

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
24 SEPTEMBER, 2020

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 24 SEPTEMBER, 2020 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:-

Councillor Karen McCarthy in the Chair;

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

INTRODUCTION

- 7664 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.

NOTICE OF RECORDING

- 7665 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

- 7666 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.

Councillor Gareth Moore informed that with reference to Agenda Item 6 - Tenby Street he had been in discussions with the developer regarding a separate matter. With reference to Agenda Item 7 - Erdington Academy he had not expressed any opinions on the application.

APOLOGIES

- 7667 Apologies were submitted on behalf of Councillors Mohammed Fazal and Julie Johnson for their 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.

CHAIR'S ANNOUNCEMENTS

- 7668 The Chair informed Members that the meetings were scheduled to take place on the 8 and 22 October and 5 November, 2020. The training course planned for 5 November, 2020 had been re-purposed therefore a meeting for that date will be considered.

Items 6 and 8 on the Agenda had been withdrawn to allow further time to consider viability issues and will be re-submitted on a future date.

There were written representations from people with speaking rights to read out.

MINUTES

- 7669 The Minutes of the meeting of the Committee held on 13 August and 27 August, 2020, having been previously circulated were agreed and signed by the Chairman.
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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

**REPORT NO 6 - 37-42 TENBY STREET, JEWELLERY QUARTER,
BIRMINGHAM, B1 3EF – 2019/09845/PA**

- 7670 The Committee was advised that the application had been withdrawn from the agenda.
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PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

**REPORT NO. 7 - ERDINGTON ACADEMY, KINGSBURY ROAD,
ERDINGTON, BIRMINGHAM, B24 8RE – 2020/04025/PA**

The Area Planning Manager, (East Area) advised that Condition 18, which sought details of levels, should be replaced with a condition seeking compliance with the levels details which have been provided. Further objections/ video and photographs had been received.

The further objections, which in the main re-iterate those within the Committee report, include; loss of light and privacy, removal of trees, flooding, anti-social behaviour, traffic and pollution, also Human Rights in relation to family life and property value.

An Area Planning Manager, read a statement on behalf of an objector to the application and

a statement on behalf of a supporter to the application.

The Area Planning Manager, (East Area) stated that with regard to privacy there would be no overlooking owing to window panelling and high level glazing. The site was within the flood zone 1, where there was minimal risk of flooding. The proposal provides a building which would divert the rain water to a storage tank. It was noted that 5 trees had been removed which were not subject to Tree Preservation Orders. With regard to anti-social behaviour, there was additional fencing and the existing fence would be replaced and modified.

The Area Planning Manager explained some plans in detail which were shared on screen with the Committee.

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

Upon being put to the vote it was 11 for 0 against and 0 abstention

7671

RESOLVED:-

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

Condition 18 deleted and this condition added:

Compliance with levels details

The development hereby approved shall take place in accordance with the levels details shown on plan drawing ERD-ATK-XX-00-DR-AR-021006 rev P02

Reason: In order to secure the satisfactory development of the application site and to safeguard the amenities of residents of Parkdale Close, in accordance with Policies PG3 and TP36 of the Birmingham Development Plan 2017.

REPORT NO. 8 - LAND TO THE REAR OF LONGMORE HOUSE, 100 TINDAL STREET, BALSALL HEATH, BIRMINGHAM, B12 9QL – 2019/09234/PA

- 7672 The Committee was advised that the application had been withdrawn from the agenda.
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REPORT NO. 9 - LAND ADJACENT 567 STRATFORD ROAD, BIRMINGHAM, B11 4LS – 2020/05187/PA

The Area Planning Officer, (East Area) advised that there were no updates however, since the original lapsed consent in 2016, the proposals now include a green roof.

Members commented on the application and the Area Planning Manager and Interim Assistant Director Planning responded thereto.

Following concerns about the premises being used as a café or restaurant it was moved and seconded that an additional condition be added restricting the use of the premises.

Upon being put to the vote it was 11 for 0 against and 0 abstention

RESOLVED:-

- 7673 That an additional condition be added preventing use of the premises as a restaurant or café.

Upon the original recommendation including the amendment being put to the vote it was 11 for 0 against and 0 abstention

- 7674 **RESOLVED:-**

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

New Condition:

Prevents the use from changing within the use class. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the premises shall not be used as a restaurant or cafe without prior permission from the Local Planning Authority.

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 10 - LAND NORTH OF ST MARY'S ROW AND SOUTH OF WOODBRIDGE ROAD, MOSELEY, BIRMINGHAM, B13 – 2020/03676/PA

The Principal Planning Officer (South Area) advised that there were no updates.

The Area Planning Officer read a statement on behalf of an objector to the application.

The Area Planning Officer read a statement on behalf of a supporter to the application and added that the concerns raised had been addressed in the conditions.

A Member commented on the application and the Principal Planning Officer responded thereto.

Upon being put to the vote it was 11 for 0 against and 0 abstention

7675

RESOLVED:-

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

REPORT NO. 11 - FORMER SELLY OAK HOSPITAL, RADDLEBARN ROAD, SELLY OAK, BIRMINGHAM, B29 6JD – 2019/08953/PA

The Principal Planning Officer advised that that there had been a response from the Lead Local Flood Authority (LLFA) confirming that they had no objection to the scheme subject to the inclusion of conditions requiring the submission of a sustainable drainage scheme (already attached as condition 30) and a Sustainable Drainage Operation and Maintenance Plan. .

A Member commented on the application.

Upon being put to the vote it was 11 for 0 against and 0 abstention

7676

RESOLVED:-

- (i) That consideration of application 2019/08953/PA be deferred pending the completion of a Section 106 legal agreement 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 Friday 30th

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October 2020, planning permission be refused for the reason set out in the report.

- (iii) That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by Friday 30th October 2020, planning permission be APPROVED subject to the conditions set out in the report and as amended below:-

This condition replaces condition 31

Requires submission prior to occupation of Sustainable Drainage Operation and Maintenance Plan.

No building or use hereby permitted shall be occupied or the use commenced until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan

Reason: To ensure there is no increase in risk of flooding, to improve and protect water quality, to improve habitat and amenity, to ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.”

- (iv) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

REPORT NO. 12 FORMER MIDHIRE & UTC PREMISES, YORK ROAD, HALL GREEN, BIRMINGHAM, B28 8LN – 2020/03828/PA

The Principal Planning Officer (South Area) advised that there were no updates.

A Member commented on the application and the Principal Planning Officer responded thereto.

Upon being put to the vote it was 11 for 0 against and 0 abstention

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

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

**REPORT NO. 13 - SITE OF 123 AND 127 (PART) HAGLEY ROAD,
EDGBASTON, BIRMINGHAM, B16 8LD – 2020/04544/PA**

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

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

Upon being put to the vote it was 10 for 0 against and 0 abstention

7678

RESOLVED:-

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

**REPORT NO. 14 - 127 GREEN LANE, HANDSWORTH, BIRMINGHAM, B21
0DH – 2020/04822/PA**

A further statement had been received from the applicant to confirm that they were a qualified Social Worker with over 30 year's experience. They were currently in the process of doing Ofsted registration. Risk assessments will be carried out on each child. There was a trained therapist at the site. Children living on the site will be from different ethnic backgrounds.

Members commented on the application and the Area Planning Manager and Interim Assistant Director Planning responded thereto.

It was moved and seconded that should the application be approved a condition for sound proofing should be included.

Upon being put to the vote it was 10 for 0 against and 1 abstention

7679

RESOLVED:-

That should planning permission be granted, a requirement for sound proofing be added to the conditions set out in the report.

It was noted that concerns made were on the grounds of breach in policy regarding the use of a terraced house for a care home, the layout, residential amenity of the children residing in the home as well as the neighbours

Upon being put to the vote it was 1 for 9 against and 1 Abstention.

7680 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee minded to refuse.

REPORT NO. 15 - UNITS 10-11, 522 BIRCHFIELD ROAD, PERRY BARR, BIRMINGHAM, B20 3JE – 2020/06719/PA

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

Upon being put to the vote it was 11 for 0 against and 0 Abstention.

7681 **RESOLVED:-**

That it be noted that prior approval is required and that planning permission be granted subject to the conditions set out in the report.

REPORT NO. 16 - 27 CAMPLIN CRESCENT, HANDSWORTH WOOD, BIRMINGHAM, B20 1LS – 2020/04588/PA

The Area Planning Manager said that he had received clarification from the agent that the application was for up to 18 and not 25 children. There were 6 other care homes in the area. Neighbours wanted time for further discussions. A formal objection had been received from Councillor Kooner regarding noise, anti-social behaviour and lack of public consultation with the neighbours. It had been noted that the site had been extended 2 years ago and there were concerns that this process was being used to get the application approved.

Members commented on the application and the Area Planning Manager (North West), Interim Assistant Director Planning and Solicitor responded thereto.

Upon being put to the vote it was 0 for 11 against and 0 Abstention.

7682 **RESOLVED:-**

That the application for a Lawful Development Certificate be refused.

OTHER URGENT BUSINESS

7683 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

7684 **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 1241 hours

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CHAIR