

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
3 FEBRUARY 2022**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 3 FEBRUARY 2022 AT 1100 HOURS IN THE LYTTLETON THEATRE, BMI, BIRMINGHAM

PRESENT: - Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Kate Booth, Maureen Cornish Diane Donaldson, Saddak Miah, Gareth Moore, Dominic Stanford, Martin Straker-Welds, Saima Suleman and Mike Ward.

INTRODUCTION

- 8164 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

- 8165 The Chair advised, and the Committee noted, that the meeting would be webcast for live or subsequent broadcast via the Council's YouTube channel (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 8166 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.

APOLOGIES

- 8167 Apologies were submitted on behalf of Councillors Bob Beauchamp, Peter Griffiths, and Julie Johnson-White for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

8168 The Chair advised that meetings were scheduled to take place on 24th February 17th March and 7th April.

The Chair announced that Item 7 was withdrawn from the agenda.

MINUTES

8169 The Minutes of the meeting of the Committee held on 20 January 2022, having been circulated, were confirmed by the Committee and signed by the Chair.

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 OF PLANNING, TRANSPORT AND SUSTAINABILITY

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 6 - SITE BORDERED BY GOOCH STREET NORTH, KENT STREET AND LOWER ESSEX STREET, BIRMINGHAM - 2021/05399/PA

Councillor Moore left the meeting having previously objected to the application.

The Area Planning Manager (City Centre) confirmed the following updates:

- Application was deferred before Christmas to investigate potential agent of change agreement in relation to the Fox public house.
- The application at the time was relying upon the façade of the development to mitigate that venue and requiring residents to close their windows during noisy times.
- The applicant does not wish to go down the agent of change route due to time scales and the difficulty in attenuating the noise of the outdoor space at the back of the Fox.
- The applicant has amended the scheme to seal the windows that are affected by the direct line of sight of the rear garden area. This affects the upper floors of one façade, with the Fox building itself mitigating the lower elements as there are no windows on the front and the door has a lobby which is a requirement of their licence.
- Regulatory services have responded to the amendment and object to the principle of sealed windows. However, they agree that this would mitigate the noise impact from the Fox. They raised the following points: There is a potential for sound in certain circumstances go around corners and sound diffraction or grazing. The method of safeguarding that is that

we have a condition requiring the fourth floor of the development to be tested to ensure the noise situation has been dealt with. If there are issues of noise on the fourth floor the developer will have to mitigate this.

- The Fox requires a lobby to deal with the outbreak of lower levels. However, it is conditional of the Fox's license that they do have a lobby.
- There are conditions recommended to secure the retention of the sealed windows in perpetuity and an overheating assessment for those units.
- Officers have concluded that the amendments and conditions will safeguard the Fox from any statutory nuisance complaints in the future.
- The ceilings and windows come at an additional cost of £200,000 which has been agreed with the city's independent financial liability consultants. The money comes from the affordable housing allocation, which was set out in the original report, this brings the number of affordable units down from 44 to 40.
- Whichever scheme comes first will have to pay for the agent of change at the Nightingale. The scheme will have a reduction in their affordable provision to pay for those work.
- Amendment to the resolution in the report to include the agent of change agreement in the 106 rather than relying on the conditions.
- Amendment to incorporate the circulation core in the development for fire escape reasons.
- Consequential amendment to conditions takes in everything that has just been discussed.
- Further changes in the report from the previous report include the fact that we no longer have 5-year housing land supply, and this is reflected in paragraph 10.
- Requirement is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy. In this particular case, the key adverse impact is the proportion of units that are sealed and the lower standard of amenity that those units would have but as per the recommendation set out in the report the officers did not consider that outweighs the benefit of the development overall.
- Further correspondence received from the Barrister acting on behalf of the Nightingale asking how the two agent of change agreements (and conditions) at this site and 16 Kent Street would interrelate and questions whether the presence of two agreements will cause confusion over the works to be done or leave the conditions vulnerable to challenge.

Members commented on the application and the Chair responded thereto.

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

8170

RESOLVED: -

That the application be approved subject to the completion of a legal agreement as set out in the report.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO.8 - UNIVERSITY OF BIRMINGHAM, THE VALE, EDGBASTON, BIRMINGHAM, B15 2TT - 2021/09658/PA

Councillor Moore returned to the meeting.

The Peddimore and Langley Planning Specialist confirmed the following updates:

- LLFA have raised no objection to the application.
- Title of condition 3 in the report should include the date 30th September 2022.
- Title of condition 5 was changed to read “Construction, operation and decommissioning plan” to ensure the operational LATMP is submitted as requested.

Members commented on the application and the Peddimore and Langley Planning Specialist responded thereto.

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

8171 **RESOLVED:** -

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

8172 **OTHER URGENT BUSINESS**

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

8173 **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.

AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):

8174

In the event that a Planning Committee meeting(s) are unable to be held in person and/or cancelled, the Assistant Director (Planning), in consultation with the Planning Committee, has authority to determine planning applications that would otherwise have been considered by the Committee.

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The meeting ended 1120 hours.

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CHAIR