

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>21 NOVEMBER 2019</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 21 NOVEMBER 2019 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Keith Linnecor, Gareth Moore, Lou Robson Martin Straker Welds and Mike Ward.

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### **PUBLIC ATTENDANCE**

- 7267 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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### **NOTICE OF RECORDING**

- 7268 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 except where there were confidential or exempt items.

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### **DECLARATIONS OF INTEREST**

- 7269 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**

- 7270 Apologies were submitted on behalf of Councillors Adam Higgs, Julie Johnson, Zhor Malik and Saddak Miah for their inability to attend the meeting.

**CHAIR'S ANNOUNCEMENTS**

- 7271 The Chair welcomed Councillor Martin Straker Welds back on to the Committee.

The Chair informed Members that meetings were scheduled to take place on the 5 and 19 of December 2019. The meeting scheduled for 2 January 2020 would be confirmed closer to the date.

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**MINUTES**

- 7272 That the public section of the Minutes of the meetings of the Committee held on 10 October 2019 and 24 October 2019 be noted.
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**MATTERS ARISING**

- 7273 No matters were raised.
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**NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE**

**Planning Application No. 2019/09135/PA - 63 Orchard Road, Erdington, Birmingham, B24 9JB**

- 7274 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 the effect on residential amenity.
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**Planning Application No. 2019/08132/PA - 247 Slade Road, Stockland Green, Birmingham, B23 7QX**

- 7275 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 the effect on residential amenity and crime.
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**PETITIONS**

- 7276 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 North West Area**

**Report No 9 – 31 Station Road, Sutton Coldfield, Birmingham, B73 5JZ – 2018/09223/PA**

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

An objector spoke against the application.

The Area Planning Manager (North West) responded to comments made by the objector.

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

Councillor Maureen Cornish proposed a site visit which was seconded by Councillor Gareth Moore.

The proposal of a site visit being put to a vote, it was 4 in favour, 2 against and 4 abstentions -

7277 **RESOLVED:-**

That consideration of the application referred to in the report be deferred pending a site visit.

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**Report No 10 – 602 Chester Road, Sutton Coldfield, Birmingham, B73 5HJ – 2019/04482/PA**

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

A Member made comments relating to the application.

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

7278 **RESOLVED:-**

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

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**Report No 11 – 37 Sandwell Road, Handsworth, Birmingham, B21 8NH – 2019/05071/PA**

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

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

Upon being put to a vote it was 6 in favour, 3 against and 1 abstention -

7279

**RESOLVED:-**

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

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**Report No 12 – 67-71 Aston Road North, Aston, Birmingham, B6 4EA – 2018/09376/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 8 in favour, 1 against and 1 abstention -

7280

**RESOLVED:-**

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

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**Report No 13 – 116-118 Aldridge Road, Perry Barr, Birmingham, B42 2TP – 2019/07556/PA**

The Interim Director of Inclusive Growth withdrew from the meeting as he had undertaken work in respect of the application.

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.

Following further comments from Councillor Gareth Moore, the Chair suggested that the description of condition No. 1 be amended to reflect that an Unexploded Ordnance assessment was required.

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

7281

**RESOLVED:-**

That it be noted that prior approval is required and is granted subject to conditions set out in the report and amended below:-

Amended condition No.1

Requires a Demolition Method Statement (incorporating an Unexploded Ordnance Assessment)

No demolition or associated works shall take place until a demolition method statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition period. The statement shall provide for: assessing and dealing with hazardous materials and risks (such as asbestos and legionella) prior to demolition of the buildings, incorporate an Unexploded Ordnance Assessment (and methodology to address such, if discovered), the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, construction hours, noise control devices, delivery routeing, the erection and maintenance of security hoarding including decorative displays and facilities for public, viewing, where appropriate, wheel washing facilities and their use, measures to control the emission of dust and dirt during demolition and site regrading, a scheme for the recycling/disposing of waste resulting from demolition works and shall reflect the contamination present on the site on the associated impacts. The development shall be implemented in accordance with the approved details.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

The Interim Director of Inclusive Growth returned to the meeting.

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**Planning Applications in respect of the East Area**

**Report No 14 – Lyndon Place, 2096 Coventry Road, Sheldon, Birmingham, B26 3YU – 2019/04480/PA**

The Area Planning Manager (East) indicated that comments were still awaited from the Local Lead Flood Authority and that the recommendations be amended to reflect the need for resolution of any outstanding Local Lead Flood Authority issues’.

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

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

7282

**RESOLVED:-**

- (i) That consideration of the application be deferred pending the resolution of the outstanding/final comments from the Lead Local Flood Authority and 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 on or before 20 December 2019, planning permission be refused for the reasons set out in the report;
  - (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 20 December 2019, favourable consideration would be given to the planning application subject to the conditions set out in the report;
  - (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**Report No 15 – 122 Sutton Road, Erdington, Birmingham, B23 5TJ – 2019/05915/PA**

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

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

Upon being put to a vote it was 7 in favour, 2 against and 1 abstention -

7283

**RESOLVED:-**

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

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**Planning Applications in respect of the City Centre Area**

**Report No 16 – Land fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft And Gooch Street, Birmingham, B5 7AY – 2019/02975/PA**

The Area Planning Manager (City Centre) introduced the report back element of the report and noted that in the report two conditions are not shown. These were condition No. 5 – requiring the submission of an Arboricultural Method Statement and condition No. 24 relating to Cycle storage.

Members commented on the application and the Area Planning Manager (City Centre) and the Interim Director of Inclusive Growth responded thereto.

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

7284

**RESOLVED:-**

- (i) That consideration of the application be deferred 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 on or before 31 December 2019, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 31 December 2019, favourable consideration would be given to the planning application subject to the conditions set out in the report with the insertion of the following:-

Condition No.5 – Arboricultural Method Statement - Submission Required

Condition No.24 – Requires the provision of cycle parking prior to occupation

- (iv) 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 17 – Former Police Station, 1170 Bristol Road South, Northfield, Birmingham, B31 2TJ – 2019/05422/PA**

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

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

Upon being put to a vote it was 6 in favour, 3 against and 1 abstention -

7285

**RESOLVED:-**

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

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**Report No 18 – Ashley House, 1143 Stratford Road, Hall Green, Birmingham, B28 8AU – 2019/06938/PA**

The Area Planning Manager (South) explained that 2 further objections had been received raising the following points:-

- Size of the property and its impact on physical and mental well-being
- Potential for 20+ people living in the property (including children)
- Increase on existing traffic and congestion/further road rage

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- Issues with existing HMOs in the city – lack of integration and landlords not listening to neighbours
- Increase in burglaries
- Impact on property values
- Insufficient parking at the site
- Increase in pollution

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

Councillor Lou Robson proposed a site visit which was seconded by Councillor Mohammed Fazal.

The proposal of a site visit was put to a vote and it was, 3 in favour, 5 against and 2 abstentions, declared lost.

The Chair put the recommendation to the vote and it was, 2 in favour, 7 against and 1 abstentions-

The reasons for refusal put forward by Members were residential amenity of future occupiers in particular the size of the amenity space, fear of crime, crime, impact on the wider economy and implications for traffic.

7286

### **RESOLVED:-**

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

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### **Report No 19 – Land off Hollybank Road with access between Nos 38 & 40, Kings Heath, Birmingham, B13 0RJ – 2019/06034/PA**

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

Members commented on the application and the Area Planning Manager (South) and the Interim Director of Inclusive Growth responded thereto.

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

7287

### **RESOLVED:-**

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

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The Chair indicated that, because she had made comments on next three applications prior to her becoming a member of the Committee she would withdraw from the meeting.

Councillor Keith Linnecor assumed the Chair.



**Report No 20 – 70 Ribblesdale Road, Selly Oak, Birmingham, B29 7SQ – 2019/06846/PA**

The Area Planning Manager (South) made introductory comments on the report back section of the report.

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

The Deputy Chair put the recommendation of refusal to the vote and it was 8 in favour, 0 against and 1 abstention -

7288

**RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report back.

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**Report No 21 – 94 Bournbrook Road, Selly Oak, Birmingham, B29 7BU – 2019/05758/PA**

The Area Planning Manager (South) indicated that there was an update for reports 21 and 22 in that an email had been received from the planning agent, in the following terms-

- The views of the Planning Committee are inconsistent with the Council's decisions for other large HMOs within Bournbrook.
- Even if the last use of the properties was as a Class C3 dwelling house there remain no obstacles for it to be used as a Class C4 HMO. This is a legitimate and lawful fall-back position.
- Members need to think again about the refusal of these applications because the Council is heading towards a situation that will result in a costs application for any appeals from the appellant.

The Area Planning Manager (South) emphasised officers' advice was that it would difficult to defend the refusal of the applications at appeal.

Councillor Gareth Moore reiterated the comments he made at the previous meeting in that the appeal decisions related to existing HMOs being expanded to larger HMOs and these applications related to new HMOs which was some what different.

The Deputy Chair put the recommendation of refusal to the vote and it was 7 in favour, 1 against and 1 abstention -

7289

**RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report back.

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**Report No 22 – 96 Bournbrook Road, Selly Oak, Birmingham, B29 7BU – 2019/05816/PA**

(See updates and comments in the previous report)

The Deputy Chair put the recommendation of refusal to the vote and it was 7 in favour, 1 against and 1 abstention -

7290 **RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report back.

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Councillor Karen McCarthy returned to the meeting and assumed the Chair.

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**Policy Reports**

**Appeal Decisions Received from the Planning Inspectorate in October 2019**

7291 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in October 2019 be noted.

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**Student Accommodation Supply and Demand**

The Planning Policy Manager made introductory comments relating to the report.

Members commented on the report and the Planning Policy Manager (City Centre) and the Interim Director of Inclusive Growth responded thereto.

7292 **RESOLVED:-**

- (i) That the supply and demand data provided in this paper and that this is updated on an annual basis, depending on the availability of information be noted; and
  - (ii) that the recommended detailed information requirements in relation to proposals for student accommodation (Appendix 1) are formally included in the next update of the Local Validation Requirements for Planning Applications be noted and, as required by the National Planning Practice Guidance, the Council will undertake public consultation on the Local Validation Requirements prior to adopting any changes.
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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

- 7293 The Chair noted that the Committee had agreed to a site visit to 31 Station Road, Sutton Coldfield which was to take place the following week and the timings would be circulated to Members in due course.
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**OTHER URGENT BUSINESS**

**A. Environmental Issues**

- 7294 Councillor Keith Linnecor indicated that environmental issues should have the same importance as heritage and Conservation issues. Whilst appreciating that there may be revenue and capital costs he sought clarification as to when officers would be able to advise the Committee on the whether it was possible to introduce the requirement for drains which prevented plastic and other rubbish getting in to the waste water and sewerage systems. The Interim Director of Inclusive Growth indicated that officers would look in to the issue.
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**B. Officer Contacts**

- 7295 Councillor Gareth Moore, following suggestions made in Member training, asked when a list of Officer contacts would be circulated to all Members of the Council as there had been several changes over recent years.
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**AUTHORITY TO CHAIR AND OFFICERS**

- 7296 **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**

- 7297 **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**

Private section of the Minutes of the last 3  
meeting.

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