

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
11 JULY 2024

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY 11 JULY 2024 AT 1100 HOURS IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT: - Councillor Martin Brookes in the Chair.

Councillors Akhlaq Ahmed, David Barker, David Barrie, Mahmood Hussain, Councillor Green, Gareth Moore, Jane Jones, Mumtaz Hussain, Jane Jones, Saqib Khan, Yvonne Mosquito, Phil Davis, Rashad Mahmood, Rinkal Shergill and Clifton Welch.

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INTRODUCTIONS

The Chair notified the Committee, that this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. He highlighted Members who sat on this Committee were sitting as representatives of the Council as a whole and not Ward Councillors.

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NOTICE OF RECORDING

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

Councillor Moore declared that in respect of Item 6, he had previously been contacted by a number of residents in his ward but did not express any opinion and would therefore take part in the discussion.

CHAIR'S ANNOUNCEMENTS

The Chair announced there was public speaking for Items 6 and 7.

The Chair welcomed Councillor Walsh into the Planning Committee.

APOLOGIES

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None submitted.

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MINUTES

8292 The minutes of the meeting of the Committee held on 13th June 2024 having been circulated, were confirmed by the Committee and signed by the Chair.

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 OF PLANNING, TRANSPORT AND SUSTAINABILITY

The following reports were submitted:

(See Document No. 1)

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

6 REPORT NO. 6 - CROSS KEYS, 15 HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6RG- 2022/01909/PA

The Principal Planning Manager (East) confirmed there following updates:

- Received further responses on behalf of Highclare School which comprised of a letter from Prince and Mason's law firm and a note provided by Highways and Transportation consultants. An opinion from Richard Humphrey's case from number 5 Chambers concerning legal matters and issues arising from the committee report.
- They have argued that the report contains errors and unsupported assertions – firstly it was pointed out that although the report states that Queensbury School is located over a kilometre to the south of the site, there is an expansion to the school located on Station Road 90 metres from the site. As this expansion took place after the submitted parking survey was conducted, it was argued that the conclusions of the survey were inaccurate.
- It was pointed out that condition 14 would limit Friday prayers to one session between 12:30 and 2pm, but the applicants transport statement states that Friday prayers begin at 2pm in the summer and 1pm in the winter. It was also noted that condition 13 would require the closure of the car park between 12:30pm and 2pm on Fridays. A reference made within the report, which referred to a peak in use around midday.
- It was argued that the proposed access width would be insufficient and that constraints on turning movements within the site haven't been discussed, resulting in reversing manoeuvres near to pedestrians.
- Condition 2 was argued that permission to be implemented in accordance with submitted plans contradicts condition 4, which requires the provision of final details to the proposed access prior to commencement.

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- The numbers of people in attendance was queried. It was noted that the applicant has stated that one of the multi-use halls would be used for prayer for up to 40 people, whereas the committee report refers to the whole building being used for prayer, although it was conceded that parking spaces are available within 400 metres of the site.
- The objectors claim that this provision is predominantly located more than 100 metres away, causing users to park in proximity of the site.
- It was pointed out that condition 6 requires the submission of a commercial travel plan is not explained how this plan would ensure that there is not an increased volume of carbon traffic or encourage walking to the site or the use of public transport.
- It was queried how condition 15, which restricts the use of the basement to storage, would be practically enforced.

There was public speaking for the application, a speaker spoke against the application and a supporter spoke in favour of the application

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

Upon being put to a vote it was 11 in favour, 3 against and 0 abstention.

RESOLVED: -

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

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

7 REPORT NO. 7 - WICKET DRIVE AND BOWLER ROAD, EDGBASTON, BIRMINGHAM, B16- 2024/01344/PA

The Area Planning Manager (North West) confirmed the following updates:

- Received 5 additional representations in support of the proposal. They raised the same issues as already listed within the officer report.

There was public speaking for the application, a supporter spoke in favour of the application.

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

Upon being put to a vote it was 15 in favour of refusal, 0 against and 0 abstention.

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RESOLVED: -

That planning permission be refused as set out in the report.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE

REPORT NO. 9 - CAMBRIAN HALL, LAND BOUNDED BY PARADE (B4135), LYON QUEENSWAY (A4400), THE FORMER PARADISE CIRCUS CAR PARK AND CITY GARDENS AND BRINDLEY DRIVE, BIRMINGHAM- 2023/06855/PA

The Principal Planning Officer (City Centre) confirmed the following updates:

- Members of Planning Committee were contacted directly by the applicant with some additional supporting information about UCB, other developments it has delivered and its economic contribution to Birmingham.
- Update on 5 year housing land position. The local plan preferred option along with an updated housing land position statement have been published for consultation, which means we are no longer in a tilted balance.
- References within the report to where paragraph 11 of the NPPF is engaged are therefore superseded
- Paragraph 7.5 to 7.6 and paragraph 7.209 to 211 of the report are no longer relevant, although it does remain the case that policies PG1 and TP29 are still out of date.
- There is still a presumption in favour of sustainable development and a requirement for proposals that comply with the development plan to be approved.
- The report's planning balance at 7.212 to 7.220 still remains relevant and sets out the benefits of the proposed development. However, the weight that's attributed to the delivery of housing at paragraph 7.218 is reduced from that set out in the report.
- However, it remains the case that the benefits of the proposed scheme are considered to outweigh the heritage harm identified, despite there being no longer a tilted balance. The proposal has been found to meet a specific housing requirement for student accommodation in accordance with policy TP33 whilst also delivering development on a sustainable underutilised Brownfield site within the city centre.

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

Upon being put to a vote it was 14 in favour, 1 against and 0 abstention.

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RESOLVED: -

- (i) That planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report.
- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 31st July 2024, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the reason(s) set out in the report; and

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

The Principal Enforcement Officer presented the report to members.

Members commented on the report and the Principal Enforcement Officer responded thereto.

RESOLVED: -

The report was noted by members.

OTHER URGENT BUSINESS

The Chair thanked Tony White and Paul Cowen for their support and work for the committee and wished them well on their departure from the council.

The meeting ended 1217 hours.

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CHAIR