

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
4 JULY 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 4 JULY 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, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 6991 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

- 6992 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

- 6993 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

- 6994 No apologies were submitted.

CHAIR'S ANNOUNCEMENTS

6995 The Chair informed Members that meetings were scheduled to take place on the 18 July and 1 and 15 August 2019.

The Chair also noted that site visits in relation to planning application No. 2019/03098/PA – 191 Sheldon Heath Road, Sheldon, Birmingham, B26 2DR and planning application No's 2018/00484PA and 2018/00505PA - Old Union Mill, 17-23 Grosvenor Street West, Ladywood, Birmingham B16 8HW would be on 11 July 2019.

The Chair indicated that as part of Member training a visit was to be arranged to see the modular houses at Port Loop. Following indications from Members she suggested that officer look at the 25 July as possibility.

MINUTES

6996 It was noted that the Minutes of the meeting held on 20 June 2019 would be submitted to the next meeting.

MATTERS ARISING

6997 As there were no minutes available there were no matters.

NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

6998 No notifications were received.

PETITIONS

6999 No petitions were received.

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 City Centre Area

Report No 9 – 315 Summer Lane, Aston, Birmingham, B19 3RH - 2019/03182/PA

The Area Planning Manager (City Centre) stated that the agent had requested a deferral to the decision to respond to outstanding issues and consultee responses. She advised that planning officers did not consider it would be possible to overcome all of the reasons for refusal and that the technical reasons could not be overcome within the 13 week determination period for the application. The applicant has the opportunity of re-submission of a new application should Members resolve to refuse this proposal and this would give them more time to resolve the technical objections. However, the principle would still be contrary to policy.

Upon being put to a vote to refuse planning permission it was 13 in favour, 0 against and 0 abstentions.

7000

RESOLVED:-

That planning permission be refused for the reasons set out in the report.

Planning Applications in respect of the South Area

Report No 10 – 916 Bristol Road, Selly Oak, Birmingham, B20 6NB - 2019/02565/PA

The Area Planning Manager (South) stated that there was additional updates in respect of 1 email of support and comment from the tenant of 918 Bristol Road, stating that they had no concerns and 1 extra email from an original objector, asking a series of questions and raising concerns that the use had already been part implemented and is already causing problems.

An objector spoke against the application.

A supporter spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the objector and the supporter.

Members raised a number of concerns mainly that the application was too intensive, it will create parking problems for local residents, and it was felt that there should not be a commercial aspect operating from a semi-detached residential property. The Area Planning Manager (South) responded thereto.

Upon being put to a vote to refuse planning permission it was 12 in favour, 0 against and 1 abstention -

7001

RESOLVED:-

That planning permission be refused for the reasons set out in the report.

Report No 11 – Land off Ash Bridge Court and rear of Leach Green Lane, Rednal, Birmingham, B45 8EP - 2019/09560/PA

The Area Planning Manager (South) stated that two additional emails had been sent to Committee Members, raising issues of overlooking, noise and disruption from building works, security risk, loss of mature trees, no access to the site, no sewage disposal and a site visit was requested.

An objector spoke against the application.
A supporter spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the objector and the supporter.

Members commented on the application and the Area Planning Manager (South) responded thereto. It was confirmed that the road was un-adopted but the developer could purchase from the previous developer and the current developer would then be responsible for its maintenance.

Upon being put to a vote it was 3 in favour, 7 against and 3 abstentions -

7002

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds of loss of trees and ecology and loss of amenity.

Councillor Adam Higgs declared a non-pecuniary interest in relation to Agenda Item No 12 in that he had expressed a view on the application and left the meeting.

Report No 12 – Yardley Wood Playing Field, School Road, Yardley Wood, Birmingham, B14 4EP - 2019/01050/PA

The Area Planning Manager (South) stated that there were three additional updates and firstly provided clarification that the petition at paragraph 4.14 raised objections listed in paragraph 4.13. Objection from Cllr Robert Alden; loss of open space, loss of privacy, increased traffic, brownfield sites should be considered and if approved conditions on highway improvements and restrictions on floodlight use.

Removal of condition 26 (Travel Plan) as it is duplicated by condition 40.
Correction to paragraph 4.8 – Lead Local Flood Authority had no objections subject to conditions, and these are covered in the report submitted.

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

Upon being put to a vote it was 6 in favour, 1 against and 5 abstentions -

7003

RESOLVED:-

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

Condition 26 (Travel Plan) deleted

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

Planning Applications in respect of the East Area

Report No 13 – Frank Stones Garage Ltd, School Lane, Stechford, Birmingham, B33 8PD - 2018/09836/PA

The Area Planning Manager (East) stated that there was one update from Councillor Neil Eustace who is opposed to any gating work to create a vehicle storage in this Conservation area. Blocks off access to residential properties, the gate is not needed and the following wording which had mistakenly been omitted from the report :-

“The report rightly accepts this is a Medieval village and a successful conservation area then abdicates protecting it in this case. A garage has run at this site for years without gating and fencing off a large area. In the past vehicles were stored inside the garage overnight. Now large amounts of vehicles are left out. Some have no engines and are simply being stored there. Does this council think so little of an important part of our heritage that it is happy to create a car scrap yard in a conservation area. This would be a few yards from a grade 1 listed 800 year old Church. Residents who have always stuck to the rules re house alterations are aghast at this appalling proposal. A resident will be at committee Thurs to voice everyone’s concerns. I ask you to listen and then act to protect 1,000 years of local history.”

The Area Planning Manager (East) advised that the Local Planning Authority had made the recommendation in accordance with a reference to Section 72 (preserving or enhancing the Conservation area) and Section 66 (impact on the setting of a listed building) of the Listed Buildings and Conservation Areas Act 1990 and confirmed that the proposal did not conflict with the statutory tests.

An objector spoke against the application.

The agent for the applicant spoke in favour of the application.

The Area Planning Manager (East) responded to comments made by the objector and the supporter.

Members raised a number of concerns in relation to the application on the grounds the proposed gates, walls and pillars would have negative impact from

Planning Committee – 4 July 2019

the 'industrial appearance' of the gates and their associated visual prominence on the setting of the conservation area.

Upon being put to a vote it was 1 in favour, 12 against and 0 abstentions -

7004 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds the proposed gates, walls and pillars would have negative impact from the 'industrial appearance' of the gates and their associated visual prominence on the setting of the conservation area.

Report No 14 – Former Yardley Sewage Works, Cole Hall Lane, Shard End, Birmingham, B34 - 2018/07578/PA

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

Members commented generally on the application.

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7005 **RESOLVED:-**

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

Report No 15 – Lea Hall Council Depot, off Lea Hall Road, Yardley, Birmingham, B33 8JU - 2019/03597/PA

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstentions -

7006 **RESOLVED:-**

That no prior approval is required.

Planning Applications in respect of the North West Area

The Chair advised that the next two applications were for the same site and that comments will be made taking both applications together but Members will vote separately for each application.

Report No 16 – 1 Calthorpe Cottages, Wood Lane, Handsworth Wood, Birmingham, B20 2AX – 2019/03457/PA

The Area Planning Manager (North West) stated that there were updates that were pertinent to both planning applications:

Planning Committee – 4 July 2019

- For the purpose of clarification – reference was made to the statutory test in Section 66 (impact on the setting of a listed building) of the Listed Buildings and Conservation Areas Act 1990 and the proposal did not conflict with this statutory test.
- Reference to the NPPF should be the 2019 version.
- Representations received from Handsworth Wood Resident's Association raised concerns relating to:
 - i. No notification that a decision has been made.
 - ii. Little material difference with the previous refusal.
 - iii. Residents are getting anxious about environmental and social issues for which planning decisions will have serious and far reaching consequences.
 - iv. One resident of the cottages has made an application without reference to other occupiers, let alone got an agreement.
 - v. Local and national organisations have an interest in listed buildings and could give advice.
- Representation received from a local resident raised the following concerns:
 - i. An action seeking to blocking their access altogether.
 - ii. A solid wooden door would confuse visitors and the low and welcoming look of the current gate iron gate would be lost
 - iii. Height is overly dominant and intrusive, obscuring the front aspect of the listed buildings.
 - iv. No reason has been given to justify the proposal.
 - v. Reduce natural surveillance from the street.
 - vi. Existing iron gate is in keeping.
 - vii. Started works and undertaken other works without consent.
 - viii. Campaign of harassment and intimidation against residents to discourage use of the path.
 - ix. Anxious to maintain the historic right of way.
- Not all of the points raised are planning related. Those that are, have been covered in the report submitted.

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

An objector spoke against the planning application.

An objector spoke against the listed building application.

The Area Planning Manager (North West) responded to comments made by the objectors.

Members raised a number of concerns in relation to the application on the grounds of visual amenity, Conservation and Heritage issues, the design of the gates and safety and security.

Planning Committee – 4 July 2019

Upon being put to a vote in favour of the planning application it was 0 in favour, 13 against and 0 abstentions -

7007

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds of visual amenity, Conservation and Heritage issues, the design of the gates and safety and security.

Report No 17 – 1 Calthorpe Cottages, Wood Lane, Handsworth Wood, Birmingham, B20 2AX – 2019/03494/PA

Upon being put to a vote in favour for listed building consent it was 0 in favour, 13 against and 0 abstentions -

7008

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds of visual amenity, Conservation and Heritage issues, the design of the gates and safety and security.

At 1235 hours the Committee adjourned for a short break.

At this point Councillor Maureen Cornish left the meeting.

At 1245 hours the Committee reconvened.

Report No 18 – Police Station, 394 Walsall Road, Perry Barr, Birmingham, B42 2LX - 2018/01106/PA

The Area Planning Manager (North West) stated that there were no updates.

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

Upon being put to a vote it was 9 in favour, 1 against and 2 abstentions -

7009

RESOLVED:-

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

Report No 19 – Land to the rear of 77 Selwyn Road, Edgbaston, Birmingham, B16 0SL – 2018/09535/PA

The Area Planning Manager (North West) stated that there were no updates.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions -

7010 **RESOLVED:-**

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

Report No 20 – 136 Lawley Middleway, Birmingham, B4 7XX – 2018/10465/PA

The Area Planning Manager (North West) stated that there were no updates.

Upon being put to a vote it was 11 in favour, 0 against and 1 abstention -

7011 **RESOLVED:-**

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

Report No 21 – Birmingham (Vernon) Unit 40 of the Sea Cadet Corps, Osler Street, Ladywood, Birmingham, B16 9EU – 2018/10195/PA

The Area Planning Manager (North West) stated that there were no updates.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions -

7012 **RESOLVED:-**

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

Report No 22 – Land to rear of Regina Drive, situated between One Stop Shopping Centre and Perry Hall Park, Birmingham, B42 1BZ – 2018/10328/PA

The Area Planning Manager (North West) indicated that that additional information had been received from the applicant relating to the proposed ecology-related conditions. Conditions 9 (protected species and habitat protection plans) and 30 (Natural England Licence) are no longer pre-commencement conditions but are now compliance conditions. In addition conditions 22 (construction method plan), 23 (construction ecology mitigation plan) and 25 (contamination remediation plan) had been amended to reflect that demolition had already taken place. Finally conditions 10 (removal of

Planning Committee – 4 July 2019

invasive weeds) and 12 (details of bird/bat boxes) could be removed as these matters had been dealt with at the demolition stage.

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention -

7013

RESOLVED:-

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

Condition 9 reworded as follows-

Requires protection of legally protected species and its habitat
The protection and/or mitigation of damage to; populations of bats and its / their associated habitat during construction works and once the development is complete shall take place in accordance with the measures listed in paragraph 4.2 of the 'Bat Survey - Emergence and Activity Surveys report [Arbtech, 01/10/2018; issue 2]', taking account of any additional requirements listed in a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason:

To ensure protection of the bats and its habitat within and adjacent to the development site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

Condition 10 deleted

Condition 12 deleted

Condition 22 amended to exclude reference to '*including any works of demolition*'

Condition 23 amended to exclude reference to '*including any works of demolition*'

Condition 25 amended to exclude reference to '*including any works of demolition*'

Condition 30 reworded as follows-

Requires the prior submission of ecological information
The Demolition of Buildings B4 and B6 (as identified in the Bat Survey - Emergence and Activity Surveys report [Arbtech, 01/10/2018; issue 2]), which

may cause harm or disturbance to Common Pipistrelle Pipistrellus and the destruction of day roosts as identified in the submitted bat survey report, shall take place fully in accordance with the requirements of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead.

Reason:

In order to ensure protection of bats and its habitat in accordance with the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Councillor Julie Johnson left the meeting at this point.

Policy Reports

Public Consultation on the updated Statement of Community Involvement (SCI)

Martin Dando – Principal Planning Officer made introductory comment relating to the report.

Members of the Committee commented on the report and made the following points:-

- The Statement of Community Involvement (SCI) should be easily accessible on the Council's website.
- It needed to be clear on who was consulted.
- There was a need to revamp the planning section of the Council's website to explain how the planning process worked to ensure it was transparent.
- Making members of the public use the on line service was not equality in practice as some people could not access the service. The website was not 'user friendly'.
- In areas without active Residents' Associations to assist residents in getting in the planning process residents would be at disadvantage. How could the SCI help residents have their say?
- Printed versions of the SCI should be available in local community facilities such as libraries.
- The Planning Committee should have been able to comment on the document before it went to Cabinet.
- Developers needed to be encouraged to undertake pre-application consultation to the highest standard.

Martin Dando – Principal Planning Officer responded appropriately to Members comments.

7014

RESOLVED:-

That the report be noted.

Houses in Multiple Occupation Article 4 Direction

Uyen-phan Han, Planning Policy Manager made introductory comments relating to the report.

In welcoming the contents of the report Members questioned where the publicity notices were displayed and what powers would be available to the City Council if landlord of existing C4 House in Multiple Occupation (HMO) did not declare them before the 8 June 2020. The Planning Policy Manager indicated that the notices had been displayed where there was the most footfall such as shops community facilities. In addition the Landlord Association had been contacted. Any Landlords who did not declare would need to apply for a Certificate of Lawful use which would be considered by the Committee on its merits. The Committee Lawyer commented that this would protect the Council as it was a criminal offence to operate an HMO without a certificate.

7015

RESOLVED:-

That the report be noted.

Public Consultation on the Draft Supplementary Planning Document for the Rea Valley Urban Quarter

Tim Brown, Principal Development Planning Officer, City Centre Team, gave a presentation on the Draft Supplementary Planning Document for the Rea Valley Urban Quarter.

Members commented and asked questions as follows:-

- There was a need to clean up and maintain the area and the river.
- Had discussions taken place regarding public transport?
- The need to ensure safety of children and prevent flytipping was important.
- Currently no one organisation or persons took responsibility for maintenance and cleaning the river.
- How did the quarter link in with Cannon Hill park?
- Would comments made at the meeting be included in the consultation?

Planning Committee – 4 July 2019

- What was the mix of public/private ownership?
- There needed to be a good level of design with appropriate height of buildings.
- The role of the River Rea involvement in Birmingham's industrialisation needed to be acknowledged.
- Resident involvement in the design in relation to Highgate Park was important.
- Parking needs would have to be effectively addressed in Cheapside to retain on street parking.
- More houses should be provided.
- Concerns had been raised that the St David's Place would not be a true mixed use development and there would be too many residential units. This would impact up on the adjacent Gay Village particularly the Eden Bar which was to be surrounded by residential units and would be forced to close. There was concern that the Equality Impact Statement indicated that it was applicable for sexual orientation but the plans would impact on businesses in the Gay Village
- Would the flow of the river Rea to put water in the swales?
- The edges to the river should be opened up.
- How was contamination of the river upstream going to be tackled?
- The design of buildings should carefully considered to allow balconies not to be in the shade.
- Cycle route should be considered to encourage reduction in car use.
- The archaeology of the area was important and should be recorded particularly where building were to be lost.
- It was noted that Highgate Park would be 150 years old in 2026 and that should be celebrated.

The Principal Development Planning Officer responded appropriately.

7016

RESOLVED:-

That the report be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

- 7017 The Chair noted that she had dealt with site visits earlier in the meeting under her announcements.
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OTHER URGENT BUSINESS

- 7018 No other urgent business was raised.
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AUTHORITY TO CHAIR AND OFFICERS

- 7019 **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.

EXCLUSION OF THE PUBLIC

- 7020 In light of the fact that there were no private minutes submitted to the meeting and no Members were indicating that they wished to raise an item of private business, the Chair indicated that there was no need to exclude the public and she was closing the meeting.
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The meeting ended at 1415 hours

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CHAIR