

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
24 FEBRUARY 2022**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 24 FEBRUARY 2022 AT 1100 HOURS IN THE LYTTLETON THEATRE, BMI, BIRMINGHAM**

**PRESENT:** - Councillor Karen McCarthy in the Chair;

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

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### **INTRODUCTION**

- 8164 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.

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### **NOTICE OF RECORDING**

- 8165 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](http://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**

- 8166 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.

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### **APOLOGIES**

- 8167 Apologies were submitted on behalf of Councillors Bob Beauchamp, Kate Booth and Saima Suleman for their inability to attend the meeting.

**CHAIR'S ANNOUNCEMENTS**

8168 The Chair advised that meetings were scheduled to take place on 17<sup>th</sup> March 7<sup>th</sup> April and 28<sup>th</sup> April.

The Chair announced that public speaking was to take place for Items 8 and 9.

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**MINUTES**

8169 The Minutes of the meeting of the Committee held on 3 February 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)

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

**REPORT NO. 6 - WYLDE GREEN PUBLIC HOUSE SITE, BIRMINGHAM ROAD, SUTTON COLDFIELD, BIRMINGHAM, B72 1DH - 2021/00512/PA**

The Principal Planning Officer (North West) confirmed the following update

- Since the publication of the Committee Report and following discussion with the applicant, it was concluded that the conditions which were attached to the previous appeal decision should be the conditions proposed in the recommendation. They were extensively discussed and agreed with between the applicant at the hearing, the Local Planning Authority and the Inspector at the appeal hearing.
- Condition 7, 8 and 9 are to be removed
- Removing condition 23 and 24 restricting the age and the use of the building and include these in the section 106.
- The recommended conditions are therefore proposed to be amended to replicate the conditions attached to the appeal. The main difference was that the conditions restricting use and age are to be removed and included within the S106 agreement.

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

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

8170

**RESOLVED: -**

- (i) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the appeal decision (and as amended below);
- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 31<sup>st</sup> March 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.7 - GREENHOLM JUNIOR AND INFANT SCHOOL,  
GREENHOLM ROAD, KINGSTANDING, BIRMINGHAM, B44 8HS -  
2021/05195/PA**

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

- Since the publication of the Committee Report the agent requested that the drainage condition be a compliance condition rather than a pre-commencement condition as they have submitted all the information required. STW have been reconsulted and agree that the information is enough.
- Recommended that condition 2 is recommended to be re-worded to require the drainage scheme to be implemented in accordance with the submitted details.

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

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

8171

**RESOLVED: -**

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

Condition two is to be removed and the following extra condition was added:  
Requires adherence to agreed drainage details  
Foul sewage is to discharge to the public foul sewer, and as soakaways have been demonstrated to not be feasible for the site, surface water drainage into the public surface water sewer is permissible. Such discharge features shall accord with the details set out in Technical Note Re: Sustainable drainage detailed design (14th January 2022) by Structural Solutions including the upper limit of 1.5 l/s for surface water discharge. Reason: In order to secure the satisfactory development and operation of the application site in accordance with policy PG 3 and TP 6 of the adopted Birmingham Development Plan and the NPPF.

**PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA**

**REPORT NO.8 - BIRMINGHAM WHEELS PARK, 1 ADDERLEY ROAD  
SOUTH, BIRMINGHAM, B8 1AD- 2021/09467/PA**

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

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

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

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

An informative was added to the application: The proposed compound/progressing area for the removal of Japanese Knotweed and other invasive species shall be sited in a location within the application site which would have minimal impact on existing sporting facilities

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

8171

**RESOLVED: -**

That planning permission be granted subject to the conditions set out in the report and informative added, as indicated ~~amended~~ below:-

The proposed compound/progressing area for the removal of Japanese Knotweed and other invasive species shall be sited in a location within the application site which would have minimal impact on existing sporting facilities

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**PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA**

**REPORT NO.9 - 81 LORDSWOOD ROAD, HARBORNE, BIRMINGHAM, B17  
9QT - 2019/07098/PA**

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

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

The Area Planning Manager (South) responded to the comments made by the speakers and invited the Highways Manager to provide further clarification on the report.

The Chair asked for a construction and demolition plan to be added to the conditions.

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

Upon being put to a vote it was 7 in favour, 3 against and 1 abstention.

8172

**RESOLVED: -**

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

Extra Condition:

- Requires the prior submission of a construction method statement/management plan
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:
  - the parking of vehicles of site operatives and visitors
  - location of loading and unloading of plant and materials
  - hours of demolition/construction/delivery
- The development shall be implemented in accordance with the approved details.
- 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 safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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**REPORT NO.10 - LAND AT WEST LONGBRIDGE, WEST AND NORTH OF THE A38 BRISTOL ROAD, SOUTH, FORMER MG FACTORY SITE, LONGBRIDGE, BIRMINGHAM, B459QT - 2021/06547/PA**

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

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

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

8173

**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 below);
  - (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 17<sup>th</sup> March 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.11 - FORMER NORTH WORCESTERSHIRE GOLF CLUB,  
HANGING LANE, NORTHFIELD, BIRMINGHAM, B31 5LP - 2021/09698/PA**

Councillor Julie Johnson-White left the meeting having previously expressed interest.

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

The Assistant Director of Planning noted that on paragraph 1.5 there is a slight error where the second and third bullet point where it says 'social rent and shared ownership' it should be the other way around. Bullet point 2 is shared ownership and bullet point 3 should read social rent.

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

8174 **RESOLVED:** -

That the reserved matters submission for appearance, scale, layout and landscaping be approved.

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

**REPORT NO.12 - PHASE 2 PUBLIC REALM AT LAND BOUNDED BY  
PARADISE CIRCUS QUEENSWAY AND SURROUNDINGS INCLUDING  
CHAMBERLAIN SQUARE, AND PARADISE STREET, BIRMINGHAM, B3  
3HJ- 2021/08104/PA**

Councillor Julie Johnson-White returned to the meeting.

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

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

8175 **RESOLVED:** -

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

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**REPORT NO.13 - LAWSON STREET CAR PARK, ASTON, BIRMINGHAM,  
B4 7DQ - 2021/09215/PA**

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

- Amendment to Condition 16 – requiring further noise assessment to 'prior to occupation' rather than prior to above ground works. This is in response to Reg Services' noting high level plant that needs to be accounted for in the survey that further low-level assessment wouldn't capture – therefore they will undertake this once the frame is up.
- HSE consultation response regarding the fire statement not received. Therefore, amend the recommendation at 8.1 to read:

## **Planning Committee – 24 February 2022**

Approval of planning application 2021/09215/PA subject to the either confirmation of no objection from the Health and Safety Executive or no response being received by Monday 28<sup>th</sup> February 2022.

- Add a further condition requiring the submission of a construction employment plan.

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, 1 against and 0 abstention.

8176

### **RESOLVED: -**

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

### **Amend Condition 16**

Prior to occupation Submission of a Proposed Noise Mitigation Scheme has been submitted to and agreed in writing by the Local Planning Authority. The Proposed Scheme of Noise Mitigation Measures shall be based on a new noise assessment (the scope of which shall first have received the written consent of the Local Planning Authority).

The Proposed Scheme of Noise Mitigation Measures shall refer (but not exclusively) to the following:

a) the design and specification for the proposed noise mitigation from glazing, building components and ventilation provision with reference to:

- the daytime and night-time internal noise level criteria requirements
- the 2017 ProPG on Planning and Noise - 'New residential developments'; and

- the requirements of the latest edition of the Birmingham City Council Planning Consultation Guidance Note on Noise & Vibration.

b) the design and specification for any mechanical ventilation system to any habitable room (other than kitchen or bathroom extraction).

The scheme shall include an assessment of the combined impact of the noise break-through from the building structure (including glazing) and the noise generated by the mechanical ventilation within the habitable room and shall identify how background ventilation and purge ventilation will be achieved;

c) the adequacy of the ventilation system to avoid over-heating conditions (supported by an overheating assessment); and

d) the possible need for some residential units to have sealed windows (You are advised to see the relevant informative)

The agreed Proposed Scheme of Noise Mitigation Measures shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained.

\*above ground works does not include works relating to foundations or laying the ground floor slab.

Reason: In order to secure the satisfactory development of the application site and to safeguard the amenities of occupiers in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

**Extra Condition**

No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:

A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Access Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role.

The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'. The following can be counted as a New Entrant:

- A person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or
- An unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or
- A person who's current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.

The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.

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**POLICY REPORTS**

**REPORT NO.14 - REVISIONS TO THE PLANNING CODE OF PRACTICE AND SCHEME OF DELEGATION**

The Assistant Director of Planning stated that there were 2 items for consideration. The first was the Planning Code of Practice and the second was the Scheme of Delegation.

Members commented on the report and the Assistant Director of Planning commented thereto.

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

8177 **RESOLVED:** -

That the report was approved.

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**REPORT NO.15 - ACIVICO BUILDING CONTROL CHARGING SCHEME**

Councillor Griffiths left the meeting having previously expressed interest.

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

8178 **RESOLVED:** -

That the report was approved.

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**OTHER URGENT BUSINESS**

The Chair advised members that this is the last meeting that the Assistant Director of Planning would be taking part in.

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**AUTHORITY TO CHAIR AND OFFICERS**

8173 **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):**

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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 1210 hours.

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CHAIR