

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
21 DECEMBER 2023**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY, 21 DECEMBER 2023 AT 1100 HOURS IN COMMITTEE
ROOMS 3 & 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Diane Donaldson in the Chair.

Councillors Colin Green, David Barrie, Jane Jones, Jack Deakin, Mumtaz Hussain, Lee Marsham, Yvonne Mosquito and Gareth Moore.

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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.

NOTICE OF RECORDING

8265

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

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Councillor Moore made representations for Item 6 and will therefore withdraw from the meeting.

Councillors Moore and Jones declared they were contacted by residents for item 8 but did not express any interest.

APOLOGIES

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Councillors Martin Brooks and Rick Payne.

CHAIR'S ANNOUNCEMENTS

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None submitted.

MINUTES

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The minutes of the meeting of the Committee held on 30th November 2023 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 CITY CENTRE

REPORT NO. 6 - 16 KENT STREET, CITY CENTRE, BIRMINGHAM, B5 6RD - 2023/00766/PA

Councillor Moore withdrew from the meeting.

The Area Planning Manager (City Centre) confirmed the following updates:

- Councillor Gareth Moore withdrew his earlier objection to the application subject to completion of the legal agreements set out in the recommendation.
- The Planning Ecologist commented that as the building is unoccupied and in a poor state of repair, and therefore there are opportunities for nesting birds. As a precaution a condition requiring a precautionary working method statement is recommended.
- The LLFA have removed their objection subject to conditions requiring submission of a sustainable drainage scheme and a sustainable drainage operation and management plan.
- BCC Legal Services have raised a minor concern with regard to the wording around the additional £250,000 “top up” funding if the cost of the Nightingale Noise Mitigation Works exceeds £1,050,000. References to this in paragraphs 1.6, 7.7 and the Recommendation all refer to an alternative funding being ‘secured’ they suggest that this is amended to ‘received’. BCC Legal Services are concerned in respect of this wording that it could be argued that the entering into of the Agreement in respect of the Gooch St development already secured that sum.
- There was a typo in the Recommendation at 9.1 e). The sum referred to should be £1,050,000.

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

Upon being put to a vote it was 5 in favour, 1 against and 1 abstention.

8270

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 22nd February 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
- (iii) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

REPORT NO. 7 - 2-6 COLMORE GATE, COLMORE ROW, BIRMINGHAM, B3 2QA - 2023/05721/PA

Councillor Moore returned to the meeting.

The Area Planning Manager (City Centre) confirmed the following updates:

- Re-consultation response from Historic England, notes the submission of viability information and the applicant response to their objection. However, their advice and objection remain the same.
- Recommendation at 9.2 it should refer to the City Solicitor as there is no Director of Legal Services.

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

Councillor Marsham put forward a formal referral to the committee that was seconded.

Upon being put to a vote it was 5 in favour of deferral, 3 against and 0 abstention.

8271

RESOLVED: -

That consideration of the application referred to in the report be deferred.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO. 8 - 63-65 MASON ROAD, ERDINGTON, BIRMINGHAM, B24 9EH - 2023/06270/PA

The Principal Planning Officer (East) confirmed the following updates:

- In the recommendation at 9.2 it should refer to the City Solicitor as there is no Director of Legal Services.

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

Upon being put to a vote it was 2 in favour, 5 against and 1 abstention.

8272 **RESOLVED:** -

That consideration of the application referred to in the report be refused.

OTHER URGENT BUSINESS

Councillor Marsham asked officers for an update on Smallbrook Queensway, The officers responded thereto.

AUTHORITY TO CHAIR AND OFFICERS

8273 **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.

8274 **AUTHORITY TO THE ASSISTANT DIRECTOR (PLANNING):**

If a Planning Committee meeting(s) are unable to be held in person and/or cancelled, the Assistant Director (Planning), in consultation with the Planning Committee, has authority to determine planning applications that would otherwise have been considered by the Committee.

The meeting ended 1126 hours.

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CHAIR