

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
5 DECEMBER 2019**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 5 DECEMBER 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, Peter Griffiths, Adam Higgs, Julie Johnson, Keith Linnecor, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson, Martin Straker Welds and Mike Ward.

PUBLIC ATTENDANCE

- 7301 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

- 7302 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

- 7303 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.

APOLOGY

- 7304 An apology was submitted on behalf of Councillor Mohammed Fazal for his inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 7305 The Chair informed Members that meetings were scheduled to take place on the 19 December 2019, 2 January and 16 January 2020. However, the meeting scheduled for 2 January 2020 would be confirmed closer to the date.
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MINUTES

- 7306 That the Minutes of the meeting of the Committee held on 7 November 2019 be confirmed.
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MATTERS ARISING

- 7307 No matters were raised.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 7308 There were no notifications by Members of planning applications submitted for consideration to be determined by Committee.
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PETITIONS

- 7309 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 City Centre Area

**Report No 9 –193 Camp Hill, Highgate, Birmingham, B12 0JJ –
2018/09467/PA**

Councillor Martin Straker Welds withdrew from the meeting as he had lodged an objection to a previous version of the application.

The Area Planning Manager (City Centre) advised that one further objection from a Moseley resident had been received.

An objector spoke against the application.

The applicant spoke in favour of the application.

Members commented on the application.

The Area Planning Manager (City Centre) and the Director, Inclusive Growth, Acting responded to comments made by Members and the objector.

Councillor Gareth Moore proposed and Councillor Keith Linnecor seconded that the application be deferred to allow further discussions with the relevant rail and transport authorities to resolve their objection regarding the impact on the Camp Hill Chords. Councillors asked to read Council's advice, as obtained by officers.

The Chair commented that any deferral would only be for a maximum of 6 weeks to allow further discussion to take place and for information to be circulated to the Committee.

The recommendation to defer the application was put to a vote it was 12 in favour, 0 against and 0 abstention and therefore the recommendation was carried.

7310

RESOLVED:-

That consideration of the application referred to in the report be deferred until the end of January 2020 to allow for further discussions to take place and for any additional information to be circulated.

Councillor Martin Straker-Welds returned to the meeting having had no part in the discussion or the decision that took place.

Report No 10 – Land at 65, 66 & 68 Caroline Street, 60-70 (evens) Regent Place & 18 Regent Parade, Jewellery Quarter, Birmingham, B1 3NJ – 2019/04424/PA

Councillor Lou Robson declared a potential conflict of interest in a professional capacity on the following 2 applications and subsequently withdrew from the meeting.

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 6 in favour, 4 against and 2 abstentions -

7311

RESOLVED:-

- (i) That consideration of the application be approved 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 within a period of 3 months from the date of this resolution, 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 with a period of 3 months from the date of this resolution, 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.

Report No 11 – 60-70 Regent Place, 65-67 Caroline Street and 14-16 Regent Parade, Jewellery Quarter, Birmingham, B3 1UG – 2019/04682/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 10 in favour, 0 against and 2 abstentions -

7312

RESOLVED:-

That listed building consent be granted subject to the conditions set out in the report.

Councillor Lou Robson returned to the meeting having had no part in the discussion or the decision that took place.

Report No 12 - The Flapper Public House, Kingston Row, City Centre, Birmingham, B1 2NU – 2018/08647/PA

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

The Chair advised that they were voting on the recommendation for refusal.

Upon being put to a vote it was 12 in favour, 1 against and 0 abstention -

7313

RESOLVED:-

That consideration of the application referred to in the report be refused for the reasons for refusal set out in the report.

Report No 13 – Former CEAC Building, Corner of Jennens Road & James Watt Queensway, City Centre, Birmingham, B4 7PS – 2019/04239/PA

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

An objector spoke against the application.

The applicant spoke in favour of the application.

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

Upon being put to a vote it was 10 in favour, 3 against and 0 abstentions -

7314

RESOLVED:-

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

Planning Applications in respect of the South Area

Report No 14 – Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Road, Edgbaston, Birmingham, B15 2QU - 2019/05598/PA

The Area Planning Manager (South) drew Members' attention to slight revisions to the conditions 12 and 19 which were not required, as they were covered by Condition 11, and Condition 15 was to be changed from a pre-commencement condition albeit this did not change the substance of the condition.

She reported that there had been a few additional letters of representation regarding the application which comprised of an additional objection from a resident claiming there were very few material changes to the plans overall and that the objection remained the same as the previous objection.

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She referred to an additional letter from Preet Gill (former MP, Edgbaston) writing on behalf of her constituents hoping that the City Council would reject the application and appeal (there was an appeal at the time) and take a long-term view in order to protect the conservation area as well as the well-being and health of present and future residents.

She further referred to the additional objection from today's speaker and subsequently detailed the key bullet points:

- Judgement the officer had reached on residential amenity was incorrect and that it would have a detrimental impact on residential properties.
- That a smaller car park would have any less detrimental affect on the adjacent highway network
- The analysis in the officer's report relating to the conservation area was very weak and the legal advice that had been sought for the assessment was flawed.
- The Committee had considered the public benefits last time to be insufficient why should they now be considered sufficient?
- On a scheme of this size, the legal advice that had been received was of the public benefit and should have been of a much greater analysis and explanation.

The Area Planning Manager (South) confirmed that there had been one letter of support from the Community Partnership from Selly Oak, and that they campaign on planning issues such as student housing, seeking good affordable well-managed accommodation and respects the needs of local residents. They believe this application for student housing would meet these requirements and they full support the proposal.

They note that Pritchatts Park was part of the University Birmingham campus and 75% of the frontage on Pritchatts Road was either university owned or closely associated with the university and that includes the car park at the junction with Vincent Drive.

The 500 plus bedrooms located back from the road, a small number of rooms located on Pritchatts Road will be enlarged townhouse format it is entirely consistent with the local built scene which comprises of large detached houses. The buildings will serve to screen the proposed car park.

As part of the university's accommodation, we will be confident that the properties will be well maintained and responsibly managed placing 500 students on this site, which will ease the pressure for purpose building student accommodation on less suitable sites further from the university and not managed by it.

The Area Planning Manager (South) reminded Members of the previous application on this site which was refused by Committee in February 2019 following a site visit undertaken by Members.

She reported that there were 3 reasons for refusal which were;

- Impact on the conservation area by the student accommodation on Pritchatts Road;
- Impact on the character of the residential area specifically from the student accommodation and the car park;
- Impact on vehicle traffic from the car park on the adjacent highway would lead to traffic congestion.

The previous scheme that was refused was for 532 bed spaces and 608 spaces car park since that time the applicants, the university have been working with officers to see how they can attempt to overcome those 3 reasons and as a result of this the revised submission is significantly different to the previous scheme.

The main changes that have occurred;

- Multi-storey car park has been reduced in height by approximately 3 metres, the number of parking spaces had been reduced by 126.
- Height of the buildings on Pritchatts Road has also been reduced by approximately 2 metres.
- The number of bed spaces on Pritchatts Road had been reduced by 101. That has resulted in more student bed spaces on the rear of the site (Ashcroft Site) which has increased by 55. Overall there are 36 less bed spaces on the site.
- The Pritchatts Road buildings have been reduced in terms of their scale and there are bigger gaps between the buildings and refers Members to page 3 of the report which illustrates the comparison between what was submitted last time and today's submission. This indicates the significant changes that have been made
- Other changes - movement of the development away from the corner of Vincent Drive and Pritchatts Road, changes to the design, and relocation of some buildings at Ashcroft.
- The scheme was reported to DRP and comments were made by the panel and they have been incorporated into the proposal.

An objector spoke against the application.

Two speakers spoke in support of the application.

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

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A Member expressed appreciation for all the work and effort that had been undertaken by all in the revised application.

Upon being put to a vote it was 9 in favour, 4 against and 0 abstentions -

7315

RESOLVED:-

- (i) That consideration of the application be approved 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 within a period of 3 months from the date of this resolution, 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 with a period of 3 months from the date of this resolution, 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.

• Condition 12 & 19 Deleted

• Condition 15 Amended

Secures noise and vibration levels for habitable rooms

The layout of the proposed development shall be designed to ensure that noise and vibration levels for facades containing habitable rooms and for outdoor living spaces do not exceed the criteria provided in the current EPU Planning Consultation Guidance Note 1 (Noise and Vibration) and the NPPF. Prior to the installation of glazing within the student accommodation hereby approved, a noise assessment shall be undertaken and glazing specifications provided to demonstrate that the development meets the requirements. The assessment and glazing specification shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details (if any of the properties fall within 30 metres of a rail line, a rail traffic vibration assessment shall be undertaken to ascertain the peak particle velocity from train pass by).

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

Report No 15 – Land Rear of 520 Bristol Road, Selly Oak, Birmingham, B29 6BD, BIRMINGHAM, B29 6BD – 2019/07314/PA

7316 The Chair reported that the above-mentioned application had been withdrawn by the applicant.

Report No 16 – Monmouth Road, Della Drive, Penrith Croft, Land at, Bartley Green, Birmingham, B32 3LY – 2019/05989/PA

The Area Planning Manager (South) confirmed that there were two updates

She reported that Regulatory Services had no objections subject to a couple of conditions which was one on contamination remediation and one on contamination land verification report. There was also the tweaking of the condition to 'Planning Permission granted shall only be implemented by Birmingham Municipal Housing Trust or their appointed contractor.

A Member welcomed the 15 (2-bedroom bungalows) as affordable housing and that it promoted individuals to downsize thus freeing up larger social housing properties for families.

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

7317 **RESOLVED:-**

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

- **Delete Condition 4**
- **2 Extra Conditions**

Requires the prior submission of a contamination remediation scheme

No development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment, which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
- 3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation

strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to Development

Requires the submission of a contaminated land verification report

Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

• **Amended Condition 2**

Restricts implementation of the permission to BMHT
The planning permission hereby granted shall only be implemented by Birmingham Municipal Housing Trust **or its appointed contractor**.

Reason: In order to secure the satisfactory development of the application site and satisfactory provision of affordable homes in accordance with TP31 of the Birmingham Development Plan 2031.

Report No 17 – 77-79 Cartland Road, Stirchley, Birmingham, B30 2SD – 2019/05217/PA

The Area Planning Manager (South) reported that there were two additional letters of representation that raised concern relating to security at evenings and weekends if the access was not gated.

The original garage at the rear of the site was outside the red line and the nearest pedestrian crossing was further from the site than indicated in the travel plan. The travel plan does not consider the implications of the station and it would be difficult to prevent parents parking on the street.

Members' attention was drawn to the security concern regarding the access not being gated and if Members were minded to approve the application, this was something that could be considered in terms of a condition.

A Member commented on the sufficiency of car parking on the site and the Transportation Officer responded thereto.

Upon being put to a vote it was 11 in favour, 1 against and 1 abstention -

7318 **RESOLVED:-**

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

Report No 18 – 12 Osmaston Road, Harborne, Birmingham, B17 0TL – 2019/03429/PA

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

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

7319 **RESOLVED:-**

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

At this juncture, there was a five-minutes adjournment.

The Chair confirmed when returning to the meeting that Councillor Julie Johnson and the Director, Inclusive Growth (Acting) had to leave the meeting.

Planning Applications in respect of the North West Area

Report No 19 – 4 Beech Hill Close, Sutton Coldfield, Birmingham, B72 1BF – 2019/06018/PA

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

A Member expressed support for the application.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention -

7320

RESOLVED:-

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

Report No 20 – 31 Station Road, Sutton Coldfield, Birmingham, B73 5JZ – 2018/09223/PA

The Area Planning Manager (North West) stated that there was one additional letter of representation received from a local resident who had reiterated their previous objection which had been covered in the officer report.

He subsequently referred to the notes that were taken at the site visit last Thursday, 28 November 2019 whereby; 5 Members from the Planning Committee, Councillor David Allan from the Royal Sutton Coldfield Town Council, 3 local residents and the agent for the application was in attendance.

He reported that the site visit took place at Sunningdale flats next door to the application site and access was given to a number of flats which were located to the side of the block of flats facing the proposal. It was noted that there was an open-plan arrangement to the kitchen and dining area.

As a result of the site visit the following comments were made from the attendees:

- Loss of light – 45-degree code should be taken from the side window as you do not look out of a window directly and therefore the right angle should be taken into consideration.
- The scheme does not meet the 12.5 metres separation distance
- What could be done to prevent blinds being installed in the conservatory?
- Overshadowing
- Loss of light
- Loss of planting and shrubbery
- Loss of view
- Access would be required outside the application site during construction
- Matters relating to the Party Wall Act
- Site previously extended which has resulted in loss of light
- Concern for the depth of a single storey rear extension
- The window to the rear of the extension being proposed is for a dining room
- Existing garage has insufficient foundation

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

Upon being put to a vote it was in 3 favour, 2 against and 7 abstentions -

7321

RESOLVED:-

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

Planning Applications in respect of the East Area

Report No 21 – 71 Severne Road, Acocks Green, Birmingham, B27 7HJ – 2019/05732/PA

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

Councillor Roger Harmer spoke against the application.

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

Councillor Mike Ward supported the admission made by Councillor Roger Harmer.

Upon being put to a vote it was in 1 favour, 9 against and 2 abstentions –

The reasons for refusal were loss of light and amenity.

7322

RESOLVED:-

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

Councillor Mike Ward commented that members lacked training on the 'reasons for refusal' when refusing planning applications and the Chair responded by agreeing to explore the matter.

Report No 22 – 115 Somerville Road, Bordesley Green, Birmingham, B10 9EX– 2019/08547/PA

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention -

7323

RESOLVED:-

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

At this juncture, Councillor Maureen Cornish left the meeting.

Report No 23 – Land off Lenton Croft, Yardley, Birmingham, B26 1EJ – 2019/10372/PA

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

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

7324

RESOLVED:-

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

Report No 24 – 15 Charles Road, Small Heath, Birmingham, B10 9ET – 2019/08009/PA

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

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

7325

RESOLVED:-

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

Report No 25 – 1159-1185 Chester Road, Birmingham, B24 0QY – 2019/03185/PA

The Area Planning Officer (East) indicated that there were 2 updates.

Firstly, a further objection from Councillor Mike Sharpe expressing concern that the cut through access on Chester Road would not be delivered.

Secondly, the amendment to Condition 9 in relation to the delivery hours. The deliveries could take place one hour before the store opens and one hour before the store closes – this was effectively 0700 hours and 2300 hours Monday to Saturday and 0700 hours and 1700 hours on Sundays.

The Area Planning Manager (East) referred to Members' concerns and reported that the condition gave reassurance that the Aldi Stores Ltd was keen for the cut through to be provided and that any delay relating to the cut through, would not be due to the store, but as a result of the technical process that it has to go through.

He reported that the condition required the access to be provided within 6 months from the store opening. If there were delays then Aldi have agreed to pay £30k to BCC for them to implement the access within 3 years.

Councillor Gareth Moore while welcomed the right turn arrangement, however, expressed concern that if the applicant failed to deliver within the specified time and the funding is held by the LPA for up to a period of 3 years or until the works are carried out, proposed that this timeframe be reduced to 12 months.

The Planning Officer (East) and Transportation Officer responded to the comments confirming that the time-line could be reduced to one year.

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

7326

RESOLVED:-

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

• 3 Extra Condition

Ambulance turning provision

Within 6 months of store opening, the developer (Aldi Stores Ltd) will make all reasonable endeavours to implement the right turn arrangement as shown on drawing “15183-TR002” and “15183-010”, to the satisfaction of the Local Planning Authority. For the avoidance of doubt, if the applicant fails to deliver the right term arrangement, as detailed within approved plans within 6 months of the store opening, a sum of £30k shall be submitted to, and held by, the LPA for a period of 1 year or until the works are carried out.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Disabled Parking Layout

Prior to the commencement of work, the applicant shall submit a revised parking layout identifying 8 no. disabled parking bays, to the satisfaction of the Local Planning Authority

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

Vehicle EV Charging points

Prior to the commencement of works, plans shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of 2.no on site EV vehicle charging points, with ducting for a further 4 no. EV charging Points.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7327 There were no site visits raised.

OTHER URGENT BUSINESS

7328 No other urgent business was raised.

AUTHORITY TO CHAIR AND OFFICERS

7329 **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

7330 **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 meeting. 3
