

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
27 FEBRUARY 2020**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON  
THURSDAY, 27 FEBRUARY 2020 AT 1100 HOURS IN COMMITTEE ROOMS  
3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Adam Higgs, Zhor Malik, Gareth Moore, Simon Morrall, Martin Straker Welds and Mike Ward.

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**PUBLIC ATTENDANCE**

- 7454 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.

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**COUNCILLOR KEITH LINNECOR**

- 7455 The Chair advised, that on the day of the last meeting, there had been received some very sad news of Councillor Keith Linnecor passing away.

She reported that Keith had been a member of this Committee for many years and had served as deputy both to herself and previously Councillor Mike Sharpe. She confirmed that tributes had been paid to Keith on Tuesday at the Full City Council Meeting which had included his work on planning and particularly his work on the Environment.

Those present stood in silence as a mark of respect.

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**NOTICE OF RECORDING**

- 7456 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](http://www.civico.net/birmingham)) and members of the press/public could record and take photographs

**DECLARATIONS OF INTEREST**

- 7457 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.
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**APOLOGIES**

- 7458 No apologies were submitted.
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**APPOINTMENT OF DEPUTY CHAIR**

Councillor Peter Griffiths was elected and seconded by Councillor Martin Straker Welds as Deputy Chair;

Upon being put to a vote it was 10 in favour, 0 against and 2 abstentions.

- 7459 **RESOLVED:-**

That following a vote by Members, Councillor Peter Griffiths 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 2020.

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**CHAIR'S ANNOUNCEMENTS**

- 7460 The Chair welcomed Councillor Simon Morrall in replacement of Councillor Adam Higgs and requested that Councillor Gareth Moore pass on thanks to Councillor Adam Higgs for his service on the Planning Committee.

She reported that Agenda Item 11 had been withdrawn by the Director, Inclusive Growth, Acting on the basis for further information.

She addressed Applicants and Objectors and confirmed that although happy to receive additional information prior to meetings as long as it was received by the Monday before the meeting, either by e-mail or post, highlighted the importance of ensuring that if Members were contacted, that all Members of the Committee and the relevant Planning Officers were included.

She informed Members that the following meetings were scheduled to take place on the 12 March 2020, 26 March 2020 and 9 April 2020 and following confirmation that next week's training would take place, stated that Julie would confirm the time and venue in due course.

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**MINUTES**

- 7461 That the public part of the Minutes of the Meeting held on 30 January 2020 was noted.
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**MATTERS ARISING**

- 7462 There were no matters raised.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**Planning Application No. 2020/01147/PA – 106 Church Road, Erdington, Birmingham B24 9BD**

- 7463 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee; on the change of use from dwelling house (Use Class C3a) to residential (Use Class C2) on the grounds of loss of family dwelling, residential amenity and highway concerns.
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**Planning Application No. 2020/01251/PA – Abbeyrose Nursing Home, 34-38 Orchard Road, Erdington, Birmingham B24 9JA**

- 7464 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee; on the demolition of existing buildings and erection of a new building to create 66 no. apartments with basement parking on the grounds of; scale, massing, density, height, loss of non-designated heritage assets, character of the area, impact on listed buildings and parking.
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**PETITIONS**

- 7465 None submitted.
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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 SOUTH AREA**

**REPORT No. 10 – LAND AT REAR OF NO/S 2-16 CAPERN GROVE,  
HARBORNE, BIRMINGHAM, B32 2JJ – 2019/06651/PA**

The Chair sought confirmation that the speaker was not in attendance and therefore agreed to proceed in the absence of the speaker.

The Area Planning Manager (South) indicated that there was one update which was the addition of an extra condition:

- Extra condition; The permission hereby granted shall only be implemented by BHMT or their appointed contractor and shall be for Social or Affordable rent only.

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

Upon being put to a vote it was 13 in favour, 0 against and 0 abstention.

7466

**RESOLVED:-**

That consideration of the planning application be approved subject to the conditions detailed in the report and the additional condition detailed below:

- Extra Condition:

Grants a personal permission to Birmingham Municipal Housing Trust  
The planning permission hereby granted shall only be implemented by Birmingham Municipal Housing Trust or an approved contractor of Birmingham Municipal Housing Trust. The 5 affordable dwellings shown on the approved plans shall be for social or affordable rent in accordance with the definition of affordable housing as set out in the National Planning Policy Framework and the Council's Affordable Housing SPG.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3, TP27, TP28 and TP30 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Council's Affordable Housing SPG.

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**REPORT No. 11 – LAND AT REAR OF 68 WELLINGTON ROAD,  
EDGBASTON, BIRMINGHAM, B15 2ET – 2019/07057/PA**

The above-mentioned Agenda Item 11 had been withdrawn by the Director, Inclusive Growth, Acting on the basis for further information.

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**REPORT No. 12 – LAND TO THE REAR OF 23 SYLVAN AVENUE,  
NORTHFIELD, BIRMINGHAM, B31 2PG – 2019/08370/PA**

The Area Planning Manager (South) advised that there was one update which was an additional objection raising issues of loss of security and emergency service access which were both covered in the report.

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

7467

**RESOLVED:-**

That consideration of the planning application be approved subject to the conditions detailed in the report.

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**REPORT No. 13 – TWO PARK SQUARE, ADJACENT TO BOURNVILLE  
COLLEGE, LAND EAST OF THE A38, LONGBRIDGE TOWN CENTRE,  
LONGBRIDGE, BIRMINGHAM – 2019/08498/PA**

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

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

7468

**RESOLVED:-**

That consideration of the planning application be approved subject to the conditions detailed in the report.

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**PLANNING APPLICATION IN RESPECT OF THE CITY CENTRE AREA**

**REPORT No. 14 – 51-61 PRICE STREET, GUN QUARTER, BIRMINGHAM,  
B4 6JZ– 2019/03186/PA**

Councillor Lou Robson declared a potential conflict of interest in a professional capacity on the following application and subsequently withdrew from the meeting.

The Area Planning Manager (City Centre) indicated that there was one update confirming that following discussions with the Applicant – Condition 4 needs to be amended to read:

Requires that no more than 50% of the dwellings can be occupied before the works to the locally listed building are undertaken.

No more than 50% of the dwellings hereby approved shall occupied prior to the locally listed building (Gunsmith House) having been repaired and restored to the satisfaction of the Local Planning Authority, in accordance with detailed plans and specifications to be submitted and approved in writing by the Local Planning Authority, prior to any conversion works taking place.

Reason: In order to ensure that the character and appearance of the building as a building of local historic interest is retained in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Regeneration through Conservation SPG.

Councillor Gareth Moore and Councillor Peter Griffiths made known their support for the application.

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

7469

**RESOLVED:-**

- (i) That consideration of the application be approved 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 14 April 2020 planning permission be refused for the reason set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority by 14 April 2020 planning permission for application 2019/03186/PA be approved. subject to the conditions set out in the report and the amended condition detailed below:

**Amended Condition 4:**

Requires that no more than 50% of the dwellings can be occupied before the works to the locally listed building are undertaken.

No more than 50% of the dwellings hereby approved shall occupied prior to the locally listed building (Gunsmith House) having been repaired and restored to the satisfaction of the Local Planning Authority, in accordance with detailed plans and specifications to be submitted and approved in writing by the Local Planning Authority, prior to any conversion works taking place.

Reason: In order to ensure that the character and appearance of the building as a building of local historic interest is retained in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Regeneration through Conservation SPG.

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

At this juncture, Councillor Lou Robson returned to the meeting having taken no part in the discussion or decision making.

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

**REPORT No. 15 – TYSELEY ENERGY PARK PHASE 04, HAY MILLS, BIRMINGHAM, B25 8DW – 2019/08401/PA**

The Area Planning Manager (East) confirmed that there were several updates.

He reported that further comments had been received from Regulatory Services expressing no objections subject to conditions relating to; Contamination Remediation Scheme and Verification report, Noise levels for plant and machinery, details of extract ventilation (if required) and Opening hours of the facility between 0700 and 2200 daily.

It was noted that the LLFA had no objections, subject to conditions; To carry out drainage works in accordance with the submitted drainage and FRA and to provide SUDS operation and maintenance plan.

It was further noted that the Environment Agency had advised that due to an unprecedented workloads they had been unable to confirm whether the revised details were satisfactory therefore suggest that if Members are minded to find the application acceptable, the decision to approve, subject to the conditions, be 'Delegated to the Director of Planning, Inclusive Growth (Acting), subject to positively resolving any outstanding flooding details with the Environment Agency'.

A member commented on the application and the Area Planning Manager (East) responded thereto.

The Chair drew Members' attention to the suggestion that the recommendation was amended to delegate the final approval to the Director of Planning, Inclusive Growth (Acting), subject to no objection being made by the Environment Agency.

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

7470

**RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report and the amendment to the recommendation detailed above.

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

**REPORT No. 16 – LAND ADJACENT 21 KELLETT ROAD, NECHELLS, BIRMINGHAM, B7 4NQ – 2019/09194/PA**

The Area Planning Manager (North West) indicated that there were several updates.

He reported that Transportation Development had recommended several conditions relating to the works to be carried out to the Highway Authority specification:

- The highway owned land to be stopped up (if the landscaped area is to be enclosed),
- The provision of pedestrian visibility splays
- A car park management strategy
- Provision of cycle parking
- An agreement/arrangement for review and funding of any TROs in the area, as required.

He stated that they would like to add those conditions with the exception of the stopping up resolution as the landscaped area to the front of the site is not to be enclosed and would also like to add an extra condition;

- which would require the permission granted that shall only be implemented by BMHT or their appointed contractor and shall be for social or affordable rent only.

Councillor Gareth Moore made known his concerns for the application and the Area Planning Manager (North West) and the Transport Development Manager responded thereto.

Councillor Peter Griffiths made known his support for the application.

Upon being put to a vote it was 10 in favour, 3 against and 0 abstention -

7471

**RESOLVED:-**

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

**• Extra Conditions:**

Non-standard –

Highway works to specification

All highway works including new vehicular footway crossing, proposed highway improvement work to the hardstanding strip to provide footway along Rupert Street, alterations to levels within highway (drg. D912A), any work relating to any street furniture/statutory undertakers' apparatus, any work related to lighting etc. to be agreed with Highway Authority and all works to be carried out at the applicant's expense to Birmingham City Council specification through appropriate consents, licenses, permits or agreements. The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details.



Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Non standard –

Requires TRO agreement/ arrangement

Prior to the first occupation of any of the dwellings the applicant/developer shall enter into an agreement/arrangement with Highway Authority to fund the review and implementation and subsequent alterations, as required, of Traffic Regulation Orders within the area.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

**TRAN22 - Pedestrian Visibility Splays Text Protected:**

Requires pedestrian visibility splays to be provided

A pedestrian visibility splay of 3.3 metres by 3.3 metres by 600 millimetres shall be incorporated at the vehicle access point before the access point(s) is first used and thereafter maintained. There shall not be anything above 600mm height within this splay.

Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

**TRAN10 - Parking Management Strategy Text Protected:**

Requires the submission of a parking management strategy

The development hereby permitted shall not be occupied until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter only be operated in accordance with that approved strategy.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

**TRAN21 - Cycle Storage Details Text Protected:**

Requires the submission of cycle storage details

Details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Provision shall thereafter be implemented and maintained in accordance with the approved details. Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Grants a personal permission to Birmingham Municipal Housing Trust  
The planning permission hereby granted shall only be implemented by Birmingham Municipal Housing Trust or an approved contractor of Birmingham Municipal Housing Trust.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3, TP27, TP28 and TP30 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Requires the provision of affordable dwellings

The 10 affordable dwellings shown on the approved plans shall be for social or affordable rent in accordance with the definition of affordable housing as set out in the National Planning Policy Framework and the Council's Affordable Housing SPG.

Reason: In order to secure the satisfactory development of the application site in accordance with the National Planning Policy Framework and the Council's Affordable Housing SPG.

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**REPORT No. 17 – LAND ON SOUTH SIDE OF JUNCTION OF SUTTON OAK ROAD AND CHESTER ROAD NORTH, SUTTON COLDFIELD, BIRMINGHAM, B73 6SR – 2019/07375/PA**

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

Following concerns and lack of support for the application expressed by Councillors Cornish and Robson and Councillor Griffiths comment relating to the colour finish, the Area Planning Manager (North West) responded thereto.

Upon being put to a vote it was 6 in favour, 5 against and 2 abstentions -

7472

**RESOLVED:-**

That the application be approved subject to the conditions detailed in the report.

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**REPORT No. 18 – WYLDE GREEN PUBLIC HOUSE SITE, BIRMINGHAM ROAD, SUTTON COLDFIELD, BIRMINGHAM, B72 1DH – 2019/02929/PA**

The Chair drew Members' attention to the following application which was a returning item

The Area Planning Manager (North West) reported that there were several updates and confirmed that clarification would be provided on some of the points raised from further representation received.

He confirmed that the applicant's representative had written a letter highlighting the benefits of the proposed scheme and inviting Members to vote against the suggested reasons for refusal and to support the original recommendation to approve.

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He also confirmed that four further representations from local residents had been received, raising concerns:

- Disappointment with the brevity of the process, and equally interested parties were not informed of due process of the meeting.
- Objections, whilst noted in the report have been dismissed.
- Members asked to make a final decision based on the same report (retitled 27 February 2020 with only a new introduction and conclusion).
- Developers have not addressed the scale/massing issue.
- Contradiction between definition of the rear elevation – flank wall, gable end elevation as well as provision of obscure glazing which is not mentioned in the conditions.
- Confusion over the referenced 1.5m difference in ground levels whilst the FRA refers to a total fall of 2.5m from east to west. The land also continues to fall to the west beyond the boundary estimating a total fall of 3m. The building should be moved 6m further away.
- Consider that the correct separation distances are 37m for 2 storey and 48m for three storeys.
- The west elevation would be bearing down upon of residents of Henley Close.
- Submitted Traffic Report is neither independent nor impartial and it has not been verified by anyone not associated with the Developers.

The Area Planning Manager (North West) referred to the 2.5m that had been mentioned above, which was from the Birmingham Road frontage to the east to the boundary to the property on Henley Close which was to the west. There was a 1.5m drop in ground level between the rear of the proposed building and the boundary with the properties on Henley Close.

He reported that there was confusion to the windows on the rear elevation of the proposed building, highlighting that there was typo error in the report of the last line of paragraph 6.36 which should read “obscure glazed bathroom windows” rather than “obscure glazed bedroom windows”.

He further reported that there would be dummy windows to the rear elevation and that the rear elevation would have no windows to habitable rooms which were clear and would allow views looking into the rear gardens of properties on Henley Close.

He referred to the separation distances between the rear of the houses on Henley Close and the rear elevation of the proposed building, which meets the 12.5m minimum distance between windowed elevations and opposing one and two storey flank walls in addition, the distance should be increased by 1m every metre changing ground level.

The rear elevation of the proposed building was classed in the assessment as a flank elevation as it contains no windows serving habitable rooms.

The separation distances given in the report was correct that distance between the rear elevation of the proposed building and the rear elevation of the houses

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on Henley Close is 21.8m which far exceeds the minimum standard of 12.5m plus the additional 2m for the change in ground levels.

He referred to the comments regarding the process and confirmed that all processes had been correctly followed which included the Committee's own process and that Transportation Development as part of their assessment, had considered the transport statement.

He concluded by drawing Members' attention to the report, confirming that most of the content was the original that had been presented at the last Planning Committee meeting, with the now addition of the reasons for refusal set out on the first page of the report.

The Chair sought confirmation from the Committee that the applicant's representative had not attempted to contact individual Members, except, for Councillor Donaldson in order to ascertain her attendance to date.

The Chair drew Members' attention to the advice given previously as to whether Members could vote today although had not been present for the original discussion.

At this juncture, the Chair having sought advice from the Committee's Legal Adviser, confirmed that the advice remained unchanged, if Members have made themselves aware of the reports, outcome and any further updates they could vote.

Councillor Moore made known his concerns for the application and hoped that the applicant would give due consideration to the feedback and look to revise the scheme to make it more acceptable, as in this present form, he would be supporting refusal of the application.

Councillor Robson made known her agreement in this respect.

Councillor Moore proposed that as Reason 2 detailed in the report could not be defended, that it not be included for voting which was seconded by Councillor Griffiths.

The Chair put the motion to the vote, and it was 13 in favour, 0 against and 0 abstention and it was therefore carried.

The Chair reminded Members that they would be voting on the Reasons 1 and 3 for refusal as set out in the report.

Upon being put to a vote it was 11 in favour, 2 against and 0 abstention -

7473

### **RESOLVED:-**

That consideration of the Planning Application be refused for Reasons 1 and 3 set out in the report.

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**APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE  
IN JANUARY 2020**

The following report detailed the Appeal Decisions received from the Planning Inspectorate in January 2020 was submitted:

(See Document No. 2)

The Chair congratulated all involved in maintaining the 83% success rate at Appeal and subsequently drew Members' attention to the change of use of former police station, which was a committee decision and was dismissed at the Appeal Stage.

7474 **RESOLVED:-**

That the information be noted.

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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

7475 There were no site visits raised.

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**OTHER URGENT BUSINESS**

7476 No other urgent business raised.

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**AUTHORITY TO CHAIR AND OFFICERS**

7477 **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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**EXCLUSION OF THE PUBLIC**

7478 **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**