

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
28 MARCH 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 28 MARCH 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3
AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Maureen Cornish, Mohammed Fazal, Adam Higgs, Julie Johnson, Keith Linnecor, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 6803 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

- 6804 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

- 6805 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.

CHAIR'S ANNOUNCEMENTS

- 6806 The Chair informed Members that meetings were scheduled to take place on the 11 and 25 April 2019 and 9 May 2019. She also noted that training would take place on 2 May 2019.

APOLOGY

- 6807 Apologies were submitted on behalf of Councillors Safia Akhtar, Bob Beauchamp, Peter Griffiths and Lucy Seymour-Smith for their inability to attend the meeting.
-

MINUTES

- 6808 It was noted that there were no Minutes available.
-

MATTERS ARISING

- 6809 Councillor Gareth Moore queried whether the redaction of names of agents and business applicants on reports and on the Councils website had been corrected so that the Council was open and transparent. The Chair indicated that she had followed that up and that it was difficult to change because of General Data Protection Regulation (GDPR). She added that best practice at other authorities would be beneficial to establish. The Assistant Director indicated that he would get a written response to Members which would explain the reasons for the action taken.
-

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

A. Planning Application No. 2019/ 02137 /PA – 118 Stratford Road, Sparkbrook, Birmingham, B11 1AJ

- 6810 Councillor Mohammed Azim requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of parking and nuisance.

B. Planning Application No.2019/01277/PA – 126 Stoney Lane, Sparkbrook, Birmingham, B12 8AQ

- 6811 Councillor Mohammed Azim requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of parking and over development.

C. Planning Application No.2019/02151/PA – The Cross Keys Public House, 15 High Street, Birmingham, B23 6RG

- 6812 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of residential amenity, character, heritage.

D. Planning Application No.2019/02257/PA – 117 Gravelly Hill North, Birmingham, B23 6BJ

- 6813 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of residential amenity, over development and highways.

E. Planning Application No.2019/02167/PA – 218 High Street, Erdington, Birmingham, B23 6SJ

- 6814 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of loss of retail units and out of character with area.

PETITIONS

- 6815 No petitions were submitted.

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.

At this point in the meeting the Chair indicated her intention to take agenda item 18.

Report No 18 – The Building (Local Authority Charges) Regulations 2010 – Annual Scheme of Charges

The following report of the Acting Director of Digital and Customer Services was submitted:-

(See document No 1)

Councillor Gareth Moore indicated that he wished to raise matters that he had heard at a private meeting which may have an impact on the report to be discussed.

The Consultancy Services Manager Acivico (Building Consultancy) Ltd emphasised that Acivico (Building Consultancy) Ltd was separate from its parent company Acivico.

The Chair indicated that the officer would introduce the report and then the Committee would go in to private session.

The Consultancy Services Manager Acivico (Building Consultancy) Ltd made introductory comments relating to the report. The Chair emphasised that the Building Control was under the remit of the Committee.

EXCLUSION OF THE PUBLIC

6816

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**

The Building (Local Authority Charges)
Regulations 2010 – Annual Scheme of
Charges.

3

Members of the Public and the Press returned to the meeting.

There being no further comment it was unanimously-

6817

RESOLVED:-

- (i) That the proposed adjustments to the existing fee scheme for domestic (homeowner) and small commercial projects with effect from 1 April 2019 be approved;
- (ii) that the continued negotiation of charges within either volume or higher value commercial projects to the Head of Acivico (Building Consultancy) Ltd be approved; and
- (iii) that the recommendation to maintain any other published charges at existing levels to mitigate against an increased threat from competition and a consequential impact on workload be approved.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH

The following reports were submitted:-

(See Document No. 2)

Planning Applications in Respect of the South Area

**Report No 9 – 121 School Road, Moseley, Birmingham, B13 9TX -
2018/08417/PA**

The Principal Planning Officer (South) stated that a letter had been received from the planning consultant acting on behalf of the applicant indicating that the scheme had been designed in accordance with council policy and had been amended following officers comments. It would have no impact on residential

amenity, redevelop a brownfield site and was sustainable. The letter emphasised that the scheme should be approved.

The Chair put forward the recommendation of refusal for the reasons set out in the report back to the Committee and upon being put to a vote it was, 2 in favour, 5 against and 3 abstentions, declared lost.

The Chair then put the recommendation to approve as set out in the original report to the meeting and upon being put to a vote it was, 8 in favour, 2 against and 0 abstentions, declared carried -

6818

RESOLVED:-

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

Planning Applications in Respect of the East Area

Report No 10 – Former Manor Public House, Station Road, Stechford, Birmingham, B33 9AX – 2018/00808/PA

The Principal Planning Officer (East) stated that there were no further updates.

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

Upon being put to a vote it was 5 in favour, 5 against and 0 abstentions. The Chairman then cast her vote and voted in favour and it was-

6819

RESOLVED:-

- (i) That approval be given subject to an amended Section 106 Legal Agreement to reflect the removal of the open space requirement and the recommendations as previously approved;
 - (ii) That consideration of the planning application be deferred pending the completion of a suitable legal agreement to secure the following:
 - i) 35% affordable housing (9 units) for affordable rent;
 - ii) Payment of a monitoring and administration fee associated with the legal agreement of £1500.00;
 - (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 12 April 2019, planning permission be refused for the reasons set out in the report;
 - (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
-

Report No 11 – 2-26 Anthony Road, Saltley, Birmingham, B8 3AA – 2018/08782/PA

The Principal Planning Officer (East) stated that there were no updates.

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

6820 **RESOLVED:-**

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

Planning Applications in Respect of the North West Area

Report No 12 – Land Rear Of 29-39 Reddicap Heath Road, Sutton Coldfield, Birmingham, B75 7DU – 2018/08269/PA

The Area Planning Manager (North West) indicated that the agent acting for the applicant had queried the need for conditions 6 (bat survey) and 7 (scheme for ecological/biodiversity/enhancement measures). He indicated that the conditions reflected the spirit of the recent appeal decision on the site and the response from the City Ecologist.

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

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

6821 **RESOLVED:-**

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

Report No 13 – Braemar Road, Land off, Sutton Coldfield, Birmingham, B73 - 2018/10260/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, 10 in favour, 0 against and 0 abstention -

6822 **RESOLVED:-**

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

Report No 14 – Land to Rear of 214-216 Albert Road and off Maple Close, Handsworth, Birmingham, B21 9JT – 2018/09962/PA

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

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

6823 **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 15 – R76 Curzon Circus, Vauxhall Road, Birmingham, B4 7XX - 2019/00199/PA

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

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

Upon being put to a vote it was, 9 in favour, 0 against and 1 abstention -

6824 **RESOLVED:-**

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

POLICY REPORTS

Due to technical issues the Chair indicated her intention to take agenda items 17 and 19 at this point in the meeting.

Report No 17 – Appeal Decisions Received from the Planning Inspectorate in February 2019

The following schedule was submitted:-

(See document No 3)

The Assistant Director responded to Members' comments.

6825 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in February 2018 be noted.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6826 There were no site visits pending.

The Chair indicated her intention to return to agenda item 16.

Report No 16 – Issues Report - Peddimore, Land North of Minworth, east of A38 and West of Wiggins Hill Road, Sutton Coldfield, Birmingham, B76

The following report of the Director, Inclusive Growth was submitted:-

(See Document No. 4)

David Smith – Planning Director, IM Properties, Mike Best – Senior Director, Turley and Andy Passmore – Director, BWB gave a presentation to the Committee.

The Area Planning Officer (City Centre) made brief introductory comments relating to the report. For each issue set out in the report she gave a more detailed commentary and sought Members comments on each issue.

The Members commented as follows:-

Issue 1 – Principle of development, uses and scale of development

No comments made.

Issue 2 – Location of ancillary facilities

1. The need for paths along ‘quickest’ walking routes was required.
2. Ancillary facilities on the edges of the development but welcomed the proposal for centrally located facilities.
3. The opportunity for ‘pop up’ operators to operate the leisure/retail uses was suggested.

Issue 3 – Visual impact

1. Landscaping should not entirely consist of grass but include wild meadow land.
2. Blank walls should be ‘green walls’
3. Visual impact from the canal should improved
4. Visual impact in the landscape was dominating.
5. Avoidance of large blocks of units was desired.
6. Use of materials to avoid a bland design.
7. Requested reconsideration by DRP.
8. Need to understand how existing landscape and ecology is translated into the proposed plans.

Issue 4 – Access, traffic and Highway impact

1. The access through the entrance of the site for residents of Peddimore Lane was not appropriate.
2. The use of Wishaw Lane for emergency access should be reconsidered as it was a narrow lane.
3. It was likely that introduction of Sprint buses would be delayed so consultation with Transport West Midlands should take place.
4. The use of cars for commuting appeared to be underestimated in the proposals as it was highly likely that people would be traveling some distance from Derby, Tamworth etc.
5. The promotion of cycling as a way of commuting was not realistic.
6. Wider transport issues should be considered.

The Transport Development Manager commented on the transportation and highway issues.

Issue 5 – Sustainability, pedestrian and cycle access

The provision of heat and power system should be reconsidered.

Issue 6 – Noise, light and air quality/impact on amenity of nearby residential properties

1. Need to protect residential properties from the impact of Heavy Goods Vehicles using the site
2. Need to protect residential properties from dust pollution and other environmental impacts during the construction stage.

Issue 7 Heritage impact

The Conservation and Heritage Panel were satisfied with the arrangements and the consultation undertaken and request that the applicant continues to with the community.

Issue 8 – Ecological impact and impact on trees

1. Need for the planting of semi-mature trees.
2. With reference to para 6.8.4 some evidence of how this was achieved.
3. Habitat and nesting boxes should be provided within the site and swift and swallow nesting provision should be provided on the blank walls of buildings.

Issue 9 – Flood risk, utilities and drainage

No comments made.

Issue 10 – Length of outline consent

Members did not consider that the outline consent should be 10 years.

6827 **RESOLVED:-**

That the report be noted and officers note the comments of Members.

OTHER URGENT BUSINESS

6828 No other urgent business was raised.

AUTHORITY TO CHAIR AND OFFICERS

6829 **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 Chair established no Members wished to raise any matter in private and therefore closed the meeting at 1254 hours.