will be allowed that opportunity. If there were any further debate by Members, they will then conclude the debate, following which the Committee will need to take two separate votes as they were two distinct separate planning applications.

Upon being put to a vote it was 1 in favour, 5 against and 4 abstentions -

The Deputy Chair confirmed that the grounds for refusal were an over concentration of HMOs in the locality and being contrary to the wider Selly Oak Supplementary Planning Document.

7258

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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**Report No 16 – 96 Bournbrook Road, Birmingham, B29 7BU - 2019/05816/PA**

Prior to the objector speaking against planning application report no.16, the Deputy Chair advised that he knew the objector who was a political agent n ... for him in the past. The Deputy Chair assured the Committee and members of the public that he had not discussed this issue with him at any time.

An objector spoke against the application.

The applicant was invited to speak in favour of the application again but declined the offer.

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

Upon being put to a vote it was 1 in favour, 5 against and 4 abstentions -

The Deputy Chair confirmed that the grounds for refusal were an over concentration of HMOs in the locality and being contrary to the wider Selly Oak Supplementary Planning Document.

7259

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse.

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The Chair returned to the room and assumed the Chair.

At 1255 hours, the Chair announced that the Committee would adjourn for a five-minute comfort break. Councillors Miah and Robson submitted their apology for their inability to attend the rest of the meeting following the comfort break.

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**Planning Applications in respect of the North West Area**

**Report No 17 – Land at Icknield Port Loop, Bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Edgbaston, Birmingham B16 - 2019/03757/PA**

The Principal Planning Officer (North West) stated that there were no updates.

Councillor Gareth Moore expressed disappointment with the application and stated that having had the opportunity to visit what was built on the Icknield Port

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Loop site it continued the monotony that had already been created particularly in terms of the modular builds. He added that he was uncertain that having rows and rows of identical housing with no minute distinguishing details that you normally have, example, on terrace streets. The Victorians were keen to ensure that each one whilst looking the same would have intricate detail that would make them unique and different. This takes all that away as it was dull and bland.

Councillor Moore stated that despite the feedback, when the application for the full site came forward, the applicant failed to take up the comments and continue to push forward this design which was dull and not sympathetic, nor did they deliver the housing needs as the properties were being sold for £400k and he did not see how this would address the housing crisis that they had in the city. Perhaps some houses that people could afford would be beneficial.

The Principal Planning Officer (North West) referred the Committee to section 1.4 of the report which sets out that this was a second reserved matters application so the properties being looked at today were previously approved. The number of units were not changing and there were only two distinctive changes which were the house types. The house types which backed onto the canal were staying the same and these would be traditional than those housing built in bricks. They were being amended from four storeys to three storeys as this was what the applicant had stated that the market was for.

On the other side which was Park Street, there was a change to the modular housing that was being proposed and again, this was due to market pressures that the developers were being able to sell on site. There was still a large variety overall in terms of the house types on site. Modular houses had their own variations from the information that was supplied.

The Principal Planning Officer (North West) stated that reserved matters were agreed on this part of the site (Phase 2).

Councillor Moore commented that there were no distinguishing changes

Upon being put to a vote it was 7 in favour, 2 against and 0 abstentions -

7260

### **RESOLVED:-**

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

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### **Report No 18 – 58 Chester Street, Birmingham B6 4LW - 2019/06710/PA**

The Principal Planning Officer (North West) stated that there were no updates.

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

7261

### **RESOLVED:-**



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

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**Report No 19 – Land at Holford Drive, Perry Barr, Birmingham B42 - 2019/06797/PA**

The Principal Planning Officer (North West) indicated that there was one update by way of an additional condition being attached which was in relation to the ornamental shrubs that would be planted across the school site. Officers had recommended that details of the shrubbery be submitted to the Council prior to it been implemented on site.

A Member commented on the sufficiency of car parking on the site and the Transportation Officer responded thereto

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

7262

**RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report and amended below:-

**• Extra Condition**

Requires planting details

Prior to the implementation of the landscaping scheme hereby approved detailed site wide planting plans shall be submitted to and agreed in writing with the Local Planning Authority. The details shall be implemented as agreed.

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

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**Report No 20 – 30 Reservoir Road, Edgbaston, Birmingham B16 – 9EG 2019/07073/PA**

The applicant spoke in favour of the application.

The Principal Planning Officer (North West) indicated that there was an update from the applicant who had sent through a number of documents. These include a map showing 100m radius marked out on it with the number of HMO marked out in that circle, information from BCC website in relation to the intended Article 4 Direction, a structural report of the property alongside a valuation report of the property and regarding a potential HMO being on the site in 1975.

The Principal Planning Officer (North West) stated that the recommendation in the report still stand.

The Chair stated that the draft reason for refusal was in front of the Committee and that the Committee would vote for and against that reason. If there was a

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majority in favour of that reason, the application would be refused for that reason. If the Committee wished to re-open the discussion, then a vote against that reason would allow the Committee to look again at the application.

Upon being put to a vote for the draft reason for refusal 4 in favour, 1 against, 3 abstention it was

7263 **RESOLVED:** -

That planning permission be refused on the ground of the draft refusal stated in the report.

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

7264 None submitted.

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**OTHER URGENT BUSINESS**

7265 No other urgent business was raised.

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**AUTHORITY TO CHAIR AND OFFICERS**

7266 **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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The meeting ended at 1320 hours

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CHAIR