

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE**  
**29 APRIL 2021**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 29 APRIL 2021 AT 1100 HOURS AS AN ON-LINE MEETING**

**PRESENT:-** Councillor Karen McCarthy in the Chair;

Councillors Bob Beauchamp, Maureen Cornish, Diane Donaldson, Peter Griffiths, Kath Hartley, Mohammed Idrees, Julie Johnson, Zhor Malik, Gareth Moore, Simon Morrall, Mike Ward and Martin Straker Welds.

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### **INTRODUCTION**

7903 The Chair notified the Committee, this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. She highlighted Members who sat on this Committee were representatives of the Council as a whole and not as ward Councillors.

She added the meeting was conducted via MS Teams where the chat facility would only be used for technical problems or for members to indicate they wish to speak. No side conversations would take place during this meeting.

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### **NOTICE OF RECORDING**

7904 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](http://www.civico.net/birmingham)) and members of the press/public could record and take photographs except where there were confidential or exempt items.

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### **DECLARATIONS OF INTEREST**

7905 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.

Councillor Moore declared he had objected to the application 2018/03004/PA - 16 Kent Street, Southside, Birmingham, B5 6RD (item 12). Therefore, he would not be taking part in the discussion and the vote.

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In addition, he notified the Committee, in relation to report 9, (Land bounded by Montague Street, the Grand Union Canal, Barn Street, Milk Street, High Street Deritend, Adderley Street and Liverpool Street, including part of the Duddeston Viaduct, Digbeth, Birmingham, B12, (2020/03634/PA), he had been involved in a different meeting where this application had been mentioned. However, Councillor Moore confirmed he had not expressed any opinion on this.

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### **APOLOGIES**

- 7906 An apology was submitted on behalf of Councillor Mohammed Fazal and Councillor Saddak Miah for their inability to attend the meeting.

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.

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### **CHAIR'S ANNOUNCEMENTS**

- 7907 The Chair advised the following meetings were scheduled to take place on the 13 May 2021, 27 May 2021 and 10 June 2021.

Members were notified the High Court rejected the argument that Local Authorities had the existing authority to hold virtual meetings after 7<sup>th</sup> May. Therefore, officers were exploring ways in which Committees could be conducted safely at least until Government consider hybrid meetings. This would be discussed later in the meeting.

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### **MINUTES**

- 7908 The Minutes of the meeting of the Committee held on 01 April 2021 and 15 April 2021, having been circulated, were confirmed by the Committee and signed by the Chair.
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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)

The Chair highlighted speakers would be in attendance for item 6 & 7. The Head of Enforcement & Planning Technicians would manage the time allocated to speakers and this would be conducted in a similar format to in-person meetings.

An overview of the running order of the speakers was given to the Committee.

**PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA**

**REPORT NO.6 - 136-138 KINGSBURY ROAD, ERDINGTON, BIRMINGHAM,  
B24 8QU - 2020/08081/PA**

The Area Planning Manager (East Area) confirmed that there were no updates to the report.

Councillor Mick Brown spoke against the application.

Mr Khan (applicant), spoke in favour of the application.

The Area Planning Manager (East Area) and the Transportation Development Manager responded to comments made by the objector and the supporter.

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

At this juncture, the Committee Lawyer reminded Members that the Planning and Transportation Officers had concluded that the proposed car parking was policy compliant. On this basis, there was no justification to impose a S106 obligation or alter the TRO's as this would not meet the necessity test for obligations and conditions.

He suggested that an informative could be added to the planning permission.

The Chair checked with the Committee if they were content with having the informative added to the report.

Members agreed with adding the informative to the decision notice should the application be approved.

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

The vote was taken on the report with the inclusion of the informative.

Upon being put to a vote it was 4 in favour, 7 against and 1 abstention.

7909

**RESOLVED:-**

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

The Chair asked for possible reasons for refusal and Members suggested the reason for refusal be around TP35 and the loss of family homes.

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PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO.7 – LAND INCORPORATING FORMER BT TELEPHONE EXCHANGE, 1048 - 1052 PERSHORE ROAD & 1-3 DOGPOOL LANE, STIRCHLEY, BIRMINGHAM, B30 2XN - 2020/09221/PA

The Chair notified the Committee this application was based within her ward. However, she had avoided conversations with residents and developers on this application. Speakers were in attendance for this item.

The Area Planning Manager (South Area) notified Members there were updates to the recommendations in respect to the wording in section 106.

Points of clarification on the report were made at paragraph 2.2. It states that the open space at the apex of the Dogpool Lane and Pershore Road junction falls outside the redline boundary. This was not correct, the redline boundary had been extended to include this parcel of land at the front of the site.

The applicant had submitted a note to officers setting out the benefits of the scheme which they considered were over and above what was contained within the report. She gave a summary of specific items that would be delivered if the scheme was approved that were not be explicit within the report.

Mr Batley, Community Partnership for Selly Oak (CP4SO) spoke against the application.

Mr Campbell, (the Applicant), spoke in favour of the application.

The Area Planning Manager (South Area) and the Transportation Development Manager responded to comments made by the objector and the supporter.

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

The Chair requested for the Transportation Development Manager to speak to Councillor Jones around parking and which areas would be included in the parking survey.

Upon being put to a vote it was 8 in favour, 4 against and 0 abstention.

7910

**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, and as amended below,
- Paragraph 8.1 clause a) should say £20,000 financial **contribution** secured rather than the word 'bond'.
  - Paragraph 8.1, clause b) to be removed and new wording to say, **"secure £25,000 towards off site works to improve pedestrian safety and public transport in the vicinity of the site."**

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- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by **28 May 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.
- (ii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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### **PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA**

#### **REPORT NO.8 – BIRMINGHAM (VERNON) UNIT 40 OF THE SEA CADET CORPS, OSLER STREET, LADYWOOD, BIRMINGHAM, B16 9EU - 2021/00832/PA**

The Area Planning Manager (North West Area) highlighted a further representation had been received from the Midland Sailing Club, who stated that the existing club will not operate the new facility. They advised that the applicants, Marine Society and Sea Cadets, were currently negotiating a new lease with the Council and were different to the current leaseholder, Training Ship Vernon (TS Vernon). The Club emphasised who the applicant was and how the proposal affected the use of the water was central to their objection and requested for the application to be deferred until this was clarified. In response the Area Planning Manager (North West) advised who an applicant was, is not a material consideration in the determination of a planning application and furthermore, whilst officers appreciated the Club's concerns over compliance with a water users agreement, this was not a matter for the Local Planning Authority.

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

The Committee Lawyer endorsed the clarification given by the planning officer around water usage and this would not constitute as a material consideration in the determination of this application.

The Chair requested for the Committee Lawyer to make enquires in relation to the status of the concerns raised on the water usage issues.

Upon being put to a vote it was 11 in favour, 0 against and 1 abstention.

7911

#### **RESOLVED:-**

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

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At 1230 hours the meeting was adjourned.

At 1235 hours the meeting resumed.

At this juncture, Councillor Johnson left the meeting.

**PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA**

**REPORT NO.9 – LAND BOUNDED BY MONTAGUE STREET, THE GRAND UNION CANAL, BARN STREET, MILK STREET, HIGH STREET DERITEND, ADDERLEY STREET AND LIVERPOOL STREET, INCLUDING PART OF THE DUDDESTON VIADUCT, DIGBETH, BIRMINGHAM, B12 - 2020/03634/PA**

The Principal Planning Officer (City Centre Area) notified Members additional comments from Canals and Rivers Trust (CRT). This highlighted the recent planning consent at The Bond (2020/09413/PA) as a material consideration indicating that there is an alternative scheme for that part of the site that could be implemented. Officers noted that whilst this extant consent would retain more of The Bond complex the current proposals this would not allow the removal of whole buildings that are locally listed. She reminded Members, a briefing note had been circulated from the applicants. In addition, an amended location plan was sent to Members on 22<sup>nd</sup> April.

The Principal Planning Officer (City Centre Area) shared slides via her screen to highlight key points and provide further explanation on the detail. It was noted this was a hybrid application.

Members were reminded of the 6 main issues on the application and responses to these were given.

The 6 issues were around; 1) Heritage – concerns raised by Historic England, Civic Society, Council for British Archaeology, Brutiful Birmingham, Victorian Society and 20th Century Society; 2) Midlands Rail Hub – Midlands Connect and West Midlands Rail Executive & Travel for West Midlands have raised objection, just raised concerns; 3) Impact of noise from late night users; 4) Proposed new Multi-storey carpark; 5) Poor quality at some locations and 6) need for student accommodation.

A summary of the public benefits was outlined to the Committee. The economic and social benefits details were outlined on pages 147 – 148 of the report.

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

Councillor Morrall commented further and proposed the decision to be deferred and for a site visit to take place to have a better understanding around the proposal.

The Chair highlighted the pre-application meetings were arranged to discuss technical points before the application comes to Committee. There was no process to have an equivalent meeting once an application has been submitted. Reference was made to the size of the report and she thanked Members who read all the documents. However, she reminded Members if the report had not been studied in full, then Members would have to excuse themselves from the item and not vote. An abstention would not be appropriate.

The Chair noted the request from Councillor Morrall for a site visit.

Councillor Moore supported the site visit however, this was dependant on if the outline application and detailed application would be considered separately.

The Area Planning Manager (City Centre Area) noted the application was very complex. The issues and concerns around the application had been reviewed in depth. He confirmed the detailed and outline application could not be considered separately as the application was a hybrid, therefore, could not be decoupled. Information around heritage sites and their weightings was shared. It was noted, if permission was granted on the application, not all the buildings highlighted for demolition would be demolished on day one. There would be a condition indicating a detailed consent would need to be in place before a building was demolished.

The Principal Planning Officer (City Centre Area) informed Members there were various layers to control the character, conservation area and to how the outline application as delivered. Details around this was shared with Members.

The Acting Assistant Director - Development noted the scale of the proposals was very large hence this was reflected in the amount of documentation contained within the report. The executive summary had been presented to the Members by the Principal Planning Officer (City Centre Area). He noted the proposals would bring confidence and vibrancy to this side of Birmingham over the next 10 – 15 years.

At this juncture, Councillor Morrall proposed a site visit and Councillor Moore seconded.

The Chair indicated she would ask for a vote on a possible site visit (if carried out safely) under Covid requirements. This option would be explored however, the Chair could not guarantee this would be delivered. She emphasised if a possible site visit takes place, this would mean the decision on the application would be deferred.

The vote was taken on deferral of the proposal and to explore the possibility of a site visit.

Upon being put to a vote it was 7 in favour, 4 against and 0 abstention.

7912

**RESOLVED:-**

That consideration of the application referred to in the report be deferred pending a site visit if safely achieved and the provision of further information in relation to heritage implications

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**REPORT NO.10 – LAND BOUNDED BY PARADISE CIRCUS, GREAT CHARLES STREET QUEENSWAY AND PARADISE PLACE, PLOT A OF PHASE 3 OF PARADISE DEVELOPMENT SITE, PARADISE, CITY CENTRE, BIRMINGHAM - 2020/08215/PA**

The Chair reminded Members a pre-application session on this application had taken place.

The Area Planning Manager (City Centre Area) notified the Committee there was an informative on this application in terms of the S278 and the highways changes required. He recommended an additional condition related to a new lay by and associated pavement provided prior to occupation.

No comments were made by Members.

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

7913

**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, and as amended below,

**Extra Condition:**

Prevents occupation until the new layby and associated footpath has been constructed. The development hereby permitted shall not be occupied until a new layby for servicing the development and associated new public footway provision behind it have been constructed.

**Reason:**

In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.

- (ii) that in the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by **30th May 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.

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**REPORT NO.11 – 53-68 PRINCIP STREET, GUN QUARTER, BIRMINGHAM, B4 6LN - 2020/00999/PA**

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



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

Upon being put to a vote it was 6 in favour, 5 against and 0 abstention.

7914

### **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 **07 June 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.
- (ii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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### **REPORT NO.12 - 16 KENT STREET, SOUTHSIDE, BIRMINGHAM, B5 6RD - 2018/03004/PA**

The Chair reminded the Committee, Councillor Moore had declared an interest for this item.

The Area Planning Manager (City Centre Area) notified Members the application was seeking for authority to enter a section 106 to reduce the number of issues that had been contested to at appeal. The Section 106 offer had been considered by officers and checked by the city's independent advisors and the position set out within the report is supported.

No comments were made by Members.

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

7915

### **RESOLVED:-**

That in order to discharge the third reason for refusal the City Solicitor be authorised to prepare, seal and complete the planning obligation to secure the following;

- a) 11 affordable low cost units (4 x 2 bed and 7 x 1 bed) at 75% of open market value; and
- b) payment of a monitoring and administration fee associated with the legal agreement of £1,500.

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### **REPORT NO.13 - ENFORCEMENT PERFORMANCE**

Report of the Acting Director, Inclusive Growth was submitted;

(See Document No. 2)

The Chair thanked the Enforcement Team for the report and Members were now receiving individual decisions circulated. She requested for any questions on the report to be sent directly to the Principal Enforcement Officer via email. This was agreed by Members.

Upon consideration;

7916

**RESOLVED:-**

That the Planning Committee noted the high volume of live case work within the Enforcement team and the positive actions in terms of cases closed; notices served, prosecutions and confiscation orders.

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**REPORT NO.14 - UPDATE ON FUTURE PLANNING COMMITTEE MEETINGS**

Report of the Acting Director, Inclusive Growth was submitted;

(See Document No. 3)

The Chair notified Members, the High Court rejected the argument that Local Authorities had the existing authority to hold virtual meetings. Therefore, the authority to hold virtual meetings would end 7<sup>th</sup> May. Officers were exploring how meetings would be conducted corporately and were considering factors such as health and safety; speaking rights and public access. This was an opportunity to reach a view of how Planning Committees would be delivered after 7<sup>th</sup> May. She highlighted at present there was no possibility of hybrid meetings as the court decision was clear that decisions must be taken in the room.

During the debate the following points were made:

- A plan was in place at the start of the pandemic that can be updated. This indicated the use of the Council Chamber as there were two entrances/exits and a one-way system could be adopted. However, this would need to fit into the Corporate Framework.
- The Birmingham & Midlands Institute (BMI) had a larger capacity which could also be considered.
- Ensure plan B was in place in case face to face meetings could not be delivered safely.
- Ensure there was a quorum before an in-person meeting took place.
- In person meetings would take place subject to all issues being resolved beforehand.
- If we lose more than one meeting, applications would build up therefore, this would mean longer meetings. Not all Members can stay for extended time. Members preferred option was to hold in person meetings.
- Members suggested plan B could be to consider either option 3 or 4, the delegation and to be '*in consultation with*' either a small politically proportionate group of members.

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- Hold a site visit which agreed at report 9 on the 13<sup>th</sup> May if the face to face meetings do not resume. Continue in person meetings from 27<sup>th</sup> May.
- The Leader had communicated information to Members with regards any concerns around in person meetings.
- Details around meetings had been shared with Members via BCC Officers.
- Preference - option 1 – in person meetings followed by option 3,4 – delegation to the Chair and Officers.

The Chair summarised options which was agreed by Members of the Committee.

At this juncture, the Head of Enforcement & Planning Technicians queried if Members would like a separate meeting in relation to the 'call for evidence' for virtual meetings as the deadline was in June. The Chair agreed for a virtual meeting to take place in relation to this.

Upon consideration;

7917 **RESOLVED:-**

That the Planning Committee noted the updated report and agreed to explore the following options for future meetings:

### **Plan A - (1<sup>st</sup> preference)**

- **Option 1** – Hold safe in person meeting however, recognised if the 13<sup>th</sup> May Committee was cancelled there may be a possibility to undertake the site visit which was agreed for report 9.

### **Plan B – (2<sup>nd</sup> preference)**

- **Option 3** – The delegation to the Chair and Officers including '*an approved consultation process with the Committee*'.  
'Approved consultation' - appropriate process advised by Legal Services. This would not be a way for Members to make a Committee vote on applications.

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## **OTHER URGENT BUSINESS**

7918 There was no urgent business.

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## **AUTHORITY TO CHAIR AND OFFICERS**

7919 **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.

The meeting ended at 1347 hours

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CHAIR