

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
1 FEBRUARY 2024**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON
THURSDAY 1 FEBRUARY 2024 AT 1100 HOURS IN COMMITTEE ROOMS 3
& 4, COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Martin Brookes in the Chair.

Councillors David Barrie, Jack Deakin, Diane Donaldson, Jane Jones, Mohammed Idrees, Mahmood Hussain, Mumtaz Hussain, Lee Marsham, Yvonne Mosquito and Gareth Moore.

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INTRODUCTIONS

8287

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

8288

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

8289

None submitted.

APOLOGIES

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Councillors Rick Payne, Akhlaq Ahmed and Colin Green.

CHAIR'S ANNOUNCEMENTS

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None submitted.

MINUTES

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The minutes of the meeting of the Committee held on 11th January 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 CITY CENTRE

REPORT NO. 6 - THE RINGWAY CENTRE, SMALLBROOK QUEENSWAY 1-4, SMALLBROOK, QUEENSWAY, BIRMINGHAM- 2022/08496/PA

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

- Received letter of support from Chinatown Business Association.
- Received letter of support from Southside BID.
- Received letter of support from Councillor Yip.

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

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

8293

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 29th 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.
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REPORT NO. 7 - LAND SOUTH OF GARRISON CIRCUS, WATERY LANE MIDDLEWAY/GREAT BARR STREET, DIGBETH, BIRMINGHAM, B9 4HF- 2023/04130/PA

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

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- A greater Discount on Market Sale of 30% (up from 20%) has been applied to the Affordable Housing. This is supported by the Affordable Housing Delivery Team, given that the greater discount will make the units more affordable and achievable to those meeting the Council's eligibility criteria. However, this means less units overall are provided, the position is now 9.3% affordable housing at 30% discount. All of the affordable housing units remain as 2 and 3 bedroom units. (46 units down from 69).
- At paragraph 7.168 and paragraph 9.1 reference to a Public Realm spending commitment is made - the external works figure given in the FVA is inclusive of costs such as the consultant fees for the Landscape Architect, Wind Climate Review, drainage engineering and connection arrangements, external services and utilities grounding / connections /sewer easement requirements etc. These costs have then been combined to equate to the £7M External Works costs reported. For clarity £4.4M, is the cost to the developer removing all of the above technical and engineering works to deliver that public realm, this is a more accurate figure with respect to assurance of public realm quality. Any definitions given with a s.106 can separate out expected spend amounts.
- Paragraph 9.1 - the recommendation to Committee refers to discount market rent, however, this should be discount market sale.
- BCC Ecology responded to the updated Biodiversity Net Gain Matrix and accompanying landscaping plans with no objection. Accepting that the development will deliver in excess of 20% net gain and the landscape details are satisfactory and reflect the BNG Report.

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

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

8294

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 29th March 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. 8 - 100 BROAD STREET, CITY CENTRE, BIRMINGHAM, B15 1AU- 2023/04261/PA

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

- Regulatory Services confirm no objections in relation to air quality but have requested further information on how the noise mitigation measures will be enforced vs their statutory duties.

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- Following the review of additional information, the LLFA raise no objection subject to conditions requiring a sustainable drainage scheme and a sustainable drainage and operation plan. Also recommended informatives that provide further detail of the information required in order to discharge these conditions.
- Tree officer comments about loss of a Plane Tree – this tree is on the adjacent site and the proposals would not impact upon it or its root protection zone.
- Wind at 7.40 – the amended landscaping does fully mitigate the wind impact of both the scheme in isolation as well as not causing an exceedance for 90-97 Broad Street.
- Sunlight/daylight – 7.43 – just to clarify that these impacts are cumulative with 90-97. In isolation the scheme would have less impact.
- 7.94 should read: The limited private outdoor space weighs against the development, however given the city centre context and proximity to nearby green spaces and parks this adverse impact does not significantly and demonstrably outweigh the benefits. (not harm).
- 7.95 – addressing paragraph 11 d) of the NPPF - Given there are no adverse impacts identified that would significantly and demonstrably outweigh the benefits (not harm).
- Resolution – tweak 9.1 to include 1 beds as they are included in the recommended option and add in reference to 30% discount.

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

Upon being put to a vote it was 10 in favour, 1 against and 0 abstention.

8295

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 29th March 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. 9 - LAND AT QUEENS HOSPITAL CLOSE, BATH ROW, EDGBASTON, BIRMINGHAM, B15 1NH- 2023/02925/PA

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

- Ecologist Update – raised no objection following the submission of further information and conditions (all already attached except a condition requiring details of an invasive weed strategy)

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- There are 253 cycle spaces. The report quotes two numbers (correct and 300) This is recorded correctly in para. 7.99 but stated as 300 in para 1.11.
- At para 7.33, the commercial floorspace is recorded as 376sqm. Just to clarify, the commercial unit (Class E.b) is 100sqm. The gym (which will be ancillary to the main uses C3 and sui generis, and also Class E.d to allow public use) is 337sqm. The remaining space within the western listed building is amenity space for BTR and PBSA residents.
- A total of 44 trees would be removed (both 44 and 43 are quoted in the report).
- Housing provision is given 'substantial weight' at para 8.16 and then 'significant weight' in para 8.28. To be clear officer's give it substantial weight in the planning balance.

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

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

8296

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 29th March 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. 10 - LAND AT QUEENS HOSPITAL CLOSE, BATH ROW, EDGBASTON, BIRMINGHAM, B15 1NH - 2023/02926/PA

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

8297

RESOLVED: -

That Listed Building Consent be granted subject to the conditions set out in the report.

OTHER URGENT BUSINESS

None submitted.

AUTHORITY TO CHAIR AND OFFICERS

8298 **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.

8299 **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 1140 hours.

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CHAIR