

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
22 DECEMBER 2022**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 22 DECEMBER 2022 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, Mahmood Hussain, Mumtaz Hussain, Jane Jones, Lee Marsham, Gareth Moore, Colin Green and Rick Payne.

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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.

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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.

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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

8094 Councillor Diane Donaldson, Shehla Moledina and Lauren Rainbow.

CHAIR'S ANNOUNCEMENTS

8095 The Chair announced that there was public speaking for reports 6 and 9, however Item 9 was withdrawn.

Councillor Barrie stated that he is a board member for Field Business Improvement District, there is an occupation in the big area but is not being discussed at any of the meetings. Furthermore, he also stated that he is a member in Minworth ward which deals with Langley but the purpose of that is to get information to residents and allow them to express their views but not express any view on anything presented today. He also stated that he is a season holder at Aston Villa football club however has no peculiar interest with the club.

Councillor Marsham expressed that he is a season holder and recently met with the Aston Villa Foundation in his role as a local councillor, he will take part in the debate and has been contacted by several residents and community groups in relation to it's department.

MINUTES

8096 The minutes of the meeting of the Committee held on 1st December 2022 were agreed.

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 NORTH WEST AREA

REPORT NO. 6 - FORMER ROSIE'S NIGHTCLUB, LOWER PARADE,
SUTTON COLDFIELD, BIRMINGHAM, B72 1XX- 2022/02480/PA

The Principal Planning Officer (North West) confirmed the following updates:

- A small typographical error is included at 3.1 of the officer's report, it should refer to 75 flats not 55.
- A further comment was received by Our Town local interest group referencing a design concept for the Red Rose site and that it was not mentioned in the officer's report. It has been confirmed by colleagues in the development planning team that the document referred to is a discussion document that holds no planning weight at this stage. Elements of the discussion document were incorporated into the adopted town centre master plan. A planning brief is in draft form and will be utilised as and when appropriate.
- Further comments have been received from Royal Sutton Coldfield Town Council expressing concerns that their comments have not been sufficiently considered in the officer's report, particularly that the report fails to properly represent critical concerns of the Town Council about the site context and impact the proposed development and how the proposal would actively prejudice the delivery of a high-quality comprehensive scheme for the Red Rose area. Furthermore, the Town Council objected to the assertion in the report that the proposed height of building is consistent with the guidance set out in the town centre master plan SPD. The Principal Planning Officer confirmed that they were satisfied that the comments have been considered in the assessment of the proposals and responded to within the report at paragraphs 7.1 to 7.8. The suggestion made by the Town Council that the development would actively prejudice the delivery of a high quality comprehensive scheme is considered to be addressed by the masterplan which supports a phased approach, of which this application should be seen as the first phase. The applicant has submitted parameter plans to demonstrate how the scheme would work with future land assembly and the wider regeneration of the site.

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

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

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

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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 20th January 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

Planning Committee – 22 December 2022

- (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

REPORT NO. 7 - ASTON VILLA FOOTBALL CLUB, TRINITY ROAD, WITTON, BIRMINGHAM, B6 6HE- 2022/06776/PA

The Principal Planning Officer (North West) confirmed the following updates:

- At paragraph 7.8 in the report the acceptable uses within the proposed North stand and Villa live are set out with the relevant use class orders listed. The list should be updated to include useful class order use E (e). This was omitted in error. For clarity, use E (e) is listed within the text of Condition 37 which sets out limited and defines the acceptable uses within the development. For clarity, use E (e) is the provision of medical or health services except the use of premises attached to the residence of a consultant or a practitioner. This use is considered acceptable, relevant, and appropriate to the development in this context with regards to the location and the development and consideration over joining residential amenity.
- Since the publication of the report a representation has been received from Transport for West Midlands, who welcome the application and agree with the transport proposals and measures outlined. However, they feel more could be done to reduce car usage and promote sustainable travel modes.
- The future master plan and travel plans will capture Transport for West Midlands concerns and stress that all measures should aim to achieve a change of spectator travel habits away from use of the private car, improve walking and cycling routes, greater promotion, awareness of public transport options.
- Transport West Midlands are considered an important stakeholder, they would be consultant on a discharge of relevant conditions and future potential phases of development of Villa Park and the Euro 2028 bid and delivering the aims and objectives of the emerging area master plan. Their comments are noted and considered against the council assessing to the proposals and comments received from our own transportation officers, Highways England, and the mayor.
- The proposals are considered acceptable with Highways. In term of the proposals, they will facilitate betterment over the existing situation promoting and facilitating sustainable transport to help foster a change in patterns of behaviour.

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

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

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RESOLVED: -

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

REPORT NO. 8 - LAND AT LANGLEY BOUND BY LINDRIDGE ROAD, A38, WALMLEY ASH LANE, WEBSTER WAY, THIMBLE END ROAD AND SPRINGFIELD ROAD, SUTTON COLDFIELD, BIRMINGHAM-2021/10567/PA

The Lead Planning Officer (Langley & Peddimore) confirmed the following updates:

- One further neighbour letter received raising comments with regards to the accelerated funding of the highways contribution to enable early implementation of the identified measures, details of the timings of works to the M42 Junction 9 and M6 Junction 5, and the phasing of the transport contributions.
- Additional representation from West Midlands Police requesting a financial contribution of £676,546 [£123 per new dwelling]. Have had several discussions regarding the acceptability of the requested contribution. The council's position is that it doesn't meet the necessary statutory tests and, therefore, will not form part of the S106 Agreement
- The reasons for this are that the centralised model of police funding makes it very difficult to demonstrate a clear link between the request and the proposed development and, therefore, that the requested increase in staff and equipment as being fairly and reasonably related in scale and kind to the proposal. In addition, specific obligations may not contribute towards additional policing for the useful life of the development (e.g., the patrol vehicles will only have a useful life of eight years while the development may take up to 20 -25 years to fully complete etc). The requested contribution is also primarily identified towards officer costs and training, with some money towards patrol vehicles, and it is unclear whether these would be considered 'infrastructure' as envisaged by the relevant planning policies.
- There was a table missing at paragraph 7.171 in terms of Affordable Housing Tenures. The table should read, 4% social rent, 6% affordable rent and rent to buy, 16.25% affordable ownership options, and 8.75% first homes, which totals 35% affordable housing across the site.
- Update on paragraph 1.177 in terms of the approximate total highways contribution, ongoing talks on the indexation of the amount; however, it is likely to fall somewhere between £35m and £38m.
- In terms of the parameter plans shown, they are an old version which have subsequently been amended through a slight change to the red line.
- Confirmation that the resolution to grant permission subject to the S106 includes the delegated authority for BCC to enter into a legal agreement in order to facilitate accelerated funding for one or more of the S106 items or funds.

Members commented on the application and the Lead Planning Officer (Langley & Peddimore), and the Council's Transportation Consultant responded thereto.

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

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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 2nd June 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 EAST AREA

REPORT NO. 10 - THE BROOKHILL TAVERN, 484 ALUM ROCK ROAD, ALUM ROCK, BIRMINGHAM, B8 3HX - 2021/10528/PA

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

- It was requested that 2 additional restricting conditions be added due to the arrangement of the residential accommodation which is outlined within the report. It was suggested that a condition be added to restrict the Iman's accommodation to that use and not to be used for independent accommodation. Likewise, the first and second floor accommodation within the community centre shall be used as ancillary accommodation to the community centre use.

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

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

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RESOLVED: -

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

Extra Conditions

Restriction to the occupation of residential unit provided in association with the new build mosque

The three-bed residential unit attached to the mosque (the Iman's residence) shall only be occupied in conjunction with the mosque and shall not form a separate, independently occupied, residential unit without the express permission of the Local Planning Authority.

Reason: -The residential unit is attached to the mosque does not meet the City Council's standards for a new build dwelling of this size in respect of self-containment and the provision of private external amenity space.

Restriction to the occupation of residential accommodation provided in association with the former Brookhill Tavern

The residential accommodation provided in association with the former Brookhill Tavern Public House shall only be occupied in conjunction with the mosque and community use and shall not form a separate, independently occupied, house in multiple occupation (HMO) without the express permission of the Local Planning Authority.

Reason: -The residential accommodation does not meet the City Council's standards of an HMO in respect of self-containment and the provision of external amenity space.

REPORT 11 - THE BROOKHILL TAVERN, 484 ALUM ROCK ROAD, ALUM ROCK, BIRMINGHAM, B8 3HX - 2021/10530/PA

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

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

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RESOLVED: -

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

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 12 - ALDI, 637 BRISTOL ROAD, SELLY OAK, BIRMINGHAM, B29 6AE - 2022/04934/PA

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

- Members would have had an email directly on behalf of the applicants and just in support of the application. Having read the email there is nothing additional to add as it is covered in the report.

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

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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 20th January 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.

OTHER URGENT BUSINESS

Councillor Moore raised the issue of the letters not going out in time.

Councillor Payne also expressed similar concerns.

Councillor Deakin raised the question of why the issue was not flagged earlier.

The Assistant Director of Planning responded to the concerns and questions raised by the members and is confident that the issue will not happen again.

AUTHORITY TO CHAIR AND OFFICERS

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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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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 1207 hours.

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CHAIR