

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>13 AUGUST, 2020</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 13 AUGUST, 2020 AT 1100 HOURS AS AN ON-LINE MEETING**

### **PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Julie Johnson, Zhor Malik, Saddak Miah, Gareth Moore, Simon Morrall, Mike Ward and Martin Straker Welds.

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### **INTRODUCTION**

- 7638 The Chair indicated that meeting would be hosted on teams but would be webstreamed and indicated that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting. She noted that members would be using the chat function in teams to indicate a wish to speak and to notify of technical problems. No side conversations would take place.

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### **NOTICE OF RECORDING**

- 7639 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**

- 7640 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**

- 7641 An apology was submitted on behalf of Councillor Lou Robson for her inability to attend the meeting.

At this point in the meeting the Chair took a roll call of members present and reminded Members that they must be connected for the whole debate of an item in order to be able to vote on that item.

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**CHAIR'S ANNOUNCEMENTS**

- 7642 The Chair informed Members that the following meetings were scheduled to take place on the 27 August 2020, 10 and 24 September, 2020.

There were no written representations from people with speaking rights to read out.

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**MINUTES**

- 7643 The Minutes of the meeting of the Committee held on 30 July 2020 were to follow.
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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, INCLUSIVE GROWTH (ACTING)**

The following reports were submitted:

(See Document No. 1)

**PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA**

**REPORT NO. 6 - 122 MOSELEY STREET, DIGBETH, BIRMINGHAM, B12 ORY – 2018/01177/PA**

The Principal Planning Officer advised that there were no updates. It was noted that the application was from 2018. During the last 2 years officers had worked with the applicant on a revised scheme for the site to address the noise issues, officers were satisfied that all the issues had been addressed through the revised design and conditions.

In response to concerns expressed by Councillor Moore about the noise aspect and the lack of reference to the heritage aspect except for within one line in the report and comments from Councillor Simon Morrell about the noise issue, pollution and night time economy,

The Principal Planning Officer advised that the noise report had taken into account the noise from the adjoining PH and had been updated following additional monitoring. The mitigation proposed included a mechanical ventilation system so that the windows would not need to be opened. When the windows were closed the noise should not be heard. The Environmental Health Officer had visited the site twice, With regard to heritage the nearest listed building was some distance away from the site therefore there would be no impact on the historical heritage of the nearby buildings. The height had been reduced in line with the Neighbouring areas and Rea Valley Urban Framework Masterplan.

Members commented on the application and the Principal Planning Officer and Interim Assistant Director of Planning responded thereto. The Interim Assistant Director of Planning added that all the issues raised had been satisfactorily addressed and the application met all the necessary requirements.

Upon being put to the vote it was 8 in favour 4 against and 0 abstention

7644

**RESOLVED:-**

- (i) That consideration of application 2018/01177/PA be deferred subject to the prior completion of a legal agreement as set out in the report;
- (ii) That in the absence of a legal agreement being completed to the satisfaction of the Local Planning Authority by 11th September 2020 planning permission be refused for the reason set out in the report.
- (iii) That in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority on or before 11th September 2020, favourable consideration be given to this application, subject to the conditions set out in the report;
- (iv) That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement under Section 106 of the Town and Country Planning Act;

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**PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA**

**REPORT NO. 7 – PHASES 2B AND C – LAND AT ICKNIELD PORT LOOP (IPL), BOUNDED BY LADYWOOD MIDDLEWAY, ICKNIELD PORT ROAD AND WIGGIN STREET, LADYWOOD, BIRMINGHAM, B16 – 2020/ 03360/PA**

The Area Planning Manager (North West Area) advised that 1.6 of the report “Each block would house 10no. apartments” should read up to 11 or 12 apartments per block.

6.3 of the report refers to existing outline height parameters being 6 storeys for the apartment blocks. The outline approval allows up to 6.5 for the Mansion House blocks and up to 7 for the Corner House blocks.

The recommendation regarding the submission of a residential travel plan should be removed as the plan had already been approved and covers all of phases 1 and 2.

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

Upon being put to a vote it was 8 in favour, 4 against 0 abstention

7645 **RESOLVED:-**

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

Delete Condition 4. Requires the submission of a residential travel plan.

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**REPORT No 8 – 70-72 HANDSWORTH WOOD ROAD & LAND TO REAR  
HANDSWORTH WOOD, BIRMINGHAM, B20 2DT - 2019/10518/PA**

The Chairman advised that the report had been deferred at the meeting on 30 July, 2020 with the Committee minded to refuse the application for the 2 reasons set out in the report.

The Area Planning Manager (North West Area) read a statement from the applicant complaining about unfair representation in the press coverage and stigmatisation of people with mental health issues. The police had been involved for only one person and there had been no reports of children being contacted by service users. The facility had a good rating and reference was also made to loss of investment and jobs. Members were asked by the applicant to reconsider their decision.

The Area Planning Manager (North West Area) made reference to the 2 reasons for refusal set out in the report based upon Members comments and advised that if the application was refused by Members the refusal should be based on the first reason only and not for the second reason based on the fear of crime and anti-social behaviour.

Members commented on the application.

It was moved and seconded that if Members refused the application, the second reason for refusal based on crime and anti-social behaviour as set out in the report be removed.

Upon being put to the vote it was 12 in favour, 0 against 0 absention

7647 **RESOLVED:-**

That the second reason for refusal based on crime and anti-social behaviour as set out at no. 2 in the report be removed.

The Chair advised that there was now only one reason for refusal remaining in the report.

Members were asked to vote on the application

Upon being put to the vote it was 5 in favour, 3 against and 4 abstention

7648

**RESOLVED:-**

That planning permission be refused on the grounds that the size, scale and form of the extension would be out of character with the surrounding properties and would be unduly dominant, overdeveloping the site to the detriment of visual amenity. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.

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**UPDATE ON GOVERNMENT CHANGES TO PERMITTED DEVELOPMENT**

The Interim Assistant Director Planning made introductory comments relating to a number of changes to planning regulations recently introduced by the Government to increase permitted development rights. A briefing note had been circulated and will be available on the website along with the minutes.

(See document no. 2)

A briefing note will be sent to Members on the Government's new White Paper proposing substantial changes to the planning system.

Councillor Moore commented that there were some radical changes and restrictions being put in place. He spoke about the implications and stressed the importance that planning made it clear that a lot of work required prior approval before any work started.

Councillor Martin Straker Welds said it was important how the information was communicated to the public as he did not think people understood their rights regarding demolition.

The Interim Assistant Director Planning replied that the briefing was to flag up the changes and there was a lot of work to be done to ensure advice was given to the public. The changes were intended to fast track the ability of developers and individuals to build. Hot Food takeaways will now be sui generis and therefore will be considered on a case by case basis. It was anticipated that the changes could generate a lot of activity. A lot of the information had gone under the radar but it will be implemented at the end of August.

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The Chair noted that the matter had been covered through the Local Democracy reporting scheme.

7649

**RESOLVED:-**

That the update be noted.

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**OTHER URGENT BUSINESS**

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The Chair agreed that the following matters could be considered as other urgent business:-

1. Councillor Moore asked for an update on Judicial Review Eastside based on Heritage Grounds. The Chair advised that the Judicial Review was a legal process.
2. Councillor Moore referred to an email sent to Councillors by Planning Enforcement regarding the new procedure for enforcement complaints, informing Councillors that it was inappropriate for them to discuss matters with constituents and that Councillors should report the matters online. He queried where this was decided and why Councillors were not involved in the process. The Interim Assistant Director Planning replied that the new provision for enforcement complaints was to ensure sufficient details were captured. There was no reason Councillors could not make the complaint on behalf of constituents and receive the feedback. The process should not be an additional burden or affect anyone's ability to make a complaint.

The Chair felt it was a matter of how the advice was interpreted and undertook to take the matter up with James Wagstaff

**RESOLVED:-**

That the update be noted.

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**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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The meeting ended at 1207 hours

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CHAIR