

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
22 OCTOBER, 2020**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 22 OCTOBER, 2020 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:-

Councillor Karen McCarthy in the Chair;

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

INTRODUCTION

7702 The Chair indicated that meeting would be hosted on teams but would be web streamed and indicated that, because the Committee was a quasi-judicial one, no decisions had been made in advance if the meeting. She reiterated the online meetings will be taking place for a while and they were delivered as close to face to face meetings. There were no statements in lieu of speakers. Members were reminded MS Teams was used to conduct the Committee which would be webcasted. 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

7703 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

7704 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

7705 Apologies were submitted on behalf of Councillor Morrall for his 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.

Councillor Robson indicated she was unable to stay for the whole meeting and would have to depart at 12noon.

CHAIR'S ANNOUNCEMENTS

7706 The Chair informed Members that the following meetings were scheduled to take place on the 5th November, 19th November and the 3rd December 2020.

Members were reminded the Heritage Training was taking place later in the afternoon of 22nd October 2020.

The Chair notified Members the agenda had been rearranged to allow item 9 Birmingham Local Enforcement Plan to be the first item of discussion after the minutes.

MINUTES

7707 The Minutes of the meeting of the Committee held on 24 September 2020, 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.

BIRMINGHAM LOCAL ENFORCEMENT PLAN (BLEP)

A draft report of the Birmingham Local Enforcement Plan Consultation was submitted:

(See Document No. 1)

The Chair informed Members the Birmingham Local Enforcement Plan was out for consultation across the City and this was the Committee's chance to contribute to the consultation.

The Principal Enforcement Officer set the context of the plan. He indicated the National Planning Policy Framework suggests Local Planning Authorities should consider publishing a Local Enforcement Plan. At present, the

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Enforcement Charter was in place. The Birmingham Local Enforcement Plan was bespoke and drawn from the Birmingham Development Plan. An outline around the purpose and approach of the Local Enforcement Plan was shared.

It was noted there was no requirement for consultation on the document however, it was felt consultation would be a helpful tool to publicise the work of the team and how suspected breaches would be dealt with.

Notification had been sent to all consultees that were included when policy documents are circulated for consultation. The Consultation will close on the 15th November. There were no significant changes to the framework to the ones that were currently in place.

Members provided feedback as part of the consultation.

7708

RESOLVED:-

The Committee noted the content of the Birmingham Local Enforcement Plan and provided feedback as part of the consultation.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH (ACTING)

The following reports were submitted:

(See Document No. 2)

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA

REPORT NO. 6 – LAND AT RYLAND STREET, BROAD STREET AND GROSVENOR STREET WEST, CITY CENTRE, BIRMINGHAM

The Area Planning Manager (City Centre Area) advised there were a number of updates. These were noted as,

- An amendment to paragraph 8.1 in the resolution to substitute 2019/07805/PA with 2020/03701/PA being the correct application reference number.
- A new condition relating to a programme of archaeological work was recommended to read as follows:
No development (other than demolition of existing buildings to slab level) shall take place until a written scheme of investigation for a programme of archaeological works had been submitted to and approved in writing by the local planning authority. The scheme is to be implemented in full accordance with the approved details.

Reason:

The site was of known archaeological significance and it is important that archaeological remains are appropriately recorded prior to their damage or destruction by the development in accordance with Policy TP12 of the Birmingham Development Plan 2017 and saved Paragraph 8.36 of the

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Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.

- To add that the CIL liability has been recalculated on the latest plans as circa £2,451,359.49 (an uplift from £2.404m as set out in 6.73).

Councillor Moore and Councillor Griffiths raised concerns around access to car parking spaces, supporting charities occupying current building, viability and affordable housing.

Councillor Griffith's referred to affordable housing offer of the development. This was based on a viability assessment which had some variability. It states the land was likely to be contaminated therefore in terms of viability and affordable housing, there was a prospect of difference in profit at the development compared to what was stated in the updates. There will be an uplifting value of properties in the area with the introduction of the tram facility notwithstanding the middle ring road and clean air zone.

Therefore, Councillor Griffith proposed a review clause should be inserted into the S106 in the case excessive profits were made, which was seconded by Councillor Robson.

The Area Planning Manager (City Centre Area) stated given the scale of the offer and economic stance, a clause could be inserted. And suggested the following,

At 8.1 insert

c) In the event that the development has not commenced within 1 year from the date of the approval of this application, a review mechanism that requires an updated financial appraisal shall be submitted for assessment within 6 months of the commencement of the development. If that financial appraisal identifies a greater surplus then the additional profit shall be split 50/50 between the developer and Local Authority up to a maximum financial contribution totalling an equivalent of 35% affordable housing. Any additional financial contribution to be spent on affordable housing.

Councillors Griffiths and Robson were content with the suggested paragraph.

At this juncture, the Chair proposed to vote on the additional wording proposed at 8.1,

Upon being put to the vote it was 11 in favour 0 against and 0 abstention.
(Note: Councillor Mohammad Fazal did not vote due to technical difficulties)

It was confirmed the clause would be added to the s106 resolution and not as a condition as previously stated by the Chair.

The Area Planning Manager (City Centre Area) responded to the outstanding queries made by Members.

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At this juncture, the Chair proposed a vote on the application with the additional clause and amendments suggested by the Area Planning Manager (City Centre Area)

Upon being put to the vote it was 9 in favour 1 against and 1 abstention.
(Note: Councillor Mohammad Fazal did not vote due to technical difficulties)

7709

RESOLVED:-

- (i) That it be note that in paragraph 8.1 of the report the application number should read 2020/03701/PA;
- (ii) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report with the additional resolution below;
 - c) In the event that the development has not commenced within 1 year from the date of the approval of this application, a review mechanism that requires an updated financial appraisal shall be submitted for assessment within 6 months of the commencement of the development. If that financial appraisal identifies a greater surplus then the additional profit shall be split 50/50 between the developer and Local Authority up to a maximum financial contribution totalling an equivalent of 35% affordable housing. Any additional financial contribution to be spent on affordable housing.
- (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 22 November 2020, planning permission be refused for the reasons set out in the report;
- (iv) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by the 22 November 2020, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below; and

New condition:

Requires the prior submission of a programme of archaeological work
No development (other than demolition of existing buildings to slab level) shall take place until a written scheme of investigation for a programme of archaeological works had been submitted to and approved in writing by the local planning authority. The scheme is to be implemented in full accordance with the approved details.

Reason:

The site was of known archaeological significance and it is important that archaeological remains are appropriately recorded prior to their damage or destruction by the development in accordance with Policy TP12 of the Birmingham Development Plan 2017 and saved Paragraph 8.36 of the Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.

- (v) 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 EAST AREA

REPORT NO. 7 – MUCKLOW PARK, LAND OFF BATTERY WAY, TYSELEY, BIRMINGHAM, B11 3DA

The Area Planning Manager (East Area) advised that there were no updates on the application.

There were no queries or comments raised by Members of the Committee.

Upon being put to the vote it was 11 in favour 0 against and 0 abstention (Note: Councillor Mohammad Fazal did not vote due to technical difficulties)

7710

RESOLVED:-

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

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

REPORT NO. 8 – PLOT 5 – ADVANCED MANUFACTURING HUB, ASTON HALL ROAD, ASTON, BIRMINGHAM B6 7LG

The Principal Planning Officer (North West Area) provided updates to the Committee.

Consultation update:

- Landscape officer - confirmed planting proposals are now acceptable but would like to avoid grey slabs.
- Ecologist – welcomed the increase in trees and shrubs and increase in variety
- Reg Services – are happy the site can have 24hr deliveries, but have concerns about noise generated from these deliveries and therefore recommend a condition to require a Noise Management Plan (NMP) for the service yard that identifies potential noise sources from deliveries and associated activities and provides mitigation measures to reduce/ eliminate the noise.

The Principal Planning Officer (North West Area) informed Members the applicant had submitted updates to conditions. These were around,

- condition 3 – the construction employment plan
- condition 9 – the Noise Management Plan
- conditions 11 & 12 – the submission of foul and surface water drainage
- condition 13 – the submission of a Sustainable Drainage Operation and Maintenance Plan.
- condition 23 – the submission of details of window and door details.

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- condition 24 – the pedestrian visibility splays to be provided.
- condition 30 - Additional condition Requires the submission of a commercial travel plan.
- condition 32 - Additional condition to require the building to be built to BREEAM very good standard.

No comments were raised by Members.

The Chair reminded the Committee the difference with the changes to the conditions outlined by the Principal Planning Officer were submitted via officers therefore considered as part of the decision rather than voted upon individually.

At this juncture, Councillor Fazal informed the Chair he had technical issues and was now able to participate with the Committee.

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

7711

RESOLVED:-

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

Conditions update:

3 – Requires the work to be carried out in accordance with the submitted construction employment plan. The development hereby approved shall be carried out in accordance with the Barberry Industrial Ltd/ Benniman Ltd Employment Method Statement dated 6th October 2020. The approved statement shall be adhered to throughout the construction period.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.

9 - Additional condition to require a Noise Management Plan to be submitted prior to first occupation

Prior to the first occupation of the development hereby approved details of a Noise Management Plan (NMP) for the service yard that identifies potential noise sources from deliveries and associated activities and provides mitigation measures to reduce/ eliminate the noise shall be submitted to and approved in writing by the Local Planning Authority. The operation of the development shall thereafter be carried out in accordance with the approved Noise Management Plan.

Reason:

In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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11 – Requires the submission of foul and surface water drainage details. The development hereby permitted should not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

12 – Requires the foul and surface water drainage to be in accordance with the submitted scheme

The development hereby approved shall be carried out in accordance with the submitted sustainable drainage scheme as detailed in the drainage layout plan drawing 100 P1 and surface water hydraulic modelling network plan drawing sk300 P1 within the Nolan Associates drainage strategy project no. 2020-135 dated August 2020. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

13 – Requires the submission of a Sustainable Drainage Operation and Maintenance Plan. Prior to completion of the below ground drainage works a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan.

Reason:

To ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

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23 – Requires the submission of details of window and door details. The following architectural details shall be submitted to and approved in writing by the Local Planning Authority prior to commencing above ground works on the construction of the building:

- Windows: Overall design and materials, headers, sills, glazing bar and frame dimensions and arrangement, materials, reveal depth.

- External doors: Overall design and materials, fan light, reveal depth, canopy, porch.

The development shall be implemented in accordance with the details approved and thereafter maintained.

Reason:

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

24 – Requires pedestrian visibility splays to be provided. The building shall not be occupied before the pedestrian visibility splays shown on Pedestrian visibility splays drawing 22260-03 have been provided, and these splays shall be kept free of obstacles (with the exception of paladin fencing as shown on the plan).

Reason:

In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

30 - Additional condition Requires the submission of a commercial travel plan Prior to the first occupation of the development a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan should be uploaded and maintained through the "STARSfor" portal that Birmingham City Council is a member of - www.starsfor.org. It should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken and operated in strict accordance with the approved travel plan.

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.

32 - Additional condition to require the building to be built to BREEAM very good standard. A Final Certificate to meet BREEAM standard very good (or any such equivalent national measure of sustainable building which replaces that scheme) must be issued to the local planning authority within a maximum of 6 months post completion in accordance with BREEAM NC 2018 PRE-ASSESSMENT, PLOT 5, AHR, BARBERRY, JULY 2020”

Reason:

To ensure that the development achieves BREEAM rating level very good (or any such equivalent national measure of sustainability for building design which replaces that scheme) in line with policy TP3 of the Birmingham Development Plan.

At this juncture, Councillor Robson left the Committee.

BIRMINGHAM DESIGN GUIDE – PRESENTATION

The Principal City Designer shared a presentation on the Birmingham Design Guide via his screen. A supplementary document was due to go out to consultation next month. This would be utilised by developers to inform of their design schemes. In addition, Planning Officers, Planning Committee would use this to assess the design quality of schemes and ensure these meet the requirements of the Planning Policy.

The Birmingham Design Guide replaces 'Places for Living' residential design guide for Birmingham. An overview of the document was shared to the Committee.

Councillor Moore queried how this process would fit to the recent announcements made by Government around changes to Planning regime. The Planning Reform proposed the design code would be led by residents.

It was noted the Birmingham Design Guide process started a while ago, before the White Paper was published. Last year, the Government had a National Design Guide Document and wanted Local Authorities to have design documents. However, it was highlighted by Principal City Designer there were contradictions and awaited further clarity from Government.

The Chair thanked Principal City Designer for the presentation and welcomed possible virtual drop in sessions for members of the public to make submissions and ask questions on this document.

7712 **RESOLVED:-**

The Committee noted the content of the Birmingham Design Guide.

OTHER URGENT BUSINESS

7713 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

7714

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 1210 hours

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CHAIR