

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
23 MAY 2019

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY 23 MAY 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, Adam Higgs, Julie Johnson, Keith Linnecor, Zhor Malik, Saddak Miah, Gareth Moore, Lou Robson and Mike Ward.

PUBLIC ATTENDANCE

- 6902 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/WEBCAST

- 6903 The Chair advised, and the Committee noted, that the meeting is 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

- 6904 Members were reminded 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 was 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

- 6905 No apologies were submitted.

APPOINTMENT OF THE PLANNING COMMITTEE, MEMBERS, CHAIR AND DEPUTY CHAIR

6906

RESOLVED:-

- (i) Noted that the City Council at its meeting held on 21 May 2019 appointed the Planning Committee, Chair and Members to serve on the Committee for the period ending with the Annual Meeting of the City Council in 2020;
- (ii) That following a vote by Members, Councillor Keith Linnecor be elected Deputy Chair, for the purpose of substitution for the Chair if absent, for the period ending with the Annual Meeting of the City Council in 2020.

The Chairman welcomed all new Members serving on the Planning Committee and asked that it be recorded the Committee's appreciation to Councillor Gareth Moore for his enthusiasm and valued input into the Committee process.

FUNCTIONS, POWERS AND DUTIES

6907

RESOLVED:-

That the functions, powers and duties as set out below be noted:-

To exercise the powers and duties of the City Council with regard to development control and strategic planning matters and, in particular, to:

- (i) exercise all the powers and duties of the City Council as a local planning authority (apart from any Executive functions);
 - (ii) exercise the powers and duties of the City Council with respect to building control;
 - (iii) be accountable for the Local Land Charges service.
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CHAIRMANS ANNOUNCEMENTS

Planning Committee Meetings

6908

The Chair informed Members that the next meetings were scheduled to take place on 6 and 20 June and 4 July 2019.

The Chair advised that a visit to 48 Heaton Street to view the new Birmingham Municipal Housing Trust (BMHT) modular house will take place on Thursday 13 June 2019 and an environmental/ecological training sessions had been arranged for Wednesday 26 June 2019 with details to be forwarded in due course.

MINUTES

6909 **RESOLVED:-**

It was noted that the Minutes of that part of the last meeting of the Committee open to the public be forwarded to the next meeting of the Planning Committee.

MATTERS ARISING

General Data Protection Regulation (GDPR) - Minute No. 6879 (23 May 2019 and previous) refers

6910 The Assistant Director Inclusive Growth advised that the issue was currently ongoing as during the course of investigations a number of supplementary questions had been raised which required legal clarification to resolve. He stated that a report will be submitted to a future meeting of the Planning Committee in due course.

BIRMINGHAM DESIGN AND CONSERVATION REVIEW PANEL

The Chair requested nominations and it was moved and seconded that -

6911 **RESOLVED:-**

- (i) Councillor Lou Robson be appointed to serve on the Birmingham Design and Conservation Review Panel for the period ending with the Annual Meeting of the City Council in 2020;
- (ii) that meetings of the the Birmingham Design and Conservation Review Panel be held on the following Mondays commencing at 1000 hours:-

2019

10 June
08 July
12 August
09 September
14 October
11 November
09 December

2020

13 January
10 February
09 March
13 April
11 May

DATES OF PLANNING COMMITTEE MEETINGS FOR 2019-2020

It was -

6912 **RESOLVED:-**

Planning Committee – 23 May 2019

That meetings of the Committee be held on the following Thursdays commencing at 1100 hours:-

2019

23 May (Annual/First Meeting)

06 June

04 July

18 July

01 August

15 August

29 August

12 September

26 September

10 October

24 October

07 November

21 November

05 December

19 December

2020

02 January

16 January

30 January

13 February

27 February

12 March

26 March

09 April

23 April

07 May

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

A. Planning Application No. 2019/02170/PA – 37 Oxford Road, Moseley, Birmingham B13 9EH

- 6913 Councillor Lou Robson requested that a report relating to the above planning application be submitted to a future meeting of the Committee with regards to the proposed development is not in keeping with the street scene and out of scale, incorrect design and character and highway and traffic concerns.

B. Planning Application No. 2019/02916/PA – 126 Swanshurst Lane, Moseley, Birmingham B13 0AN

- 6914 Councillor Lou Robson requested that a report relating to the above planning application be submitted to a future meeting of the Committee with regard to concerns raised by local residents and that there being insufficient information on the application form in order to base a decision.
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PETITIONS

6915 No petitions were received.

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

The following reports were submitted:-

(See document No 1)

Planning Applications in respect of the East Area

Report No 13 – 61 Gravelly Hill North, Erdington, Birmingham B23 6BP – 2018/10286/PA

The Principal Planning Officer (East) stated that there were updates which were noted and addressed in the report submitted.

Members commented on the application and the general consensus was that there were too many HMO's currently in the area which gave a poor impression.

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

6916 **RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee mindful to refuse on the grounds of change of character of the area, lack of amenity space and cumulative impact.

Report No 14 – 2 Gravelly Lane, Erdington, Birmingham B23 6UH - 2019/01573/PA

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

Members commented on the application and the general consensus was that there were too many HMO's in the area which gave a poor impression.

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

6917 **RESOLVED:-**

That the planning permission be refused on the grounds at paragraph 1.3 as detailed in the report.

Report No 15 – Equipoint, 1506 Coventry Road, South Yardley, Birmingham B5 8AD - 2018/03556/PA

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

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

6918

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a Section 106 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 6 June 2019, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 6 June 2019, planning permission be approved for the reasons set out in the report;
- (iv) 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.

Report No 16 – 408 - 410 Ladypool Road, Sparkbrook, Birmingham B12 8JZ - 2019/02652/PA

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

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

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

6919

RESOLVED:-

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

Report No 17 – 71 Goodison Gardens, Erdington, Birmingham B24 0AG - 2019/01052/PA

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

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

6920

RESOLVED:-

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

- **Extra Condition**

The extension hereby permitted shall be occupied solely for purposes incidental to the occupation of the property as a dwelling and shall not be sold off, sub-let or used as a separate unit of accommodation.

Reason:

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

Planning Applications in respect of the City Centre Area

Report No 18 – 71 Corporation Street and Temple Row, City Centre, Birmingham B2 4UG - 2018/10311/PA

The Area Planning Manager (City Centre) stated that two further updates had been provided by the agent and addressed in the report submitted.

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

Upon being put to a vote on whether to defer determination of the application in order to enable further discussions about the concetena windows, the additional floors and the impact on Cathedral Square, and to further consider the views of Brutiful Birmingham and the Civic Society, it was 13 in favour, 0 against and 0 abstentions.

6921

RESOLVED:-

That determination of the planning application be deferred pending further discussion and consideration of design.

Report No 19 – Derwent House, 1 Mary Ann Street, Birmingham B3 1RL - 2018/10092/PA

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

Members were concerned that Regulatory Services Officers object and if the development had insufficient noise insulation then residents will complain of noise nuisance.

The Chair proposed and it was seconded that the issue of noise insulation Regulatory Services Officers be delegated to officers to resolve.

Upon being put to a vote to grant delegated powers to officers it was 13 in favour, 0 against and 0 abstentions.

6922

RESOLVED:-

- (i) That delegated powers be granted to approve the application following Regulatory Services removing their objection;
- (ii) That consideration of the application be deferred pending the completion of a Section 106 Legal Agreement as set out in the report;
- (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 7 June 2019, planning permission be refused for the reasons set out in the report;
- (iv) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 7 June 2019, planning permission be approved for the reasons set out in the report;
- (v) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

Report No 20 – Derwent House, 1 Mary Ann Street, Birmingham B3 1RL - 2018/10122/PA

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

Upon being put to a vote to grant delegated powers to officers it was 13 in favour, 0 against and 0 abstentions.

6923

RESOLVED:-

- (i) That delegated powers be granted to approve the application following Regulatory Services removing their objection.
- (ii) That listed building consent be granted subject to the conditions set out in the report.

Report No 21 – City Park Gate, Land at Moor Street, Albert Street and Park Street, Birmingham B4 - 2019/01172/PA

The Area Planning Manager (City Centre) stated that there were updates which had been addressed in the report submitted.

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, 2 against and 1 abstention.

6924

RESOLVED:-

That Planning Committee issue a certificate pursuant to Section 17 of the Land Compensation Act 1961 (as amended) that planning permission would have been granted for the development set out in the application, were HS2 cancelled on the relevant date, subject of conditions and CIL/Section 106 obligations as set out in the report submitted.

Councillor Keith Linnecor declared a non-pecuniary interest in relation to agenda item no. 15 and left the meeting.

Planning Applications in respect of the North West Area

Report No 22 – 623 Kingstanding Road, Kingstanding, Birmingham B44 9TA - 2018/00423/PA

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

Upon being put to a vote it was 12 in favour, 0 against and 0 abstentions.

6925

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a Section 106 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 6 June 2019, planning permission be refused for the reasons set out in the report;
 - (iii) that, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 6 June 2019, planning permission be approved for the reasons 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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Councillor Keith Linnecor returned to the meeting having had no part in the discussions or the decisions that took place.

Report No 23 – 19 Carlton Close, Sutton Coldfield, Birmingham B75 6BX - 2019/02030/PA

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

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

6926

RESOLVED:-

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

Report No 24 – 134 Grestone Avenue, Handsworth Wood, Birmingham B20 1LD - 2019/02232/PA

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

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

6927

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 25 – Highbury Hall, 4 Yew Tree Road, Moseley, Birmingham B13 8QG - 2018/08855/PA

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

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

6928

RESOLVED:-

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

Report No 26 – Land at St Joseph's Home, Tennal Road, Harborne, Birmingham B32 2LB - 2018/03911/PA

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

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

6929 **RESOLVED:-**

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

Report No 27 – 189 Reservoir Road, Selly Oak, Birmingham B29 6SX - 2019/01841/PA

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

Members commented on the application and the Principal Planning Officer (South) responded thereto.

Upon being put to a vote it was 2 in favour, 1 against and 10 abstentions.

It was -

6930 **RESOLVED:-**

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

POLICY REPORTS

A. Appeal Decisions Received from the Planning Inspectorate in April 2019

The following schedule was submitted:-

(See document No 2)

The Assistant Director introduced the report and responded to Members' comments.

6931 **RESOLVED:-**

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

B. Introduction to Digital Planning

6932 Due to the number of reports on the agenda the presentation was withdrawn by the Assistant Director to be re-scheduled at a later meeting.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6933 There were no site visits pending.

OTHER URGENT BUSINESS

6934 No other urgent business was raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

6935 **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

6936 **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.

The Chair established that no Members wished to raise any matters in private and therefore closed the meeting at 1219 hours.

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CHAIR