

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE 26 SEPTEMBER 2019

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 26 SEPTEMBER 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, Julie Johnson, Adam Higgs, Keith Linnecor, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 7165 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. She also stated that the Committee comprised ordinary members of the Council and that their decisions were based on the training they receive and on the advice of officers.

NOTICE OF RECORDING

- 7166 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

- 7167 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.
-

APOLOGIES

- 7168 Apologies were submitted on behalf of Councillors Peter Griffiths, Zhor Malik and Saddak Miah for their inability to attend the meeting.
-

CHAIR'S ANNOUNCEMENTS

- 7169 The Chair informed Members that meetings were scheduled to take place on the 10 October, 24 October and 7 November 2019.
-

MINUTES

- 7170 That the Minutes of the meetings held on 15 August and 29 August of the Committee be noted.
-

MATTERS ARISING

- 7171 No matters were raised.
-

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

Planning Application No. 2019/06730/PA – 98 New Street, Ladywood, Birmingham, B2 4HS

- 7172 Councillor Lou Robson requested that a report relating to the above planning application be submitted to a future meeting with regard to the concern of a non-designated heritage asset.

Planning Application No. 2019/05487/PA – 1239 Stratford Road, Hall Green, Birmingham, B28 9AA

Councillor Lou Robson requested that a report relating to the above planning application be submitted to a future meeting in view of the level of local concerns and objections.

Planning Application No. 2019/06453/PA – The York Public House, York Road, Hall Green, Birmingham, B28 8LE

Councillor Lou Robson requested that a report relating to the above planning application be submitted to a future meeting in view of the level of local concerns and objections.

Planning Application No. 2019/07612/PA – Land adjacent 11 Stones Green, Erdington, Birmingham, B23 5RB

Councillor Gareth Moore submitted a request on behalf of Councillor Alden that a report relating to the above planning application be submitted to a future meeting in light of the density and impact of residential amenity.

Planning Application No. 2019/07742/PA – Abbey Court, 45 Sutton Road, Erdington, Birmingham, B23 6QR

Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting due to the over intensive development and loss of residential amenity.

PETITIONS

7173 There were no petitions submitted.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH

The following reports were submitted:-

(See Document No. 1)

Planning Applications in respect of the North West Area

Report No 9 – Land adjacent 17 Friary Road, Handworth, Birmingham B20 1BD - 2019/05337/PA

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

As this juncture, the Chair agreed to proceed in the absence of the registered speakers.

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

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

7174 **RESOLVED:-**

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

Report No 10 – Mill Court City Hospital, Sandwell & West Birmingham Hospitals NHS Trust, Dudley Road, Birmingham B18 7QH - 2019/05177/PA

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

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

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

7175

RESOLVED:-

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

Planning Applications in respect of the City Centre Area

Report No 11 – Birmingham Repertory Theatre, 6 Centenary Square, Broad Street, Birmingham B1 2EP - 2019/05185/PA

The Area Planning Manager (City Centre) reported on the reasons for refusal and the reason No 2 to be amended to remove the reference to the Listed Building and Conservation Areas Act as this is a non-designated heritage area as listed and therefore the second sentence to read as follows:

“The scheme therefore fails to accord with Paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017”.

He further reported on the letter of design justification by APEC Architects sent to Members on 20 September 2019 via the applicant which is summarised as follows:

Balconies:-

Too much weight given to the significance of the building in relation to the balconies the purpose of the balconies

- The purpose of the balconies is to enliven the façade creating animation in the square above ground level.
- The balconies are positioned in response to the rhythm of the facade, matching the solar shades above, and located on the spandrel panel in order to not obstruct the arches.

In relation to the The Gateway Structures:-

- mark and celebrate the entrance to The REP;
- enable The REP to advertise the arts to the public which is critical to The REPs commercial success and for raising awareness of the theatre’s cultural offering; and
- are in proportion with the facade of The REP, sit forward of the facade in order to enable the original facade to be appreciated beyond.

Main Entrance - Reassured that it was recognised that there was a benefit to locating a new entrance centrally on the principal facade of the building.

In relation to the Raised Platform

- access consultees have identified the difficulty people had orientating within the building.
- The central entrance creates a main entrance from which all the main facilities and functions of the building can be immediately identified.
- The central section of the main of the ground floor to the REP is raised. It is acknowledged that in an ideal world, this section would be lowered to match that of the rest of the ground floor and Centenary Square. This floor is however a concrete slab, integral to the building structure, and has below it a large amount of the service runs for the building. It is therefore prohibitively expensive and disruptive to lower this floor.
- The raised areas allows people to spill out from the cafe area into the square, but is particularly important for wheelchair users, who can access this exterior space as part of the cafe. Without this, they would be required to travel a greater distance, through other parts of the building to reach the exterior at a lower level, which does not promote inclusivity.
- a platform lift was considered however this would not provide sufficient capacity.
- As a building designed for cultural engagement it is important that functions spill in as well as out of the building.

The Area Planning Manager (City Centre) reported that in relation to the representation, all of the issues were covered within the officer's report and highlighted that it was worth reiterating that the City was fully supportive of the better animation engagement with the civic square, which was the original intention of the refurbishment of the square.

Unfortunately, the scheme presented remains materially unchanged since the initial pre-application discussions, and that it came at too great a cost to the architectural appearance of the building and the setting of the heritage buildings within the vicinity not least the Hall of Memory, which was a Listed Grade 1 building. The proposed high level LED advertisements which would be visible and be in the same view of these buildings would significantly detract from the setting.

In addition, the City had gone to significant efforts in the past to declutter civic spaces of advertisements and considered this setting an undesirable precedent. It was also worth reiterating, that inclusive access from the front of the building was supported, however, there were other options which were less disruptive to the newly finished square acknowledging that this may cost more or introduce temporary disruption during the works.

A speaker spoke in support of the application.

Members commented on the application.

Councillor Keith Linnecor proposed and Councillor Mike Ward seconded that further engagement be undertaken to include the Design and Conservation Review Panel; upon being put to a vote it was 4 in favour, 6 against and therefore the proposal was lost.

The recommendation to refuse the application was put to a vote it was 4 in favour, 6 against and therefore the recommendation was not accepted and that it came back for a further decision of this committee

7176

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee minded to approve.

Report No 12 – 48-52 Princip Street, Birmingham B4 6LN - 2018/06374/PA

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

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

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

7177

RESOLVED:-

- (i) That the application for planning permission be granted pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement being completed to the satisfaction of the local planning authority by the 30 October 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 by 30 October 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.

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

Planning Applications in respect of the South Area

Report No 13 – 7 Pakenham Road, Edgbaston, Birmingham B15 2NE - 2019/04459/PA

The Principal Planning Officer (South) drew Members' attention to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on the Local Planning Authority when determining planning applications to have special regard to the desirability of preserving a Listed Building, or its setting, and to pay special attention, to the desirability of preserving or enhancing the character or appearance of a Conservation Area. That duty had been exercised in respect of this application and it was concluded that no harm would be caused to either the nearby Listed Buildings or to the Conservation Area.

An objector spoke against the application.

The Principal Planning Officer (South) responded to the comments made by the objector.

Councillor Keith Linnecor proposed and Councillor Lou Robson seconded that a site visit be undertaken in order that further information be provided regarding the impact of the proposed extension.

The proposal was put to the vote it was 8 in favour, 1 against and 1 abstention -

7178

RESOLVED:-

That consideration of the application be deferred pending a site visit in order to provide further information.

Report No 14 – Former Goodman's Yard, Former Birmingham Battery Site, Bristol Road, Selly Oak, Birmingham - 2019/02517/PA

The Principal Planning Officer (South) informed Members that there had been 10 objections received with 7 objections withdrawn due to the amended shape of the winding hole which left 3 objections remaining.

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

7179

RESOLVED:-

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

Report No 15 – Former Selly Oak Hospital, Raddlebarn Road, Selly Oak, Birmingham, B29 6JD - 2019/04522/PA

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

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

7180

RESOLVED:-

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

Report No 16 – 300 Robin Hood Lane , Hall Green, Birmingham B28 0EG - 2019/04498/PA

The Principal Planning Officer (South) stated that there were 2 updates.

The Principal Planning Officer (South) referred to the letter received from the agent that was circulated to Members which raised both planning and non-planning issues. The planning issue, referred to the setting of a precedent, and as Members were aware, each application was dealt with on its own merit and therefore the decisions made at other nearby addresses, did not reflect the unique circumstances of this site.

It was highlighted that Councillor Huxtable had written again to reiterate his objection to the application and requested that the refusal was confirmed today.

Several Members commented on the objection to the application being reasonable.

Upon being put to a vote it was 8 in favour, 0 against and 2 abstentions –

7181

RESOLVED:-

That the planning application be refused for the reasons set out in Paragraph 1.2 of the report.

Report No 17 – Nos. 20 & 22, 24-30 (Evens), 38 & 40, 57 & 59, 37-47 (ODDS), 78 & 80, 96-102, (Evens) Gildas Avenue, 59-65 (Odds) Barratts Road, Blocks 1 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove, 25-31(Odds) & 40-46 (Evens) Little Hill Grove, 1-7 (Odds) Sisefield Road, Kings Norton, Birmingham - 2019/06477/PA

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

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

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

7182

RESOLVED:-

That prior approval is required and that planning permission be granted subject to the conditions set out in the report.

Planning Applications in respect of the East Area

Report No 18 – Land at the Junction of Highgate Road/Ladypool Road and Highgate road/Mole Street, Sparkbrook, Birmingham 11– 2018/02084/PA

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

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

7183

RESOLVED:-

That the planning application be refused for the reasons set out in the report.

Report No 19 – Land to the rear of 73 Hazelwood Road, Acocks Green, Birmingham 27 7XW – 2019/05537/PA

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

An objector spoke against the application.

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

Upon being put to a vote it was 8 in favour, 1 against and 1 abstention -

7184

RESOLVED:-

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

Requires the prior submission of a drainage scheme.

No development (excluding demolition) shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.

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 commencing in order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

Report No 20 – Land at Warwick Road/Wharfdale Road, Tyseley, Birmingham B11 2HL – 2019/05175/PA

The Principal Planning Officer (East) referred to the amended plans that illustrated the 300sqm reduction in the retail floor space involved in this proposal. There was also a receipt from the local planning authority that they had received a completed statement in respect of policies TP3 and TP4 with regard to the BREEAM standards. It was highlighted that in this instance, the development would achieve a very good standard in terms of BREEAM rating.

For the floor areas, the local planning authority was suggesting an additional condition in this instance to limit additional retail floor space via any mezzanine floors that may be imposed.

It was highlighted that a very late objection had been received yesterday evening from the LLFA in respect to an ongoing dialogue with the applicant with regard to consent from Severn Trent, to attach to their sewers, and also some additional information in respect to SuDS.

Members would be aware that Severn Trent had not raised any formal objections to the application as submitted recommendations and conditions and therefore, in this respect, the City was recommending that the recommendation be changed, if Members were minded to delegate the decision to the Director of Planning Services to resolve any outstanding LLFA issues, as the dialogue had been ongoing for some time.

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

7185 **RESOLVED:-**

The planning permission be granted subject to the conditions set out in the report and amended below:-

The development hereby approved shall be carried out in strict accordance with Plan Ref: 2158-04 Rev D (Proposed General Arrangement, Received 17.09.2019) and shall not contain any mezzanine floors without the prior written approval of the Local Planning Authority through an application in that behalf.

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.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7186 **Site Visit to 7 Pakenham Road, Edgbaston, Birmingham B15 2NE**

The Chair referred to the above-mentioned proposed site visit and following a brief discussion, it was suggested and agreed, that it be scheduled for next Thursday, 3 October 2019 subject to the agreement of residents and transportation availability.

OTHER URGENT BUSINESS

7187 **71 Goodison Gardens, Erdington, Birmingham, Enforcement Issue – Allegedly used as an Houses in Multiple Occupation (HMO)**

Councillor Gareth Moore referred to the above-mentioned address and to the enforcement issues relating to the HMO.

He highlighted that this was a property, where residents were concerned that it would be used as an HMO and therefore a condition was attached to prevent it being used as such. He stated that although officers were particularly reluctant and resistant to attaching such a condition, clearly it appeared on this occasion based on the allegations, that it was justified, and therefore, it was important to bear in mind that sometimes when residents did raise concerns about HMO's that they should be taken seriously.

The Chair duly agreed.

APPEAL DECISIONS RECEIVED FROM THE PLANNING INSPECTORATE IN AUGUST 2019

The following report detailing the Appeal Decisions received from the Planning Inspectorate in August 2019 was submitted:-

(See document No. 2)

The Chair and Councillor Keith Linnecor congratulated officers for the excellent report.

7188 **RESOLVED:-**

That the information be noted.

AUTHORITY TO CHAIR AND OFFICERS

7189 **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.

7190 **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:-

Planning Committee – 26 September 2019

Agenda Item etc

**Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972**

Private section of the Minutes of the
meeting of the Committee held on 15
August 2019.

3