

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
18 FEBRUARY 2021**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 18 FEBRUARY 2021 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:- Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Kath Hartley, Mohammed Idrees, Julie Johnson, Zhor Malik, Gareth Moore, Simon Morrall, Mike Ward and Martin Straker Welds.

INTRODUCTION

7827 The Chair indicated the Committee was a quasi-judicial one, no decisions had been made before the meeting. She highlighted Members who sat on this Committee were representatives of the Council as a whole and not as ward Councillors. The MS teams meeting would try to reflect to how a real Committee setting would be conducted. Members of the Committee do not appreciate Parliamentary privilege whilst speaking at this forum.

There was no public speaking at this meeting. 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

7828 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

7829 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

- 7830 An apology was submitted on behalf of Councillor Peter Griffiths for his 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

- 7831 The Chair welcomed Councillor Mohammed Idrees to the Planning Committee as he had replaced Councillor Lou Robson.

The Chair advised the following meetings were scheduled to take place on the 04 March 2021, 18 March 2021 and 01 April 2021.

The Chair referred to item 8, Birmingham Women's Hospital, Mindelsohn Way, Birmingham, B15 2TG - 2019/08544/PA, where she declared she was the City Council's Stakeholder Governor at the Women's & Children's Hospital's Trust therefore she would excuse herself from this item.

At this juncture, the Chair requested for nomination to cover this item.

Councillor Julie Johnson was nominated to be the Chair for item 8. It was moved by the Councillor Diane Donaldson and seconded by Councillor Martin Straker-Welds that Councillor Julie Johnson Chair the meeting for item 8. This was agreed by the Committee.

MINUTES

- 7832 The Minutes of the meeting of the Committee held on 21 January 2021, having been circulated, were confirmed by the Committee and signed by the Chair.

The Minutes of the 04 February 2021 were being reviewed and would be shared at a later Committee.

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 AREA

REPORT NO.6 - 5 CENTENARY SQUARE, BROAD STREET, CITY CENTRE, BIRMINGHAM, B1 1DR- 2020/08864/PA

At this juncture, the Chair checked if Councillor Miah and Councillor Malik had joined the Committee. It was noted they had not joined the meeting therefore, they would not be taking part in the vote on this item.

The Area Planning Manager (City Centre Area) indicated there was one update related to the recommendation of the report. It was noted there was a historic consent on the wider Arena Central site. The application concerned was unconnected from the consent and therefore a stand-alone full application. In order to ensure the section 106 outstanding requirements continue to apply to this building too a Deed of Variation was required. As a result, the recommendation would change from 'approve subject to conditions' to 'approve Subject to 106 Legal Agreement.'

- **To APPROVE application 2020/08864/PA subject to the prior completion of a S106 Deed of Variation to link this application to the existing planning obligations secured under outline application (LPA Reference 2014/02475/PA) and a financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.**
- **Subject to the conditions listed within the report.**
- **That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.**

At this point, the Chair noted Councillor Malik had joined the meeting at the same time the updates were being provided by the Area Planning Manager (City Centre Area). She checked with the Committee Lawyer if Councillor Malik could take part in the participate and vote on this item.

The Committee Lawyer advised that providing Councillor Malik heard all the updates and was fully appraised of the issues, he could participate and vote on this decision.

Councillor Malik confirmed due to technical difficulties he was unable to hear all the updates provided by the Area Planning Manager (City Centre Area), therefore he would not take part in this vote.

No comments were made by Members.

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

7833

RESOLVED:-

- (i) That planning permission be granted subject to the completion of a Section 106 Deed of Variation to link this application to the existing planning obligations

secured under outline application (LPA Reference 2014/02475/PA) and a financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement and conditions as set out in the report.

- (ii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO.7 - NSG GROUP SITE, ECKERSALL ROAD, KINGS NORTON, BIRMINGHAM, B38 8SS - 2020/08911/PA

The Area Planning Manager (South Area) confirmed that there were no updates to the report.

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

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

It was noted Councillor Morrall was unable to vote due to technical difficulties and the Chair confirmed there was a decisive result for this application.

7834

RESOLVED:-

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

REPORT NO.8 - BIRMINGHAM WOMENS HOSPITAL, MINDELSON WAY, BIRMINGHAM, B15 2TG – 2019/08544/PA

At this juncture, the Chair noted Councillor Miah had not joined the Committee.

In accordance with the discussion at the beginning of the meeting, the Chair withdrew from taking any further part in consideration of the item and Councillor Julie Johnson assumed the Chair.

Councillor Julie Johnson in the Chair.

The Area Planning Manager (South Area) confirmed that there were no updates to the report.

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

The Area Planning Manager (South Area) noted the Parking Strategy was one of the recommended conditions within the report.

The Parking Strategy had two phases;

- Phase 1 – General Travel Plan (aim to reduce the demand by 10%) to be in place before first use of the facility;
- Phase 2 – The Parking Strategy provided a 'back-up option' of utilising the site of Norton Court for parking following its demolition and layout the 36 spaces.

The conditions allow for the two scenarios to be delivered and officers were comfortable with these.

The Development Manager added the report indicated mechanisms to control the construction as well as the delivery of safeguarding the parking at appropriate levels. Variations had been included in the application to enable the development to proceed.

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

7835

RESOLVED:-

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

At this juncture, Councillor Karen McCarthy assumed the Chair from Councillor Julie Johnson.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO.9 - 332-348 MOSELEY ROAD, SPARKBROOK, BIRMINGHAM, B12 9AZ – 2019/01981/PA

The Chair noted reports 9 and 10 would be discussed together as they concerned the same site. Report 9 referred to the planning application and report 10 to the listed building application. The vote would be taken separately for each item.

The Area Planning Manager (East Area) informed Members an additional letter of support had been received from a local resident indicating this would be a fantastic little scheme to restore a part of the city's history. It extended the City Centre towards Balsall Heath and made good use of the regular bus route along the Moseley Road. The local resident added this application needed a swift approval before the condition of the historic buildings deteriorates further and risks them being lost forever.

She noted additional wording had been added to condition 3 (compiling of inventory of retention of fixtures) and 4 (full scope of works) of the Listed Building consent 2019/02005/PA to provide for safe access and ensure the stability of structures, the extent which will need to be agreed with the Local Planning Authority prior to commencing the works and the detailed wording had been agreed with the Conservation Officer.

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In addition, she referred to paragraph 1.2 of the report which stated to the demolition and erection of an additional 3 non-listed buildings on the Moseley Road however, this should read 2 non-listed buildings. She highlighted discussions in relation to the redevelopment of the site had been ongoing for some time. The proposed scheme for residential use would allow for full refurbishment and restoration of the grade two listed buildings which were currently at a very poor state of repair and require urgent attention.

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

The Chair noted Councillor Miah had not joined the Committee.

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

7836 **RESOLVED:-**

- i) That planning permission be granted subject to the completion of a Section 106 legal agreement.
- ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 19 March 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.
- iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

REPORT NO.10 - 332-348 MOSELEY ROAD, SPARKBROOK, BIRMINGHAM, B12 9AZ – 2019/02005/PA

This application was taken parallel to report 9.

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

7837 **RESOLVED:-**

That list building consent be granted subject to the conditions set out in the report and amended below:

Condition 3

Requires the prior submission of inventory of retention of fixtures
No development including demolition shall commence (except to provide safe access and secure/ensure the stability of structures, the extent of which shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of these safety works) without the compiling of an inventory of retention of significant internal and external fixtures which shall be submitted and approved in writing by the local planning authority. Once approved the development shall proceed in full accordance with the inventory.

Reason:

In order to secure a satisfactory development in accordance with Policy PG3 and TP12 of the Birmingham Development Plan and National Planning Policy Framework

Condition 4

Requires the prior submission of a full scope of works to listed buildings
No development including demolition shall take place (except to provide safe access and secure/ensure the stability of structures, the extent of which shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of these safety works) until a full scope of works to conserve and repair the listed buildings has been submitted to and approved in writing by the local planning authority. These works shall include the works to the roof and external envelope as well as internal works. The works approved shall be implemented fully prior to the occupation of any other phases of the development.

Reason:

In order to secure a satisfactory development in accordance with Policy PG3 and TP12 of the Birmingham Development Plan and National Planning Policy Framework.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT NO.11 - PERRY BARR HOUSEHOLD WASTE RECYCLING CENTRE AND WASTE TRANSFER STATION, HOLFORD DRIVE, PERRY BARR, BIRMINGHAM, B42 2TU - 2020/05790/PA

The Principal Planning officer (North West Area) notified Members a request had been made by the agent to amend and or delete some of the conditions including a request to modify the hours of use condition.

In respect of the Household Waste Recycling Centre (HWRC), the proposal was for the operating hours to be until:

- Summer: Monday to Friday – up until 8pm; Saturday and Sunday – up until 6pm.
- Winter: Monday to Friday – up until 6pm; Saturday and Sunday – up until 4.30pm

In respect of the Waste Transfer Station, the Interim Assistant Director Planning referred to the application which proposed 24 hour a day operation (Mon-Fri) and restricted hours between 5.30am – 6.30pm on Saturdays, Sundays and Bank Holidays.

However, the proposed revisions to the application was for 24-hour operation 7 days a week (including weekends). The applicant was clear this was essential to the operation of the service as it grows to cater for additional population within the City and therefore stressed this was a key aspect of their application.

The Planning Department had no concerns around the 24-hour operation Monday – Friday however, he highlighted consultation had not taken place on the weekend operation. He added if Members were concerned on this point, he then proposed either a deferral in order to undertake further consultation or to give delegated authority to officers to reword conditions to ensure all the environmental controls were all in place.

Members commented on the application and the Principal Planning officer (North West Area) responded thereto. Members felt it was important to consult with Regulatory Services.

The Committee proposed that delegated authority be granted for the application be determined at officer level to include the provision to allow amendments and/or deletion of conditions, but only on the basis regarding the hours of use condition that the agreement of Regulatory Services was first attained. The Chair put that to the vote noting that Councillor Malik was not present for the full discussion.

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

7838

RESOLVED:-

- i) That the Assistant Director Planning be authorised to amend and/or delete the conditions set out in the officers report and grant planning permission, subject to there being no objection from Regulatory Services to the proposed Summer and Winter hours of operation of the Household Waste Recycling Centre and the proposed 24/7 operation of the Waste Transfer Station.

POLICY REPORT

REPORT NO.12 - PLANNING APPLICATION PERFORMANCE 2020

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

(See Document No. 2)

The Interim Assistant Director Planning informed Members the report provided an update about performance in relation to the determination of planning applications in 2018-19 and 2019-20. In addition, this set out the performance during 2020 following the implementation of service improvements since February 2020. Regular quarterly updates on planning applications as well as appeals would be provided future Committees.

A comprehensive overview of the report was given to Members.

Members response

The Chair thanked the Senior Management and Planning Teams for prioritising performance on planning applications and sustaining the improvement through 2020 during unprecedented circumstances.

Councillor Moore echoed the comments raised by the Chair and indicated this information had not been shared to the Committee before. He welcomed the quarterly update reports however, he highlighted it would be useful to see how the enforcement performance as this had not been sighted upon at this Committee.

In response to Members queries the following points were made by the Interim Assistant Director Planning;

- Previously, historic performance reports were shared once a year capturing all areas such as customer services; enforcement and planning applications.
- Enforcement would be reported upon at a future Committees however, there was a question if this would be quarterly or annually.
- It was important to share the planning applications and appeals performance in line with the Government thresholds/ targets.
- If the performance for applications or appeals fall below the Government threshold then there was a danger the power to deal with planning applications would be removed from the Local Authority, hence this information was important to share with Members.
- The performance for Area Teams (Central, East, South etc) on major; minor; household and other applications between 2020 – January 2021 was referred to. It was noted the performance across the areas had improved and increased over time.
- The Household Team managed the household applications within each area of Birmingham. He highlighted this was a separate team and since it had formed, the performance had increased over the last 12 months.

Councillor Ward recalled receiving monthly appeals performance reports and questioned if these would be shared with Members as they were based on real cases. It was useful to reflect on these to assist with deliberations. The Chair reminded Councillor Ward this was the next item on the agenda for discussion.

7839

RESOLVED:-

That the Planning Committee noted the content of this report and further updates to be reported on a quarterly basis.

REPORT NO.13 - PLANNING APPEALS

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

(See Document No. 3)

The Chair was not aware why previous updates reports were ceased. However, she had expressed the view for the Committee to have access to the cases in order to learn from them.

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The Interim Assistant Director Planning informed Members the Committee would receive regular reports. He did not see the value in receiving monthly updates however, a quarterly update would be shared.

He highlighted it was important for Members to understand how well the appeals performance was due to two reasons;

- 1) These effect the decisions the Committee make as appeal decisions are material considerations in determining future applications.
- 2) Reflection of how the Government views the quality of decisions made by Birmingham.

He added there was a threshold set by Government in relation to how many appeals were lost. Birmingham was above the threshold however, it was important the Committee and Officers understand the overall performance.

The Head of Enforcement, Householder & Technical Services referred to Councillor Ward's earlier comment on why the monthly appeals updates had ceased since last year. He notified Members the Officer who managed this area had retired. Following this, Covid-19 had come into place therefore this work had not been picked up. The Head of Enforcement, Householder & Technical Services had since been tasked to manage this area.

A comprehensive overview of the report was given to Members.

It was highlighted, a few more appeals were lost in 2020 due to the pandemic and the fragmentation of not being in the workplace to discuss cases. Several appeals were related to the Household applications however, noted the Householder Team had recently formed with new officer in place. As a result, every 3 weeks, during Management Team meetings, a discussion takes place around appeals that have been lost in order to note lessons.

Members response

The Chair suggested the link to reports related to the appeals cases should be shared the Committee to understand the issues around the appeal cases.

Councillor Moore found the appeal cases reports useful to shape future decisions and he was interested to see the breakdown of this information. He added it would also be useful to see the costs associated with appeals that had been lost against the Council.

The Chair was aware of two appeals lost where costs were awarded against Birmingham therefore, supported Members comments to have this information available.

In response to Members queries the following points were made by the Head of Enforcement, Householder & Technical Services and Interim Assistant Director Planning;

- Costs – A process had been put into place and a breakdown of costs would be shared with the Committee.
- Enforcement data – A discussion to take place with the Chair in order to identify what data the Committee would like to have sight of in the future.

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- The Interim Assistant Director Planning had been working with the teams to improve the quality of decisions. All appeals submitted were being reviewed in order to have a shared understanding of implications.
- The Head of Enforcement, Householder & Technical Services informed Members he received all appeals decisions from the Inspectorate (including Committee, delegated Authority decisions) which were circulated to the Director, AD's and Area Planning Managers. He suggested these could be shared with Members of the Planning Committee. The Chair noted the suggestion and agreed this would be useful for Members.

A comprehensive breakdown was given on the appeals decisions lost during 2020 via Committee, delegated authority and the lessons learnt.

Councillor Martin Straker-Welds queried around costs and if these were awarded if the Inspectorate felt the decision taken by the Council was deficient. In response, the Interim Assistant Director Planning confirmed this would be the case. He added, the Planning Authority were able to make decisions, based on reasonable evidence however, if the inspector disagrees with the decision, no costs would be awarded against the Council if there was evidence to support the decision. However, where appeals decisions were based on weak evidence there would be a risk of costs. He highlighted where costs were awarded to the Council, this indicated the Inspectorate thought the case was flawed.

The Chair noted this was working progress and more work would be required with Committee in this area.

7840 **RESOLVED:-**

That the Planning Committee noted the content of this report and further updates to be reported on a quarterly basis.

OTHER URGENT BUSINESS

7841 There was no urgent business to consider.

AUTHORITY TO CHAIR AND OFFICERS

7842 **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 1211 hours

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CHAIR