

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 15 AUGUST, 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 15 AUGUST 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

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

PUBLIC ATTENDANCE

- 7083 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.

NOTICE OF RECORDING

- 7084 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) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 7085 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.

APOLOGIES

- 7086 Apologies were submitted on behalf of Councillors Maureen Cornish and Diane Donaldson for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 7087 The Chair advised that the next few meetings of this Committee would be held on 29 August, 12 September and 26 September 2019. A site visit had been arranged 22 August 2019 and Members were asked by the Chair to confirm their attendance.
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MINUTES

- 7088 The Minutes of the meeting of the Committee held on 18 July, 2019 having been previously circulated were agreed and confirmed by the Committee.
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MATTERS ARISING

- 7089 No matters were raised.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 7090 Councillor Mike Ward requested that the following planning application be submitted to a future meeting of the Committee:-

2019/05489/PA - Willclare Sports and Social Club, Willclare Road, Sheldon, Birmingham B26 2NX.

PETITIONS

- 7091 Councillor Gareth Moore submitted a petition on behalf of residents objecting to Planning Application 2019/05422/PA - former Police Station, 1170 Bristol Road South, Northfield, Birmingham B31 2TJ.
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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 STRATEGIC DIRECTOR, INCLUSIVE GROWTH

The following reports were submitted:-

(See Document No. 1)

Planning Applications in respect of the North West Area

Report No. 9 - 144 Hamstead Road, Handsworth, Birmingham B20 2QR – 2019/02190/PA

A supporter spoke in favour of the application.

Members commented on the application and it was proposed that the Committee be minded to refuse the application on the grounds that the development does not provide sufficient private amenity space within the site and as such constitutes a poor quality living environment for the occupants. The proposal is therefore contrary to the NPPF, Policies PG3 and TP27 of the Birmingham Development Plan 2017, Saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005 and Specific Needs Residential Uses SPG.

The Chairman put the proposal to be minded to refuse the application on the above grounds to a vote and by 7 in favour, 4 against and 0 abstentions it was declared to be carried.

The refusal of the application on the above grounds was put to a vote and it was 7 in favour, 4 against, 0 abstentions declared to be carried.

7092

RESOLVED:-

That planning permission be refused on the grounds that the development does not provide sufficient private amenity space within the site and as such constitutes a poor quality living environment for the occupants. The proposal is therefore contrary to the NPPF, Policies PG3 and TP27 of the Birmingham Development Plan 2017, Saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005 and Specific Needs Residential Uses SPG.

Report No 10 - 146 Hamstead Road, Handsworth, Birmingham B20 2QR – 2019/03129/PA

A supporter spoke in favour of the application.

Members commented on the application and it was proposed that the Committee be minded to refuse the application on the grounds that the development does not provide sufficient private amenity space within the site and as such constitutes a poor quality living environment for the occupants. The proposal is therefore contrary to the NPPF, Policies PG3 and TP27 of the Birmingham Development Plan 2017, Saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005 and Specific Needs Residential Uses SPG.

The Chairman put the proposal to be minded to refuse the application on the above grounds to a vote and by 7 in favour, 4 against and 0 abstentions it was declared to be carried.

The refusal of the application on the above grounds was put to a vote and it was 7 in favour, 4 against, 0 abstentions declared to be carried.

7093

RESOLVED:-

That planning permission be refused on the grounds that the development does not provide sufficient private amenity space within the site and as such

constitutes a poor quality living environment for the occupants. The proposal is therefore contrary to the NPPF, Policies PG3 and TP27 of the Birmingham Development Plan 2017, Saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005 and Specific Needs Residential Uses SPG.

Report No 11 - 111 Hagley Road, Edgbaston, Birmingham B16 8LB – 2019/02810/PA

Upon being put to the vote it was 11 in favour, 0 against and 0 abstentions

7094

RESOLVED:-

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

Report No 12 - 8 Epwell Road, Kingstanding, Birmingham B44 8DD – 2019/03965/PA

Upon being put to the vote it was 11 in favour, 0 against and 0 abstentions

7095

RESOLVED:-

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

Report No 13 - Land at Perry Barr Reservoir, Rough Road, Kingstanding, Birmingham B44 0UT – 2019/03367/PA

Members commented on the application.

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

7096

RESOLVED:-

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

Report No 14 - Birmingham Alexander Stadium, Walsall Road, Perry Barr, Birmingham B42 2LR – 2019/06062/PA

The Area Planning Manager (North West) advised that further to consultations responses, additional conditions relating to a construction management plan, a remediation strategy and tree protection are recommended.

Granting of the application with additional conditions was put to a vote and it was 11 in favour, 0 against, 0 abstentions declared to be carried.

7097

RESOLVED:-

That prior approval be required and planning permission be granted subject to the conditions set out in the report and the following additional conditions:

1. Requires the prior submission of a construction method statement/ management plan -
No development shall take place 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/deliveryThe 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.
2. Requires remediation -
No demolition works below floor slab levels shall occur until a contaminated land Phase 2 site investigation has been carried out and a remediation strategy has been submitted to and approved in writing by the Local Planning Authority.
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.
3. Requires tree protection -
No demolition shall take place until tree protection for the trees shown to be retained is agreed in writing with the Local Planning Authority. The agreed tree protection shall be retained for the duration of the on-site works.
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.

Report No 15 - Peddimore, Land North of Minworth, East of A38 and West of Wiggins Hill Road, Sutton Coldfield B76 – 2019/00108/PA

The Principal Planning Officer (North West) informed Members that 1 further objection had been received and 1 letter of comment had been received that requested further assurances. A series of updates to the report were given and the Committee was advised that Condition 34 was no longer necessary.

An objector spoke against the application.

The Principal Planning Officer (North West), the Legal Officer and the Transportation Officer responded to comments made by the objector.

A supporter spoke in favour of the application.

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

The approval of the application with the deletion of Condition 34 set out in the report was put to a vote and it was 11 in favour, 0 against, 0 abstentions

7098

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 12 September 2019, planning permission be refused for the reasons set out in the report;
- (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement;
- (iv) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by 12 September 2019, favourable consideration would be given to the planning application subject to the conditions 1 to 33 and 35 to 61 set out in the report;
- (v) that no objection be raised to the stopping-up of Peddimore Lane and Wishaw Lane and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990;
- (vi) that the City Solicitor be authorised to make an Order in accordance with the provisions of Section 257 of the Town and Country Planning Act 1990.

Planning Applications in respect of the City Centre Area

Report No 16 - 48-52 Princip Street, Birmingham B4 6LN – 2018/06374/PA

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

Members commented on the application and the Area Planning Manager (City Centre), the Transportation Officer and the Assistant Director (Planning) responded thereto.

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Councillor Lou Robson proposed that consideration of the application be deferred for further clarification regarding the height and impact of the proposed building in relation to the neighbouring Comet Works development.

Councillor Peter Griffiths seconded the proposal.

Upon being put to the vote it was 8 in favour, 2 against, 1 abstention -

7099

RESOLVED:-

That consideration of the application be deferred pending further information.

Report No 17 - Land Fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft And Gooch Street, Birmingham B5 7AY – 2019/02975/PA

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

Councillor Lou Robson proposed that consideration of the application be deferred for further information on amended unit sizes and design. A revised viability assessment to address the amendments made to the development was also requested.

Councillor Gareth Moore seconded the proposal.

Upon being put to the vote it was 8 in favour, 2 against, 1 abstention -

7100

RESOLVED:-

That consideration of the application be deferred pending further information.

Report No 18 - Old Union Mill, 17-23 Grosvenor Street West, Ladywood, Birmingham B16 8HW – 2018/00484/PA

Members commented that they were minded to refuse the application on the grounds set out in the report.

The refusal of the application on the grounds set out in the report was put to a vote and it was 11 in favour, 0 against, 0 abstentions declared to be carried.

7101

RESOLVED:-

That planning permission be refused on the grounds that the proposals are considered to comprise over development of the site that, particularly due to the height of the two blocks and their siting, would result in a significant loss of amenity to the existing occupiers of Sherborne Lofts by virtue of loss of light and privacy. As such the proposed development is considered to be contrary to Policy 3.14C of the Birmingham Unitary Development Plan 2005 (Saved Policies), Policy PG3 of the Birmingham Development Plan, the Places for

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Living SPG, Policy DM2 of the Development Management in Birmingham DPD Preferred Options Document (2019), and the Revised National Planning Policy Framework.

Planning Applications in respect of the South Area

Report No 19 - Colmers School And Sports College, Bristol Road South, Longbridge, Birmingham B45 9NY – 2019/04037/PA

Councillor Peter Griffiths declared a pecuniary interest as a Non-Executive Director of Acivico and withdrew from the meeting for this item.

The Area Planning Manager (South) advised that Condition 8 was to be deleted (requires the prior submission of a construction method statement/management plan).

Upon being put to the vote it was 10 in favour, 0 against and 0 abstentions

7102

RESOLVED:-

That planning permission be granted subject to the conditions 1 to 7 and 9 to 18 set out in the report.

Report No 20 - 296 Bristol Road, Edgbaston, Birmingham B5 7SN – 2019/03683/PA

The Area Planning Manager (South) advised that one of the objectors was Councillor Deirdre Alden and her concerns were summarized in the report.

Upon being put to the vote it was 8 in favour, 2 against and 1 abstention

7103

RESOLVED:-

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

Report No 21 - PrintXpress, 1217-1219 Stratford Road, Hall Green, Birmingham B28 9AD – 2019/04155/PA

It was noted that the application was in Councillor Lou Robson's Ward, but that she had not expressed a view.

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

Upon being put to the vote it was 7 in favour, 2 against and 2 abstentions

7104 **RESOLVED:-**

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

Report No 22 - Land on Corner of The Fordrough and Houldey Road, Longbridge, Birmingham B31 – 2018/09301/PA

Councillor Peter Griffiths spoke in support of the application.

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

7105 **RESOLVED:-**

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

Report No 23 - 168 May Lane, Kings Heath, Birmingham B14 4AG – 2019/04765/PA

It was noted that a City Council employee had an interest in the property.

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

7106 **RESOLVED:-**

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

Report No 24 - 42 Stonerwood Avenue, Birmingham B28 0AY – 2019/05179/PA

It was noted that the application had been submitted by a City Council employee.

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

7107 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7108 Members should let Julie Finlan know their availability to attend a visit on 22 August, 2019.

OTHER URGENT BUSINESS

- 7109 Councillor Lou Robson expressed concerns regarding General Data Protection Regulations (GDPR) issues in relation to planning applications, having requested to view comments and objections to an application and having been told that she could not see them without submitting a Freedom of Information (FOI) request. She understood that it would be appropriate to redact personal details, but questioned the process being followed. She would like the Committee to receive a report on the impact of GDPR that included details of the responses of other local authorities. She felt that the Committee might wish to make recommendations regarding guidance given.

The Chair advised that she believed that there had been challenges to the approach taken to GDPR and that she would seek clarification on the approach and on the national guidance.

AUTHORITY TO CHAIR AND OFFICERS

- 7110 **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.

- 7111 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc

**Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972**

Private Minutes.

3

PRIVATE

MINUTES

7112 **RESOLVED:-**

That the private Minutes of the meeting of the Committee held on 18 July 2019 be confirmed and signed.

MATTERS ARISING FROM THE LAST MEETING – PRIVATE

7113 No matters were raised.

OTHER URGENT BUSINESS (EXEMPT INFORMATION)

7114 No other urgent business (exempt information) was raised.

The meeting ended at 1220 hours

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CHAIR