

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE**  
**04 MARCH 2021**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 04 MARCH 2021 AT 1100 HOURS AS AN ON-LINE MEETING**

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

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

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### **INTRODUCTION**

7843

The Chair notified the Committee, this was a quasi-judicial meeting and no decisions had been made before the meeting. The meeting would be conducted as close as possible to the format as an 'in person' Committee.

Members were notified there would be speakers in attendance (for items 6, 8 and 9). This was the first meeting with speakers in attendance as originally, written representations were read by Officers. The Committee were now at the stage to have speakers present their submissions. She highlighted this was a meeting in public, rather than a public meeting and only those registered to speak in the MS Team meeting, were only able to speak.

An outline to the speakers running order was given. Three minutes would be allocated for those speaking in objection, and three minutes were allocated to speak in support (in this order).

The Chair indicated the meeting was delivered via MS teams which was then webstreamed. She noted Members would be using the chat function in MS teams to indicate a wish to speak and to notify of technical problems. No side conversations would take place.

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### **NOTICE OF RECORDING**

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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**

- 7845 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.

At this juncture, Councillor Moore declared an interest in relation to item 12 – (16 Kent Street, Southside, Birmingham, B5 6RD - 2018/03004/PA). He had objected to the planning application and therefore he would not take part in this item.

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**APOLOGIES**

- 7846 An apology was submitted on behalf of Councillor Mohammed Idrees and Councillor Peter Griffiths 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.

The Chair reminded Members, if they were not present for the full debate of an application, they were unable to vote upon the item.

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**CHAIR'S ANNOUNCEMENTS**

- 7847 The Chair advised the following meetings were scheduled to take place on the 18 March 2021, 01 April 2021 and 15 April 2021.
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**MINUTES**

- 7848 The Minutes of the meeting of the Committee held on 04 February 2021 and 18 February 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)

**PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA**  
**REPORT NO.6 - LAND AT LOWDEN CROFT, SOUTH YARDLEY,**  
**BIRMINGHAM, B26 – 2020/09282/PA**

The Chair indicated there was a speaker in attendance for this item. She reminded the running order of the presenters to the Committee. The three minutes allocated to the speaker was the entire contribution from any of the speakers in objection. There was no right to come back later.

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

A local resident spoke against the application.

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

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

Councillor Moore suggested a condition to be added on the application in relation to the use of smaller refuse vehicles to service the proposed development. The Chair indicated this condition could not be added onto the application albeit Officers could have conversations with the relevant team in Environmental Services to ensure smaller refuse collection vehicles were used at Lowden Croft.

The Area Planning Manager (East Area) agreed with the Chair's comments and highlighted he had not come across such a planning condition. In addition, this would not meet the relevant test for a valid condition. He suggested the Development Manager to send an advice note to the relevant team indicating the use of smaller refuse vehicles.

The Chair noted comments from the Area Planning Manager (East Area) and indicated if the application was approved, for Officers to ensure the advice note was followed through.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

7849

**RESOLVED:-**

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

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**REPORT NO.7 - LAND OFF BLAKESLEY MEWS, YARDLEY, BIRMINGHAM,**  
**B25 – 2020/07875/PA**

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

No comments were made by Members.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

7850

**RESOLVED:-**

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

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

**REPORT NO.8 - GAP SITE BETWEEN 50-52 NEWHALL STREET AND 85-87 CORNWALL STREET, BIRMINGHAM, B3 3RJ – 2021/00247/PA**

The Chair noted there were speakers in attendance for reports 8 and 9. She highlighted the reports would be discussed together as they concerned the same development.

Report 8 referred to the planning consent and report 9 to the listed building consent. The vote would be taken separately for each item.

The Area Planning Manager (City Centre Area) notified the Committee, one further letter of objection from a previous tenant of a neighbouring building had been received. The comments made within the letter were;

- it appears that the only major change from the previous application was the change in the colour of the design (which was now terracotta red as opposed to black);
- this result in an obtrusive presence;
- negative impact on the visual unity and frontage of buildings in the Street;
- Conflict with the BDP as the scale and design of new the building does not generally respect the area surrounding it or reinforce and evolve any local (positive) characteristics
- Disruptive effect on the harmony and integrity of the existing buildings in Cornwall Street and Newhall Street.

In addition, the Area Planning Manager (City Centre Area) confirmed that a letter of support had been received from the Birmingham Civic Society. They were overall supportive of the principal of this application and considered the change to a red terracotta material appropriate. However, they agree that the detailing needs careful consideration and an appropriate solution can be developed through conditions.

Members were also notified the description to both applications had been amended to remove the wording 'proposed construction of'

The Chair notified Members, a speaker in objection and in speaker support were in attendance.

The Head of Chambers, Cornwall Street Chambers spoke against the application.

The Agent, Carney Sweeney spoke in favour of the application.

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

Members noted at present, the development would be evident as it was new amongst others however, eventually this would mature alongside other buildings.

Further points were raised by Councillor Straker-Welds and Councillor Moore around heritage and the style of windows of the development. It was felt the symmetry was interrupted by the style of windows therefore, Members queried if the windows could be placed in line with neighbouring buildings. In relation to the heritage concerns, Members noted Historic England and Victorian Society had not raised any objections to the design, therefore overall they were in support of the application.

The Area Planning Manager (City Centre Area) noted comments made by Members. He felt the building was in balance between the integrity of the design and how it sat with the neighbouring buildings. He noted the filming was growing within the City and this would be encouraged, however he highlighted a lot of the filming and recordings were altered via computers.

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

7851

**RESOLVED:-**

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

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**REPORT NO.9 - GAP SITE BETWEEN 50-52 NEWHALL STREET AND 85-87 CORNWALL STREET, BIRMINGHAM, B3 3RJ – 2021/00256/PA**

This report was taken parallel to report 8.

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

7852

**RESOLVED:-**

That listed building consent be granted subject to the conditions set out in the report.

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**REPORT NO.10 - LAND AT 41-45 HANLEY STREET, BIRMINGHAM, B19 3SP – 2020/02735/PA**

The Area Planning Manager (City Centre Area) informed Members since the Officers report was written, the applicant had submitted an amended Demolition Management Plan. The details contained within the amended documents overcome the concerns raised on the original submitted document. Consequently, Officers were now satisfied that it would be appropriate to amend the reported wording for condition 17 from 'requires Demolition

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Management Plan' to 'works to be carried out in accordance with the agreed Demolition Management Plan'.

He drew Members attention to recent discussions at Committee where student need was highlighted and clarified that this scheme was included in the pipeline supply part of the Planning Strategy report shared in January.

No comments were made by Members.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

7853

### **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report and amended below:-

#### **Alteration to Condition 17:**

Works to be carried out in accordance with the agreed Demolition Management Plan. Demolition works shall be carried out in accordance with the agreed Demolition and associated works at 41-45 Hanley Street Method Statement and Risk Assessment by Armac demolition - document ref MST6459 Rev 1. This includes that demolition shall be to slab level only until such time that the requirements of condition 11 of this consent are met.

Reason:

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

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### **REPORT NO.11 - RAG MARKETS, UPPER DEAN STREET/SHERLOCK STREET, BIRMINGHAM, B5 4SG – 2020/10275/PA**

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

No comments were made by Members.

Upon being put to a vote it was 12 in favour, 0 against and 0 abstention.

7854

### **RESOLVED:-**

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

At this juncture, the Chair reminded the public watching, that at times applications are presented to Committee, not because they were controversial but because there was technical reasons to address, either in the size of the development or ownership of the land thus the applications had to be looked at. She highlighted, Members may not comment upon the applications however,

they have had sight of the reports in advance of the meeting and had the opportunity to study them.

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

The Chair reminded Members, this report was not recommending a decision on a planning application. This application had been to Committee before and two site visits had also been arranged. She added the report presented at this Committee refers to what the decision might have been if the applicant had not appealed. The Chair added the Area Planning Manager would outline and update Members as to why a decision was not made in the specified timeframe.

She highlighted, the vote would be based on the recommendations indicated in paragraph 39 of the report back section of the report i.e. indicating whether if a decision had been made today, it would have been as outlined in this paragraph.

The Area Planning Manager (City Centre Area) notified Members an appeal had been lodged on the grounds of 'non-determination'. During the extended period whilst the application had been lodged, the Officers had been working with the Nightingale and with the applicant to attempt to address the noise concerns that Members had originally raised. He informed it was hoped to agree the scheme of mitigation works (at the Nightingale) to enable a positive recommendation however, to date this had not been achieved. As a result, the applicant decided to appeal.

The Area Planning Manager (City Centre Area) informed Members, the purpose of the report was to focus the scope of the appeal to the areas of dispute and to seek a clear mandate from Members. Following this, the Officers would take this approach forward through the appeal process.

The Area Planning Manager (City Centre Area) provided a summary to the representation made on behalf of Terry Runcorn (Nightingale) which had been circulated to Members prior to this meeting. The applicant's Planning consultant had provided further comments on this and the Area Planning Manager (City Centre Area) gave a summary of these comments.

The Chair reminded the Committee that Councillor Moore had declared an interest to this item, therefore he would not be contributing to the vote or discussion.

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

Following legal advice, the Chair confirmed that although some Members were not part of the Planning Committee when the original application was considered, they were entitled to take part in the decision having brought themselves fully up to date by studying the report and listening to the updates provided at this meeting.

The vote was based upon the endorsement on the reasons for refusal set out in paragraph 39.

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

7855

**RESOLVED:-**

That had the Planning Committee had the opportunity to determine 2018/03004/PA, it would have been refused for the following reasons

- (i) The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the proposed glazing / wall specification would when the windows are closed adequately mitigate noise from the Nightingale. This would result in a poor quality living environment for prospective residents and complaints against the Nightingale, which could affect the Nightingale and hence the Gay Village. As such the proposal would be contrary to Policies GA1, TP24, TP25, TP28 of the Birmingham Development Plan, the Revised National Planning Policy Framework and Public Sector Equality Duty.
- (ii) In the absence of an agreement to secure satisfactory noise mitigation measures at the Nightingale through application of the agent of change principle, the proposal would result in a poor quality living environment for prospective residents and complaints against the Nightingale, which could affect the Nightingale and hence the Gay Village. This would be contrary to Policies GA1, TP24, TP25, TP28 of the Birmingham Development Plan, the Revised National Planning Policy Framework and Public Sector Equality Duty.
- (iii) In the absence of a suitable legal agreement to secure affordable dwellings the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework.

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

**REPORT NO.13 - LAND AT GILDAS AVENUE, BARRATTS ROAD AND BENTMEAD GROVE, POOL FARM, KINGS NORTON, BIRMINGHAM – 2020/08312/PA**

The Area Planning Manager (South Area) informed the Committee, an amended layout plan had been received for the Barratts Road site which indicted the issue of turning head for refuse vehicles. As a result, this had a slight change to plot 20 and it was noted there were no other material changes. She indicated, if Members were minded to approve the application, condition 9, the Construction Employment Plan was to be removed as this was covered by BMHT tender process.

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

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



7856

**RESOLVED:-**

- (i) That no objection is raised to the stopping-up of Barratts Road and Gildas Avenue and that the Department for Transport (DFT) is requested to make an Order in accordance with the provisions of 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 below:-
  - Condition No.9 (Construction Management Plan) to be deleted.

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**REPORT NO.14 – LAND AT SHANNON ROAD AND HILLMEADS ROAD,  
POOL FARM, KINGS NORTON, BIRMINGHAM – 2020/08270/PA**

The Area Planning Manager (South Area) informed the Committee if Members were minded to approve the application, she suggested to remove condition 13, Construction Employment Plan as covered by BMHT tender process.

Councillor Morrall thanked Councillor Gary Sandbrook (MP), Shadow Cabinet for Housing, for campaigning for this development.

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

7857

**RESOLVED:-**

- (i) That no objection is raised to the stopping-up of Shannon Road, Hillmeads Road and Heathside Drive, and that the Department for Transport (DFT) is requested to make an Order in accordance with the provisions of 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 below:-
  - Condition No.13 (Construction Management Plan) to be deleted.

The Chair noted applications 13 & 14 would be make a huge change to peoples live. She thanked all parties who had been campaigning on these developments over the years.

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

**REPORT NO.15 - 116 ALDRIDGE ROAD, PERRY BARR, BIRMINGHAM,  
B42 2TP – 2020/009954/PA**

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

No comments were made by Members.

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

7858 **RESOLVED:-**

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

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### **OTHER URGENT BUSINESS**

7859 There was no urgent business to consider.

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### **AUTHORITY TO CHAIR AND OFFICERS**

7860 **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 1212 hours

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CHAIR