

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
05 NOVEMBER 2020**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 05 NOVEMBER 2020 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal Peter Griffiths, Julie Johnson, Zhor Malik, Saddak Miah, Gareth Moore, Simon Morrall, Lou Robson, Mike Ward and Martin Straker Welds.

INTRODUCTION

7715 The Chair indicated that meeting would be hosted on teams but would be web streamed and indicated that, because the Committee was a quasi-judicial one, no decisions had been made in advance of the meeting. She reiterated the online meetings will be taking place for a while and they were delivered as close to face to face meetings. The main difference was the Committee were unable to take speakers in objection or support of an application at present. This had been replaced with statements which were read out by an officer. All other aspects were delivered in the same format i.e. ordering of the reports and conduct of business. 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

7715 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

7716 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

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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

7717 There were no apologies submitted.

CHAIR'S ANNOUNCEMENTS

7718 The Chair informed Members that the following meetings were scheduled to take place on the 19 November, 3 December and 17 December 2020.

MINUTES

7719 That the Minutes of the meeting of the Committee held on 8 October 2020 previously circulated to Members be confirmed and signed.

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 EAST AREA

REPORT NO. 6 - LAND AT JUNCTION OF HIGHGATE ROAD AND STRATFORD ROAD AND LAND AT STONEY LANE, SPARKBROOK, BIRMINGHAM, B12 8DN – 2018/08593/PA

The Area Planning Manager (East) advised that since publication of the officer report, one further objection had been received, raising the following concerns:

How would the additional traffic volumes be managed

It is considered there are already extremely long delays when travelling from Hall Green to the City Centre via Stratford Road, in particular the part between Springfield Road and Long Street.

It was understood that the Council is seeking to reduce emissions not increasing them.

It is considered that people from Hall Green should have been contacted and given the opportunity to comment.

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The Area Planning Manager (East) responded by stating that Stratford Road and Highgate Road are both main roads into and out of the City Centre and is considered a good location to site such a significant proposal. Transportation Development has confirmed that the proposals would be acceptable in terms of its impact on highway and pedestrian safety. Suitable access into the site and car parking provision is proposed in the scheme, including a new basement car park and separate car park off Stoney Lane, on a pay and display basis for the public.

Also, it is noted that the sustainable location of the site, includes bus stops nearby. The site is within walking distance to surrounding residential neighbourhoods reducing the need to travel by car. On-site cycle parking provision is proposed, thereby further assisting with the reduction of CO2 emissions within the area.

Regarding Consultation, Site Notices have been displayed at the site on three separate occasions over the last 2 years and local neighbours have been consulted separately as well. It is therefore considered that sufficient consultation with the public has been undertaken.

At this juncture, Councillor Zhor Malik declared an interest due to his prior involvement and therefore agreed not to participate in any discussion relating to the item.

Councillors Mohammed Fazal and Diane Donaldson made known their support for the application.

Councillor Lou Robson also made know her support for the application however highlighted her concerns relating to the lack of detail in the report which was also echoed by Councillor Mohammed Fazal.

She therefore proposed, which was seconded by Councillor Simon Morrall that the item was deferred on the grounds of further detail being provided and a site visit being undertaken.

The Chair referred to the Motion that had been passed and highlighted to the Committee that if a site visit was voted to be undertaken, then this would be conditional on advice that it could be carried out safely.

In response to comments and concerns raised by Councillor Lou Robson, the following points were captured:

The Area Planning Manager (East) highlighted the importance of this major project which would be providing an iconic landmark building as well as a significant economic benefit to the regeneration of the area.

He detailed how the application had evolved over time and how the proposals were quite different today compared to 3 or 4 years ago.

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He confirmed that they had been working closely with the applicants, agents, city design, conservation and case officer in order to produce the proposed scheme that was seen today.

He reported that the design was iconic and the importance of making best use of this awkward site and subsequently detailed the layout of this mixed-use development.

He reported that the proposals presented to the Design Review Panel generally supported and with the number of conditions attached, officers believed the finished product will resemble the illustrated design in the application.

He referred to the central locality of the new facilities and that a great many people frequenting the facilities would arrive on foot.

Reference was made to Historic England and although there was some slight concern regarding the impact on the setting of St Agatha's Church, it was believed that the benefits of the proposed development outweighed the harm against any potential impact.

He referred to the parking provision and subsequently detailed the number of parking spaces that would be provided by the proposed underground car park, surface level car park and the car park off Stoney Lane that could accommodate coach parking. He further referred to the car park at Stoney Lane and stated that the applicant was in the process of acquiring this from BCC which could now have been resolved.

He referred to the employment on site which was very little and confirmed that the proposals would provide a much more attractive work environment and greater opportunities for employment.

It was noted that the Police had been consulted and had raised no objections subject to specific conditions which included a gate to be provided to the basement car park.

He confirmed that there had been adequate consultation with residents as well as site notices being displayed on 3 occasions and was confident that residents were aware of the proposals.

Paul Cowan (Transportation Development) made reference to the number of phases to the development and the conditions within the application assisting in accommodating each element of the phasing of the development.

He briefly referred to the Stoney Lane car park and the possibility that it had now been purchased. He highlighted that the highway extinguishment had progressed to a high level of process and that it appeared there were no major objections from Highways regarding the extinguishment that would be delivered.

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He referred to the submission within the Transport Statements and believed there was enough controls within the conditions in the report and especially for the requirement for the phasing aspect to be looked at each stage to ensure there are relevant controls to protect against demonstrable harm from this development.

At this juncture, Councillor Lou Robson requested that further information be provided as she believed not all her points had been adequately covered and subsequently highlighted the importance of a site visit being carried out.

Upon being put to a vote for deferral for further information it was 6 in favour, 5 against and 1 abstention, therefore the vote was carried.

Upon being put to a vote for deferral for a site visit (subject to be carried out safely) it was 2 in favour and 10 against and 0 abstention, therefore lost.

7720

RESOLVED:-

That consideration of the planning application referred to the report be deferred until further information be provided.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 7- LAND BOUNDED BY CHAPEL LANE, HARBORNE LANE AND BRISTOL ROAD, SELLY OAK, BIRMINGHAM, B29 - 2020/01795/PA

The Chair confirmed that there were statements in lieu of speaking.

The Principal Planning Officer (South) reported on the updates and confirmed that there had been 3 further letters of objection that had been received but they did not raise any new issues.

A second letter of objection had been received by Steve McCabe MP raising the following matters:

- Despite the reduced scale the development still overlooks the schools and residents;
- A greater reduction in the number of rooms is needed;
- There is no demand for a development of this size; and
- The development is not in the interests of the local community.

A letter from the Community Partnership for Selly Oak to Members of the Planning Committee on 29 October 2020 which did not raise any issues that were not covered in the Officer Report.

The Applicant had provided Members with a briefing note on 2 November 2020 and it was considered that all matters raised were covered in the Officer Report.

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The Chair commented that although this was within her Ward before the boundary changes in 2018, she had had no engagement with the application process.

Councillor Julie Johnson stated that she had had no engagement with the application although it was in her Ward.

The Area Planning Manager (East) read a statement on behalf of the objector (Community Partnership for Selly Oak).

The Area Planning Manager (East) read a statement on behalf of the applicant (Robbie Pitman, Managing Director, Development, Hines UK) in support of the application.

The Principal Planning Officer (South) advised Members all the points raised had been explored in detail. He subsequently detailed the merits of the application highlighting that it would reduce the number of students having to rely on Houses of Multiple Occupation (HMO) for their accommodation.

Councillor Julie Johnson stated that she was unsupportive of the application as under Policy TP33 she believed it did not meet the criteria and subsequently detailed the reasons.

Councillors Martin Straker Welds and Gareth Moore made known that they were unsupportive of the application.

Councillor Julie Johnson proposed that the item be deferred until an annual Review of the Student Accommodation Supply and Demand Paper (dated November 2019) had been completed by the Planning Policy Team. This would ensure that the most up to date information was available to inform the decision-making process on schemes of purpose built student accommodation. This was seconded by Councillor Martin Straker Welds.

The Chair referred to the Motion that had been moved and seconded and therefore:

Upon being put to a vote for deferral of the application until the Annual Review of the Student Accommodation Supply and Demand Paper had been completed, it was 11 for deferral, 1 against and 1 abstention. The motion was therefore carried.

7721

RESOLVED:-

That consideration of the planning application is deferred until an annual Review of the Student Accommodation Supply and Demand Paper had been completed.

REPORT NO. 8 BISHOP CHALLONER RC SCHOOL, INSTITUTE ROAD, KINGS HEATH, BIRMINGHAM, B14 7EG - 2020/07019/PA

Councillor Peter Griffiths reported that as a non-executive of Acivico would be withdrawing from this item. Councillor Lou Robson stated that as she lived close to the school and was unable to provide an objectional view agreed to also withdraw from this item.

The Principal Planning Officer (South) reported on the updates. He confirmed that following the publication of the Officer Report, a petition from the residents of Goldsmith Road and Drayton Road has now been received. It contains 31 signatures. The petition largely focuses on traffic and congestion on local roads and air pollution. These matters are already addressed within the Officers Report.

Amended plans have been received which alter the proposed first floor windows on the side elevation of the extension, which are now in the style of an oriel unit angled northward away from the adjacent residential property. This change ensures that no overlooking can occur. Conditions 1 (approved plans) and 13 (obscure glazing) have been updated to incorporate the plan numbers on the amended plans. The wording of condition 9 has also been amended.

Councillor Martin Straker Welds made known his support for the application however raised some concerns regarding traffic issues.

Paul Cowan (Transportation Development) explained the work that was being undertaken by the applicant and school in addressing traffic related issues which included the usage of traffic survey data and actively working on their travel plan. He referred to the anomalies that could occur regarding traffic regulation orders and stated that through the travel plan and the school funding process where junctions could be submitted for a traffic regulation order review, could help to prevent errant parking near to junctions.

He referred to the traffic in local neighbourhoods and confirmed it was difficult to assess at this time regarding impact as the proposal was evolving and changing and difficult to relate that to the impact from the development.

At this juncture Councillor Saddak Miah reported that he owned a business off Kings Heath High Street and after seeking advice from the Committee Lawyer, confirmed that it did not impact on the application, agreed to remain in the meeting for this item.

Upon being put to a vote it was 10 in favour 1 against and 0 abstention, therefore approved.

7722

RESOLVED:-

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

The wording of condition 9 has also been amended as follows:

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Requires the applicants to sign-up to the Birmingham Connected Business Travel Network

The extension hereby approved shall not be brought into use or occupied until the applicant has signed-up to Birmingham Connected Business Travel Network. As part of this, the applicant is required to register with the "STARSfor" portal that Birmingham City Council is a member of - www.starsfor.org, to use this to complete a travel plan, and commit to working towards Bronze level accreditation. This should include the development of proposals for decreasing reliance on the private car and for continuing staff use of alternative means of transport. Such proposals shall be submitted in writing for approval by the Local Planning Authority, prior to the first use of the extensions and thereafter implemented. The development shall be operated in strict accordance with the approved travel plan.

Reason: In order to achieve a more sustainable development in accordance with Policies PG3 and TP38 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

M3 has been updated. Here are the amended conditions:

Condition 1

Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the following drawing ('the approved plans'):

Site Location Plan (Drg. No.19167-CBP-00-M2-A-0001, Rev. P02)

Proposed Site Plan (Drg. No. 19167-CBP-00-M2-A-1001, Rev. P03)

Proposed Extension block Plan (Drg. No. 19167-CBP-00-M2-A-1003 P04)

Flat Elevations (Sheet 3 of 3) (Drg. No. 19167-CBP-00-M2-A-4004-P02)

Flat Elevations (Sheet 1 of 3) (Drg. No. 19167-CBP-00-M2-A-4002-P04)

Flat Elevations (Sheet 2 of 3) (Drg. No. 19167-CBP-00-M2-A-4003-P03)

New Build-Ground Floor GA Floor Plan (Drg. No. 19167-CBP-00-M2-A-3200-P03)

New Build-First Floor GA Floor Plan (Drg. No. 19167-CBP-00-M2-A-3300-P05)

Tree Constraints Plan (Drg. No. 1151-TCP-001-A)

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 9

Requires the applicants to sign-up to the Birmingham Connected Business Travel Network

The extension hereby approved shall not be brought into use or occupied until the applicant has signed-up to Birmingham Connected Business Travel Network. As part of this, the applicant is required to register with the "STARSfor" portal that Birmingham City Council is a member of - www.starsfor.org, to use this to complete a travel plan, and commit to working towards Bronze level accreditation. This should include the development of proposals for decreasing reliance on the private car and for continuing staff use of alternative means of transport. Such proposals shall be submitted in writing for approval by the Local Planning Authority, prior to the first use of the

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extensions and thereafter implemented. The development shall be operated in strict accordance with the approved travel plan.

Reason: In order to achieve a more sustainable development in accordance with Policies PG3 and TP38 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition 13

Requires obscure glazing

The obscure glazing shown on drawings titled 'First Floor - GA Plan (Drg. No. 19167-CBP-00-M2-A-3300, rev. P05)' and 'Flat Elevations (Sheet 1 of 3) (Drg. No. 19167-CBP-00-M2-A-4002-P04)' shall be retained in perpetuity.

Reason: In order to safeguard the amenities of the nearest neighbours and secure the satisfactory development of the application site in accordance with Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living and National Planning Policy Framework.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA

REPORT NO. 9 - LEE BANK BUSINESS CENTRE, 55 HOLLOWAY HEAD, CITY CENTRE, BIRMINGHAM, B1 1HP - 2018/08452/PA

The Principal Planning Officer (City Centre Area) reported there were no further comments or objections from Transportation or the Police.

The Request for a contribution towards Education has been updated to £411,904.

Since the publication of the report 4 additional letters of objection have been received from 3 neighbours

SUMMARY OF OBJECTIONS RAISED

The latest sunlight and daylight report acknowledge that the development will have a negative impact on some apartments in Concord House

There is lengthy gives justification as to why the BRE criteria should be ignored
The sunlight daylight report uses a 25 degree calculation rather than the Council's own 45 degree code

The development is contrary to the NPPF core planning principles

The extra 5 storeys is at the expense of the quality of life of the existing occupiers in Concord House and does not appear to meet Government or Local planning guidance.

The development would create a pastiche building by hiding its original elements.

The drainage report does not explain how the sewers would cope.

Concern about how the new townhouses will cope with the exhaust fan system venting from the Concord House garage?

The committee report admits the application does not meet the guidance on distance separation or privacy to neighbouring buildings and it is disappointing

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that yet again Planning Officers are not upholding published planning guidance but instead siding with developers.

Officer Comments in Response:

Severn Trent Water and the Local Lead flood Authority raise no objections subject to conditions to require further details of drainage.

Regarding exhaust fumes, the applicants are proposing mechanical ventilation where necessary.

With respect to the Sunlight and Daylight Report - The neighbours are correct that the Daylight Sunlight report refers to a 25 degree guide. This is a vertical measurement taken from the lowest window and where new development is greater than the 25 degree angle it indicates that sunlight and daylight to this window would be affected. Thereafter further detailed tests are undertaken (Vertical Sky Calculation & Daylight Distribution)

It is a separate measurement to the 45 degree guide adopted by the Council which is an imaginary horizontal line drawn from the neighbouring window.

As stated in the committee report at 6.28 it is acknowledged that the proposed development would not meet this code. This is not unusual for City Centre developments that are taller and closer to each other than a house extension in a suburban setting. Hence the submission of a Daylight Sunlight report. Officers consider that despite the few minor transgressions of BRE guidance, as outlined in the committee report, the proposed development would protect adequate amenity for neighbours.

In response to Members' comments, the Principal Planning Officer confirmed that the site was owned by BCC. She reported that the second viability assessment which had been independently assessed had resulted in the provision of some affordable housing on site, adding that she would ensure that the assessment was made available on the public file.

She further reported that the Fire Service had been consulted and that their comments were indicated in the committee report. She highlighted that the applicant was confident that they could meet the fire safety requirements and they would be enforced through the building regulations system.

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

7723

RESOLVED:-

- (i) That consideration of planning application 2018/08452/PA be approved subject to the completion of a Section 111 of the Local Government Act 1972 legal agreement to require the applicants to enter into a planning obligation to secure the following;
 - The provision of 13 low cost home ownership affordable apartments sold at 20% discount on Market Value in perpetuity

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comprising 5 x 1 bedroom, 7 x 2 bedroom and 1 x 3-bedroom units.

- Payment of a monitoring and administration fee associated with the legal agreement of 3.5% subject to a maximum of £10,000.
- (ii) That in the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 4th December 2020 or such later date as may be authorised by officers under delegated powers the planning permission be refused for the following reason:

That in the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the Affordable Housing SPG.

- (iii) That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- (iv) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 4th December 2020 or such later date as may be authorised by officers under delegated powers favourable consideration be given to this application, subject to the conditions listed in the report.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT NO. 10 - LAND AT KINGSTON ROAD AND RECTORY ROAD, SUTTON COLDFIELD, BIRMINGHAM, B75 7NY - 2020/05394/PA

The Principal Planning Officer (North West Area) reported that since the publication of the agenda, the applicant has requested an amendment to Condition 4 to limit the maximum number of dwellings to 145.

The number of dwellings erected on the site shall not exceed 145 units. This request has been assessed by officers and concluded that it would be acceptable on the grounds, that the development would remain consistent with the density and prevailing character of the housing estate, and that the accesses proposed in Rectory Road and Kingston Road, would retain sufficient capacity to accommodate any anticipated traffic movements associated with the increase.

Councillor Maureen Cornish made know her support for the application providing the Section 106 was acceptable.

In response to Members' comments, the Area Planning Manager (North West Area) confirmed that the Section 106 was worded in such a way that commits to

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35% affordable housing being delivered on site regardless of the increase in units, adding that this was proportionate on what was proposed.

With regard to the housing mix and tenure confirmed that this would be a matter reserved for future determination and as yet no information had been provided.

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

7724

RESOLVED:-

- (i) That consideration of application number 2020/05394/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:
 - To secure 35% 'affordable units' delivered on site and retained as such in perpetuity;
 - Payment of £60,000 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the improvement of the existing children's play area at Withy Hill Recreation Ground;
 - Payment of a monitoring and administration fee associated with the legal agreement of 3.5% subject to a maximum of £10,000.
 - (ii) In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 30th November 2020, or such later date as may be authorised by officers under delegated powers, planning permission be REFUSED for the following reason:
 - The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP31 of the Birmingham Development Plan 2031, Affordable Housing SPG, and the National Planning Policy Framework (2019).
 - (iii) That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.
 - (iv) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th November 2020, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to this application, subject to the conditions set out in the report.
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OTHER URGENT BUSINESS

No other urgent business raised.

AUTHORITY TO CHAIR AND OFFICERS

7725

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.

EXCLUSION OF THE PUBLIC

7726

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**

Other Urgent Business (Exempt
Information)

3