

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
27 MAY 2021

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 27 MAY 2021 AT 1100 HOURS IN THE COUNCIL CHAMBER, COUNCIL HOUSE, BIRMINGHAM

PRESENT:- Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Peter Griffiths, Mohammed Idrees, Julie Johnson, Saddak Miah, Gareth Moore, Simon Morrall, Kath Scott, Martin Straker Welds and Saima Suleman.

INTRODUCTION

- 7930 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.

NOTICE OF RECORDING

- 7931 The Chair advised, and the Committee noted, that the 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

- 7932 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.

The Chair noted that Councillor Kath Scott would be leaving the meeting for agenda item No. 11 as she had already expressed a view on the application before becoming a Member of the Committee.

APOLOGIES

7933 The Chair welcomed Councillors Kath Scott and Saima Suleman as new Members to the Committee and noted that Councillor Mohammed Azim was also re-joining the Committee.

Apologies were submitted on behalf of Councillors Mohammed Azim, Maureen Cornish, Mike Ward for their inability to attend the meeting.

APPOINTMENT OF THE PLANNING COMMITTEE, MEMBERS, CHAIR AND DEPUTY CHAIR

The Chair invited nominations for Deputy Chair of the Committee and Councillor Martin Straker Welds nominated Councillor Peter Griffiths and Councillor Gareth Moore nominated Councillor Julie Johnson.

Following a vote, which was 5 votes for Councillor Julie Johnson to 4 votes for Councillor Peter Griffiths, Councillor Julie Johnson was elected Deputy Chair.

7934 **RESOLVED:-**

- (i) That it be noted that the City Council at its meeting held on 25 May 2021 appointed the Planning Committee, Chair and Members to serve on the Committee for the period ending with the Annual Meeting of the City Council in 2022 as follows:-

Labour

Councillor Mohammed Azim
Councillor Diane Donaldson
Councillor Peter Griffiths
Councillor Mohammed Idrees
Councillor Julie Johnson
Councillor Karen McCarthy (Chair)
Councillor Saddak Miah
Councillor Kath Scott
Councillor Martin Straker-Welds
Councillor Saima Suleman

Conservative

Councillor Bob Beauchamp
Councillor Maureen Cornish
Councillor Gareth Moore
Councillor Simon Morral

Liberal Democrat

Councillor Mike Ward

- (ii) That Councillor Julie Johnson be elected Deputy Chair, for the purpose of substitution for the Chair if absent, for the period ending with the Annual Meeting of the City Council in 2022.
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FUNCTIONS, POWERS AND DUTIES

7935 **RESOLVED:-**

That the functions, powers and duties as set out below be noted:-

To exercise the powers and duties of the Council with regard to development control and planning matters and, in particular, to:

- (i) exercise all the powers and duties of the Council as a local planning authority (apart from any Executive functions);
 - (ii) exercise the powers and duties of the Council with respect to building control;
 - (iii) be accountable for the Local Land Charges service.
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CHAIR'S ANNOUNCEMENTS

7936 The Chair advised that meetings were scheduled to take place on the 10 June 2021 and 24 June at the Birmingham Midland Institute and details would be circulated to Members in due course.

At this point in the meeting the Chair reminded Members that there was an expectation that they are fully informed about applications being considered at the meeting by reading the report and taking note of the discussion at the meeting. In noting that agenda item No. 16 had a report that ran to one hundred pages and there were two new Members present who had only joined the Committee two days ago, the Chair sought clarification of their intentions and Councillors Kath Scott and Saima Suleman both indicated their intention to withdraw from the meeting when that report was being considered.

MINUTES

7937 The Minutes of the meeting of the Committee held on 13 May 2021 having been circulated, were confirmed by the Committee and signed by the Chair.

DATES OF MEETINGS FOR 2021-2022

The Chair noted that 26 May 2022 date was again two days after the Annual Meeting of the City Council and further consideration may be given to changing the format of that meeting.

7935

RESOLVED:-

That meetings of the Planning Committee be held on the following Thursdays commencing at 1100 hours:-

2021

27 May (Annual/First Meeting)
10 June
24 June
8 July
22 July
5 August
19 August
2 September
16 September
30 September
14 October
28 October
11 November
25 November
9 December
23 December

2022

6 January
20 January
3 February
17 February
3 March
17 March
31 March
14 April
28 April
12 May
26 May (Annual/First Meeting)

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)

The Chair indicated that there was no public speaking at the meeting.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT NO. 9 – LAND OFF WITTON ROAD AND TAME ROAD, WITTON, BIRMINGHAM, B6 – 2020/08399/PA

The Area Planning Manager (North West) indicated that the applicant, Aston Villa, wished to clarify the situation regarding ongoing youth activities at the Bodymoor Heath complex. The proposed City Academy would be a new urban centre for the Club's youth football while the Bodymoor Heath facility would still have its own junior play activities provided by the Aston Villa Foundation. The

proposed City Academy would be a net benefit in youth facilities and would not lead to existing youth provision such as that at Bodymoor Heath being reduced or replaced.

The Chair noted that Members were not required to declare their support for any particular football team as long as it was not influencing their decision.

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

7936

RESOLVED:-

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

REPORT NO. 10 – BIRMINGHAM ALEXANDER STADIUM, WALSALL ROAD, PERRY BARR, BIRMINGHAM, B42 2LR – 2021/02809/PA

The Area Planning Manager (North West) indicated that the recommendation of the report should read 'Approve Temporary'.

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

7937

RESOLVED:-

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

REPORT NO. 11 – BOLDMERE GATE, SUTTON PARK, STONEHOUSE ROAD, SUTTON COLDFIELD, BIRMINGHAM, B73 6LH – 2021/00528/PA

Councillor Kath Scott withdrew from the meeting having previously expressed a view on the application

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

Whilst welcoming the proposal, Councillor Gareth Moore proposed that condition No. 4 relating to the removal of informal car parking areas should be removed because of the number of visitors to the park. Councillor Bob Beauchamp seconded the proposal.

The Area Planning Manager (North West) responded by indicating the application was retaining capacity in the park and would allow the informal car parking areas to return to grass land as part of the Site of Special Scientific Interest SSSI. In addition, highways had expressed concerns and requested that the condition to remove the informal parking be included.

The Chair put the proposal of removing Condition No. 4 to the vote and it was by 3 in favour, 6 against and 0 abstention declared lost.

The recommendation was put to a vote and it was 9 in favour, 0 against and 0 abstention.

7938

RESOLVED:-

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

Councillor Kath Scott returned to the meeting.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 12 – 12 CALTHORPE ROAD, EDGBASTON, BIRMINGHAM, B15 1QZ – 2020/07339/PA

The Area Planning Manager (City Centre) indicated that the agent for the applicant had confirmed that discussions were continuing Birmingham City University who are interested in taking bed space, but no contract was in place at this time. He continued the second update related to paragraph 6.37 of the report which referred to paragraph 197 of the National Planning Policy Framework and it should refer to paragraph 196.

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

In response to a comment from Councillor Kath Scott relating to the percentage of accommodation with disability access available, the Area Planning Officer (City Centre) indicated he did not have that information to hand and the Chair suggested that an informative be attached to the Planning application. The Area Planning Officer (City Centre) indicated that an informative to request details of accessible units would be reasonable.

Upon being put to a vote it was 7 in favour, 2 against and 1 abstention.

7939

RESOLVED:-

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

REPORT NO. 13 – FORMER SELLY OAK HOSPITAL, PHASE 3 – C BLOCK, LAND OFF RADDLEBARN ROAD AND OAK TREE LANE, SELLY OAK, BIRMINGHAM, B29 6JD – 2021/01760/PA

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

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

7940

RESOLVED:-

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

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA

**REPORT NO. 14 – SITE CORNER OF MORVILLE STREET AND
LADYWOOD MIDDLEWAY, LADYWOOD, BIRMINGHAM, B16 8HA –
2020/09322/PA**

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

A Member commented on the application and the Area Planning Officer (City Centre) responded thereto.

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

7941

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 30 June 2021, 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. 15 – ST JAMES' HOUSE, 17 HORSE FAIR, CITY CENTRE,
BIRMINGHAM, B1 1DB – 2020/02657/PA**

The Area Planning Manager (City Centre) indicated that there was an update to clarify that figure 2 on page 2 of the report the left hand image was a precedent and was not a CGI or visual of the actual scheme itself and was intended to give a flavour of the façade treatment will be.

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

Upon being put to a vote it was 7 in favour, 3 against and 0 abstention.

7942

RESOLVED:-

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

At 1144 hour the meeting was adjourned.

At 1152 the meeting was reconvened.

Councillors Kath Scott and Saima Suleman did not return to the meeting for the reason referred to earlier in the meeting at resolution No. 7936.

REPORT NO. 16 – LAND BOUNDED BY MONTAGUE STREET, THE GRAND UNION CANAL, BARN STREET, MILK STREET, HIGH STREET, DERITEND, ADDERLEY STREET AND LIVERPOOL STREET INCLUDING PART OF THE DUDDESTON VIADUCT, DIGBETH, BIRMINGHAM, B12 – 2020/03634/PA

The Chair indicated that Members who had not attended the site visit were still able to take part in consideration of the application on the proviso that they had familiarised themselves with the report and would listen to the updates made by officers.

The Principal Planning Officer made introductory comments relating to the report using maps, plans and images. She highlighted that there were 6 main issues which were heritage, Midlands Rail Hub, the impact of noise from late night uses and protecting the night-time economy, the new multi-storey car park, poor air quality at some proposed residential units and need for student accommodation and spoke in detail on each. The Principal Planning Officer drew the Committee's attention to the public benefits of the scheme on pages 145 to 147 of the report. She outlined the heads of terms relating to the proposed Section 106 agreement.

The Principal Planning Officer indicated that there were some updates. First 3 letters of support had been received from local businesses and tenants. Second, Homes England had stated that part of the site towards the northern end of the viaduct was in their ownership. They were seeking more information on how the proposed viaduct park would terminate at Montague Street and how the proposed lift, the re-purposing of the viaduct arches, the adjacent development plot, the new canal bridge and associated public realm would be delivered. Homes England had also queried whether any structural surveys and feasibility studies had been completed to support the redevelopment of the viaduct. They also had concerns that the application would prejudice the emerging plans and overall vision that Homes England had for the adjacent sites in their ownership and felt that consideration should be given to a fall back position to provide more certainty in terms of access to and termination of the viaduct park. It is suggested that provision of the access should be on land owned by the applicant. Homes England commented that any element of the Section 106 agreement to be delivered in Homes England land should not be relied upon in the phasing plan or act as a trigger within the Section 106 agreement.

The Principal Planning Officer responded to the points raised by Homes England by noting that the site was nearly 19 hectares and comprised of multiple land ownerships. The development would be carried out in multi-phased approach and issues relating to land outside the applicant's ownership would need to be resolved prior to the commencement of development on that phase. She referred to condition No. 74 which would require Homes England to be party to a Supplemental Section 106 Agreement should they still own part of

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the site in order to secure delivery of the relevant public realm works. She continued that this was not a new issue to officers and there would be mechanisms in place to ensure that each phase or block is not commenced until all landowners are signed up to deliver the public realm.

The Principal Planning Officer indicated that the applicant had by way of clarification responded to some of the issues raised on the site visit as follows:-

- The applicant since 2017 had attracted 12 new independent leisure venues including Ghetto Golf, Adventure Bar, Great Birmingham Bake Off and Roxy Ball Room.
- Wild Works 2 ceased operating as a night club in 2018 but is currently sublet to the operators of Floodgate who operate as an indoor gaming venue.
- Temporary Event Notices (TEN) have been used along Floodgate Street. The last TEN was for the Legitimate Peaky Blinders Festival in September 2019. No further TENs had been used due to the Covid situation with none currently planned.
- The applicant was keen to retain and relocate Teamworks Karting within the application site prior to the redevelopment of its existing premises in the future.
- In the long term the existing Ghetto Golf and Birdies Bar premises are identified for demolition. However, the applicant is keen to support any expansion plans of the businesses as part of the framework.
- There were currently 25 entertainment uses within the application site of which 21 would be retained within the framework proposals while 4 would be lost.
- The Custard Factory living plot has been designed to recognise the relationship it will have with the night-time economy. Most of the living rooms and bedrooms would be positioned away from the Custard Factory with a corridor along the southern façade. The noise assessment has taken into consideration existing night-time economy venues such as Ghetto Golf and Digbeth Dining Club. The assessment concludes that there would be no significant impact on night-time sleeping from entertainment noise subject to appropriate mitigation such as windows with sound reduction rating. This would be controlled by planning conditions. The applicants, as Landlord and Estate Manager, would actively manage the impact of any new homes on existing entertain premises.

Members commented on the application and the Principal Planning Officer responded thereto.

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

7943

RESOLVED:-

- (i) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the original report and report back report;
 - (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 1 July 2021, 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 original report; and
 - (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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OTHER URGENT BUSINESS

7944

There was no other urgent business.

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.

The meeting ended at 1231 hours

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CHAIR