

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
13 FEBRUARY 2020

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 13 FEBRUARY 2020 AT 1100 HOURS IN COMMITTEE ROOMS
3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Karen McCarthy in the Chair;

Councillors Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Adam Higgs, Zhor Malik, Gareth Moore, Martin Straker Welds and Mike Ward.

PUBLIC ATTENDANCE

- 7427 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

- 7428 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

- 7429 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

- 7430 Apologies were submitted on behalf of Councillors Bob Beauchamp, Julie Johnson, Keith Linnecor and Lou Robson for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 7431 The Chair informed Members that the following meetings were scheduled to take place on the 27 February, 12 March 2020 and 26 March 2020.
- She confirmed that Item 11 on the Agenda had been withdrawn by the Applicant.
- She reported that training was scheduled for next Thursday, however due to half term this would now be taking place on Thursday, 5 March 2020.
- She referred to the Peer Review Report and understood that it should have been circulated to Members the beginning of the week and therefore requested officers to progress this action as soon as possible.
- She submitted her apologies on her delay in re-circulating the structure chart due to forgetfulness and confirmed that she would endeavour to do this as soon as possible.
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MINUTES

- 7432 The Chair confirmed that the Minutes of the last Meeting were not available due to the changes to the conditions and would therefore be available at the next Meeting of the Committee.
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MATTERS ARISING

- 7433 There were no matters raised.
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NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

- 7434 There were no notifications by Members of planning applications submitted for consideration to be determined by Committee.
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PETITIONS

- 7435 None submitted.
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The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH (ACTING)

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT No. 9 – WYLDE GREEN PUBLIC HOUSE site, BIRMINGHAM ROAD, SUTTON COLDFIELD, BIRMINGHAM, B72 1DH – 2019/02929/PA

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

An objector spoke against the application.

The agent spoke in favour of the application.

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

Members made known their concerns for the application and the Area Planning Manager (North West) and the Transport Development Manager responded thereto.

Upon being put to a vote it was 4 in favour, 5 against and 0 abstention.

The reasons for grounds for deferral put forward by Members were due to the scale and size of the building being out of character with the area and the highway and parking concerns.

7436

RESOLVED:-

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

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT No. 10 – 112 BILLESLEY LANE, BIRMINGHAM, B13 9RD – 2019/09512/PA

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

The applicant spoke in favour of the application.

The Area Planning Manager (South) responded to comments made by the applicant.

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

The Chair clarified that Members would be voting on the recommendation to refuse the application.

Upon being put to a vote it was 7 in favour, 2 against and 0 abstention -

7437

RESOLVED:-

That consideration of the application was refused in accordance with the recommendation in the application to refuse.

REPORT No. 11 – UNIT 9a BIRKDALE AVENUE, SELLY OAK, BIRMINGHAM, B29 6UB – 2019/08496/PA

7438

The above-mentioned Planning Application had been withdrawn by the applicant.

REPORT No. 12 – LAND AT HUNTS ROAD/RIPPLE ROAD, STIRCHLEY, BIRMINGHAM, B30 – 2018/10368/PA

The Chair reported that there were 2 applications on adjoining plots and confirmed that they would be taken separately with firstly the residential and then the non-residential which is Agenda item 13.

The Area Planning Manager (South) confirmed that there were several updates suggesting 2 additional conditions:

The first condition being the provision of a pedestrian and cycle route through the site linking Pershore Road, to Ripple Road and Hunts Road shall be provided prior to the occupation of 80% of the dwellings unless an alternative timeframe is agreed in writing with the LPA.

The second condition prior to the occupation of any dwellings details of the physical measures to prevent vehicular traffic passing between the application site and the adjacent retail scheme shall be submitted to and approved in writing with the local planning authority. The approved measures shall be implemented prior to the occupation of any dwellings and maintained thereafter

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

Upon being put to a vote it was 8 in favour, 0 against and 1 abstention -

7439

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 on or before 13 March 2020 planning permission be refused for the reason set out in the report;

- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority on or before 13 March 2020, favourable consideration would be given to the planning application subject to the conditions set out in the report and the following additional conditions;

• **2 extra conditions:**

- Provision of pedestrian and cycle route prior to occupation of 80% of the dwellings
The pedestrian and cycle route through the site linking the Pershore Road to Ripple Road and Hunts Road shall be provided prior to the occupation of 80% of the dwellings unless an alternative timeframe is agreed in writing with the LPA.

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.

- Prior submission of details to prevent vehicular traffic passing between the application site and the adjacent retail scheme (2018/01368/PA)
Prior to the occupation of any dwellings details of the physical measures to prevent vehicular traffic passing between the application site and the adjacent retail scheme (2018/01368/PA) shall be submitted to and approved in writing with the local planning authority. The approved measures shall be implemented prior to the occupation of any dwellings and maintained thereafter.

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.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

**REPORT No. 13 – LAND AT HAZELWELL LANE, STIRCHLEY,
BIRMINGHAM, B30 – 2018/10370/PA**

The Area Planning Manager (South) confirmed that there were several updates in respect of conditions.

She reported that there was one additional condition being the provision of a pedestrian and cycle route through the site linking Pershore Road, to Ripple Road and Hunts Road shall be provided prior to the occupation of 80% of the dwellings unless an alternative timeframe is agreed in writing with the LPA.

She further reported that there were a number of conditions in respect of opening hours:

4) Limits the hours of operation for the A1 uses to between 6am to midnight Monday to Saturday and 10pm to 4pm on Sundays
The A1 uses hereby approved shall only take place between the hours of 6am and midnight Monday to Saturday and 10am to 4pm on Sundays.

5) Limits delivery time of goods to or from the site from 6am to midnight Monday to Saturday and 8am to 6pm on Sundays
No deliveries shall be taken at or dispatched from the site outside the hours of 6am to midnight Monday to Saturday and 8am to 6pm on Sundays.

22) Noise and Vibration Assessment prior to commencement of each phase of development. No development shall take place within each phase until a noise impact assessment has been undertaken to demonstrate that the cumulative noise impact at that point in time from the development does not result in an adverse impact when assessed using BS4142 (2014).

23) Delete condition – opening hours are not required for the gym as it will operate 24/7.

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

7440

RESOLVED:-

That planning permission be approved subject to the conditions set out in the report and the additional and revised conditions detailed below:

• **1 extra condition:**

Provision of pedestrian and cycle route prior to occupation of the food store and gym

The pedestrian and cycle route through the site linking the Pershore Road to Ripple Road and Hunts Road shall be provided prior to the occupation of the food retail store and gym unless an alternative timeframe is agreed in writing with the LPA.

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.

• **Revised conditions as follows;**

4) Limits the hours of operation for the A1 uses to between 6am to midnight Monday to Saturday and 10pm to 4pm on Sundays
The A1 uses hereby approved shall only take place between the hours of 6am and midnight Monday to Saturday and 10am to 4pm on Sundays.

Reason: In order to define the permission 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 National Planning Policy Framework.

5) Limits delivery time of goods to or from the site from 6am to midnight Monday to Saturday and 8am to 6pm on Sundays

No deliveries shall be taken at or dispatched from the site outside the hours of 6am to midnight Monday to Saturday and 8am to 6pm on Sundays.

Reason: In order to define the permission 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 National Planning Policy Framework.

22) Noise and Vibration Assessment prior to commencement of each phase of development

No development shall take place within each phase until a noise impact assessment has been undertaken to demonstrate that the cumulative noise impact at that point in time from the development does not result in an adverse impact when assessed using BS4142 (2014). The assessment 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. Any assessment should follow the guidance provided in PCGN1 (EPU guidance on planning and noise)

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 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.

- Delete condition 23 – opening hours are not required for the gym as it will operate 24/7.

REPORT No. 14 – 1826 PERSHORE ROAD, STIRCHLEY, BIRMINGHAM, B30 3AU – 2019/10462/PA

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

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

7441

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. 15 – 46-58 BARR STREET & 27-33 GREAT HAMPTON STREET, JEWELLERY QUARTER, BIRMINGHAM, B18 6AA – 2018/10135/PA

The Area Planning Manager (City Centre) indicated that there were several updates.

He reported that the Jewellery Quarter Development Trust had now withdrawn their objections to the lack of activity on the Barr Street frontage and that biodiversity/sustainable measures have now been included. They however still object to the loss of the existing buildings on the Barr Street frontage.

It was noted that officers had secured amended plans that show additional side windows to the ground floor apartments to overlook the passage way from Barr Street and to include some glazing to the bike store.

It was noted that Resolution 8.1 to be amended to read:

iii) Payment of monitoring and administration fee associated with the legal agreement of £1,750.

Councillor Gareth Moore commented on the lack of design relating to Barr Street and suggested that the application be deferred to allow the applicant to review the design.

The Chair having taken advice from the Committee Lawyer confirmed that the application could only be deferred for further information and not for re-design.

Councillor Gareth Moore made known that he was not in favour of the application in its current form.

Upon being put to a vote it was 5 in favour 4 against and 0 abstention -

7442

RESOLVED:-

- (i) That consideration of the application be approved pending the completion of a suitable legal agreement as set out in the report and amended below;

Resolution at 8.1 be amended to say:

Payment of a monitoring and administration fee associated with the legal agreement of £1,750

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by 29 May 2020 planning permission be refused for the reason set out in the report;
 - (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning by 29 May 2020 favourable consideration would be given to the planning application subject to the conditions set out in the report and additional conditions;
 - (v) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**REPORT No. 16 – 210-211 BROAD STREET, CITY CENTRE, BIRMINGHAM,
B15 1AY – 2019/05777/PA**

The Area Planning Manager (City Centre) confirmed that there were several updates.

He reported that further correspondence from an objector reiterating concerns raised regarding the wind study undertaken has been received and requested that occupation of the proposal be restricted to serviced apartments.

Therefore, suggested an additional condition to read:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the apartments hereby permitted shall be occupied and operated as serviced apartments only (being fully furnished apartments with bathroom and kitchen and with the provision of guest services) and for no other purpose.” Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

In addition, there is a typo correction the first bullet point on page 12 should refer to 212 Broad Street rather than 211 Broad Street.

Finally, at the Applicant’s request there is the removal of the number of units from the development description to “Demolition of existing buildings and construction of a 37-storey tower of serviced apartments (Use Class C1), café/restaurant (Use Classes A3) bar (Use Class A4) and gym (Use Class D2)

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

7443

RESOLVED:-

That the planning application be approved subject to the conditions in the report and additional condition detailed below:

• **Additional condition to read:**

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the apartments hereby permitted shall be occupied and operated as serviced apartments only (being fully furnished apartments with bathroom and kitchen and with the provision of guest services) and for no other purpose.” Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

• **Alteration to development description to read:**

“Demolition of existing buildings and construction of a 37-storey tower of serviced apartments (Use Class C1), cafe / restaurant (Use Classes A3) bar (Use Class A4) and gym (Use Class D2)”

REPORT No. 17 – 193 CAMP HILL, HIGHGATE, BIRMINGHAM, B12 0JJ – 2018/09467/PA

Councillor Martin Straker Welds withdrew from the meeting as he had expressed reservations in the past about a previous version of the application.

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

The Chair drew Members attention to the application which had been considered by the Committee on 30 January 2020 and stated that as the Committee had previously agreed to defer minded to refuse, the Committee would now be voting for and against the refusal on the grounds set out in the report.

Upon being put to a vote it was 6 in favour, 2 against and 0 abstention -

7444

RESOLVED:-

That consideration of the Planning Application be refused for the reasons set out in the report.

At this juncture, Councillor Martin Straker Welds returned to the meeting with having taken no part in the discussion or the decision making.

PUBLIC CONSULTATION ON THE PARKING SUPPLEMENTARY PLANNING DOCUMENT

The following Report of Acting Director for Inclusive Growth was submitted:

(See document No. 2)

Naomi Coleman while providing a comprehensive breakdown of the report highlighted that the consultation had commenced on 9 January 2020 and would close on Friday, 28 February 2020 and not 21 February as indicated in the report.

Councillor Gareth Moore made known his disappointment for the document and subsequently detailed his concerns believing that the Council was not addressing the issues as they should be.

The Chair reminded Members that they had up until Friday, 28 February 2020 to submit their comments and urged all in the room and anyone watching to make known their views.

The Chair concluded by thanking Naomi for attending the meeting and presenting.

Upon further consideration, it was

7445

RESOLVED:-

That the Planning Committee noted the contents of the report and takes the opportunity to comment on the Parking Supplementary Planning Document.

PUBLIC CONSULTATION ON THE DEVELOPMENT MANAGEMENT IN BIRMINGHAM (DMB) DEVELOPMENT PLAN DOCUMENT (PUBLICATION VERSION)

The following Report of Acting Director for Inclusive Growth was submitted:

(See document No. 3)

Martin Dando while providing a comprehensive breakdown of the report and confirmed that the closing date for the consultation was Friday, 21 February 2020.

Councillor Gareth Moore made known that he welcomed the revisions to the report especially the additional detail to the HMO's and the splitting of the previous policy into two separate policies.

Martin Dando reported that once the document had been submitted to full Council it would then be the decision of the inspectorate when the examination would take place. He anticipated sometime in the Autumn and then the document could be adopted by the end of the year or early next year. He confirmed that once it had been adopted it would come into effect immediately.

The Chair reminded Members that any comments should be submitted by the end of next week.

The Chair concluded by thanking Martin for attending the meeting and presenting.

Upon further consideration, it was

7446 **RESOLVED:-**

That the Planning Committee noted the contents of the report and takes the opportunity to comment on the DMB Publication document.

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

7447 There were no site visits raised.

OTHER URGENT BUSINESS

7448 No other urgent business raised.

AUTHORITY TO CHAIR AND OFFICERS

7449

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

7450

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**

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