

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
3 DECEMBER 2020**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 3 DECEMBER 2020 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:- Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Mohammed Fazal, Peter Griffiths, Julie Johnson, Zhor Malik, Saddak Miah, Gareth Moore, Simon Morrall, Lou Robson, Mike Ward and Martin Straker Welds.

INTRODUCTION

- 7744 The Chair indicated that meeting would be hosted on teams but would be webstreamed and indicated that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting. She noted that members would be using the chat function in teams to indicate a wish to speak and to notify of technical problems. No side conversations would take place.

NOTICE OF RECORDING

- 7745 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

- 7746 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. The Chair noted that Members should also express an interest if they had expressed a view on any of the applications being considered at the meeting and take no part in the consideration of the item.

APOLOGIES

- 7747 No apologies were submitted

At this point in the meeting the Chair took a roll call of members present and reminded Members that they must be connected for the whole debate of an item in order to be able to vote on that item.

CHAIR'S ANNOUNCEMENTS

7748 The Chair informed Members that the meetings were scheduled to take place on the 17 December, 2020 and 7 and 21 January, 2021. The Planning Advisory Service training for Members was taking place today and tomorrow.

There were written representations from people with speaking rights to read out.

MINUTES

7749 The Minutes of the meeting of the Committee held on 5 November, 2020 having been previously circulated were agreed and signed by the Chairman.

The Minutes of the meeting of the Committee held on 19 November, 2020 were deferred to the next meeting.

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
DIGBETH CENTRAL BUS GARAGE (LAND TO THE NORTH AND SOUTH
OF ADDERLEY STREET), DIGBETH, BIRMINGHAM, B5 - 2020/01796/PA**

The Area Planning Manager (City Centre) updated as follows:-

At pre application stage the scheme was taken to the **Design Review Panel of 5th February 2020**. A summary of the Points Raised by members of the Panel was as follows:-

- The scheme demonstrated a clear understanding of the aspirations set out within the Curzon Masterplan;
- There was a general understanding that the setting of the listed buildings and views towards and out of the conservation area would not be harmed;
- There was a general consensus that the scale of the development including the tower could be tolerated. Whilst Plot 1 introduces new

Planning Committee – 3 December, 2020

scale not yet realised in this part of Digbeth it responds to the strategic vision for this part of the City;

- The proposed routes through the site would better connections from Digbeth out towards Bordesley;
- Connection with the forthcoming development on the adjacent site at Upper Trinity Street needs to be addressed;
- The design, lighting and management of the public realm will be critical to the safety of these areas;
- The public realm should be activated with family focussed areas;
- Opportunities have been taken to connect buildings and the public realm to the waterway whilst maintaining a tight urban grain;
- There should be bold art interventions;
- Plot 3 parallel to the canal should be broken up to allow better connectivity to the canal;
- The creation of a sound point of arrival by tram in front of Plot 1 was encouraged;
- The depth and modelling and the architectural rhythm in Plot 1 was commended;
- The handling of the base to Plot 1 was considered poor;
- The future landmark potential of later phases must be delivered with careful consideration and exceptional quality, while Plot 1 will encourage success along the new Digbeth tram route and help establish new sustainable communities in this evolving district of the City.

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

Upon being put to a vote it was 9 in favour, 3 against and 1 abstention.

RESOLVED:-

- (i) That the original resolution be amended and planning permission be granted subject to the completion of a Section 106 legal agreement and conditions as set out in the report and as amended below:-

Amendment to the final sentence of Paragraph 8.1(a) to read as follows:-

The affordable homes to be sold as low cost home ownership tenure or rented privately at a discount of 20% of market value and that flexibility be permitted to allow the affordable units to be grouped together should more than one outline plot be delivered at the same time.

Additional Condition

Full Plot 1: Prior to Above Ground Works Submission of Revised Details to Remove Balconies to Sealed Façade Units to Liverpool Street & Adderley Street Elevations,

Notwithstanding any indication on the approved drawings, no above ground works shall take place in Plot 1 until revised elevations relating to the 39no. residential units as identified on the drawing titled '04.03 the mill'

to be fitted with sealed windows have been submitted to and approved by the local planning authority removing the balconies to those units. The revised elevations shall then be implemented in accordance with the agreed details.

Amended Conditions

No.29 - The development comprising Plot 1 hereby permitted shall be begun before the expiration of **5** years from the date of this permission. Plot 1 currently accommodates the National Express bus depot who is joint applicant. Additional time is required to allow National Express to relocate their depot to one or more location and therefore the extension of time is permitted in this particular instance in order to maintain the functioning of this public transport provider in the City.

No. 57 - Application(s) for approval of any reserved matter(s) must be made before the expiration of **10** years from the date of this permission. It is considered reasonable to allow more time to submit reserved matters on this multi phased significant regeneration development. This is in line with other outline schemes of this scale in the City.

Nos.37, 38 & 43 triggers amended from Reserved Matters Submission to Prior to the Commencement of Development (re: Construction Environmental Management Plan, Protection of Black Redstarts, sustainable drainage plan)

Nos .39 & 41 triggers amended from Reserved Matters Submission to Prior to the Occupation of Plot (re: signage and Wayfinding Plan, noise insulation)

Nos.44 & 45 triggers amended from Reserved Matters Submission to Prior to Above Ground Works (re: Biodiversity Enhancement Plan, CCTV)

No.64 trigger amended from Prior to Occupation of Plot 5 to Reserved Matters Submission Plots 5 & 6 (implementation of public realm Pumphouse Passage / Lower Bowyer Street)

No.65 trigger amended from Prior to Occupation of Plot 6 to Prior to Occupation of Plots 5 and 6 (implementation of public realm Pumphouse Passage / Lower Bowyer Street)

- (ii) That in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by 15 January, 2021 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.
- (iii) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

Following the vote Officers were requested to take on board the request from Councillors to give the roads names linked to the Transport heritage of the City.

RADIO HOUSE, 15 SUTTON STREET, CITY CENTRE, BIRMINGHAM, B1 1PG 2020/00189/PA

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

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

7750

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 4 January, 2021 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.
- (iii) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

SITE BETWEEN 50-52 NEWHALL STREET AND 85-87 CORNWALL STREET, BIRMINGHAM, B3 3RJ - 2020/05576/PA

The Area Planning Manager (East) advised that further comments had been received as follows:-

- Chairman of the Calthorpe Residents Association objects to the proposal and considers the development to be wholly out of keeping with the Conservation Area within which it is sited.
- Former chairman of the Moseley Society (also a former tenant of Cornwall Street Chambers) supports the objections of the Victorian Society and Head of Cornwall Street Chambers.
- 7 further objections from members of Cornwall Street Chambers reiterating the objections made by the Head of Cornwall Street Chambers and the building owner of 85 & 87 Cornwall Street with a written representation by the owners of 85 & 87 Cornwall Street making the following points:-
 - The application has generated significant local opposition;
 - Fundamentally, there are grave concerns that, without your intervention, planning permission will be granted for a development which will see irrevocable damage caused to the cultural heritage of a most special part of Birmingham City Centre;

Planning Committee – 3 December, 2020

- Members should be aware of the multiple letters of objections that have now been submitted to the Council identifying the many failings of the application;
- The written submission provides a summary of objections from the owners of 85-87 Cornwall Street, Andrew Foster (local Historian), The Victorian Society, the Birmingham Midland Institute, Cornwall Street Chambers and multiple Barristers at Cornwall Street Chambers;
- This special character of this area is unquestionable, recognised not only by the very designations that the Council have granted, and which are in place to protect against schemes such as that proposed, but also the television and film industry who have extensively used the area as a 'period' location for historic films and programmes, including Peaky Blinders. This will all be lost if this modern monolith, at complete odds with its surroundings, is allowed to proceed;
- Overall, we are left to conclude that officers have not properly weighed the harm of the scheme and we, therefore, urge Committee to properly consider the devastating and far reaching impacts that have been identified in opposition and rightly refuse the application.

The Area Planning Manager (North West) read a statement from a resident on behalf of the objectors.

The Area Planning Manager (North West) read a statement on behalf of the applicant in support of the application.

Councillor Moore declared a non pecuniary interest in that he had engaged with the developers regarding a separate project not related to this application.

Councillor Lou Robson clarified that she worked in the heritage and conservation industry but had no predetermined discussions regarding this application.

The Area Planning Manager (City Centre) and Transport Manager responded to comments made by the objector and supporter.

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

Upon being put to a vote it was 3 in favour, 8 against and 2 abstention.

7751

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee minded to refuse on the grounds of the design and appearance of the proposed dwelling and its impact upon the setting of the adjacent listed buildings and the character of the Colmore Row and Environs conservation area.

SITE BETWEEN 50-52 NEWHALL STREET AND 85-87 CORNWALL STREET, BIRMINGHAM, B3 3RJ - 2020/05598/PA

Upon being put to a vote it was 3 in favour, 8 against and 2 abstention.

7752

RESOLVED:-

That consideration of the application referred to in the report be deferred with the Committee minded to refuse on the grounds of the design and appearance of the proposed dwelling and its impact upon the setting of the adjacent listed buildings and the character of the Colmore Row and Environs conservation area.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

LAND AT JUNCTION OF HIGHGATE ROAD & STRATFORD ROAD AND LAND AT STONEY LANE, SPARKBROOK, BIRMINGHAM, B12 8DN - 2018/08593/PA

The Area Planning Manager (East) advised of the following updates:-

- 20th Century Society – no comments received.
- Civic Society – no comments received.
- Canal and River Trust – We have recently been informed by the Canal and River Trust that the site falls within their notified area and as such are a statutory consultee (under the DMPO Article 18 and schedule 4 para (za)). This is because there is a feeder channel that supplies water to the extensive canal network in the city which lies below the application site. They want to consider the application and any potential for damage/harm to the feeder channel and we are advised that it is likely that there will be a need for conditions to be attached to any planning permission granted in order that the channel is protected and the water supply to the canal network maintained for the future.

The Canal and River Trust were formally consulted on 26th November and we were hoping to report their comments today. However, no comments have been received. They did request that should their comments not be received in time for this Committee, that a committee resolution allow for additional conditions to be added that might be necessary as a result of any advice that they provide.

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

During the debate it was reported that an email had been received from the Canal and River Trust who were happy with the application with additional conditions for adequate protection of the watercourse.

Upon being put to a vote it was 9 in favour, 0 against and 3 abstention.

7753

RESOLVED:-

- i) That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
 - ii) That Planning Permission be granted, subject to the conditions set out in the report and amended to include an additional condition with adequate protection for the watercourse.
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POLICY REPORT

REVISIONS OF THE PLANNING CODE OF PRACTICE

The following Report of the Acting Director, Inclusive Growth was submitted:-

(See document no. 2)

The Area Planning Manager (East) gave a summary of the report informing that it was proposed that public speaking at the Planning Committee meeting will be reintroduced from 17 December, 2020. Members agreed to the proposal and it was:-

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RESOLVED:-

That the Code of Practice be amended as set out in Appendix 1 to reintroduce public speaking at Planning Committee from the 17th December 2020.

OTHER URGENT BUSINESS

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Councillor Moore raised concern that a call in request for valid planning reasons had been refused despite the correct process being followed. The Chair replied that it was not felt that it was a valid reason however undertook to look at the individual matter. She reminded Members of the correct process to request a call in.

AUTHORITY TO CHAIR AND OFFICERS

7756

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

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RESOLVED:-

That, in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Agenda Item etc.

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

Private section of the Minutes of the
meeting 5 November, 2020

6

PRIVATE MINUTES

7758

The private section of the Minutes of the meeting held on 5 November, 2020 were noted and the minutes as a whole, having previously been circulated, were confirmed as a correct record and signed by the Chair.

The meeting ended at 1300 hours

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CHAIR