

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE
16 JULY 2020

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 16 JULY 2020 AT 1100 HOURS AS AN ON-LINE MEETING

PRESENT:-

Councillor Karen McCarthy in the Chair;

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

INTRODUCTION

- 7605 The Chair indicated that meeting would be hosted on teams but would be webstreamed and indicated that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting. She noted that members would be using 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

- 7606 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

- 7607 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 1104 hours the meeting was adjourned because of technical issues.

At 1107 hours the meeting was reconvened.

APOLOGIES

- 7608 An apology was submitted on behalf of Councillor Lou Robson for her 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.

CHAIR'S ANNOUNCEMENTS

- 7609 The Chair informed Members that the following meetings were scheduled to take place on the 30 July 2020 and 13 and 27 August 2020.
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MINUTES

- 7610 The Minutes of the meeting of the Committee held on 2 July 2020, 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 CITY CENTRE AREA

REPORT NO. 6 – 176-183 MOSELEY STREET, DIGBETH, BIRMINGHAM, B12 0RT – 2019/10360/PA

The Area Planning Manager (City Centre) advised that the Lead Local Flood Authority (LLFA) had reviewed the revised drainage strategy and supporting documentation from Severn Trent and wished to withdraw their objection subject to the imposition of two additional conditions relating to the requirement of a sustainable drainage scheme and another requiring a sustainable drainage operation and maintenance plan. Officers recommended the imposition of those conditions.

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

- 7611 **RESOLVED:-**

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;

- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 14 August 2020, planning permission be refused for the reasons set out in the report;
- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by the 14 August 2020, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below;

New Condition 1

Requires the prior submission of a sustainable drainage scheme
No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained

Reason:

In order to secure the satisfactory development of the application site 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.

New Condition

New Condition 2

Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan

No building or use hereby permitted shall be occupied or the use commenced until 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 and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme.

The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan

Reason:

In order to secure the satisfactory development of the application site 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.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

REPORT NO. 7 – LAND FRONTING HANLEY STREET, LOWER LOVEDAY STREET AND SUMMER LANE, BIRMINGHAM, B19 3SP – 2019/10402/PA

The Area Planning Manager (City Centre) advised that Regulatory Services, in response to further information from the applicant, had indicated that they continued to recommend refusal as they considered the factory opposite the application site, should it reopen on a similar basis as before, could cause a nuisance. However they understood the need to consider the wider planning balance and that officers were recommending approval. Regulatory Services had looked through the conditions and were satisfied with condition Nos. 3, 4 and 17 to 20. They were suggesting that in place of condition No. 2 two conditions be created to make it clearer the requirements for demolition and construction, so the demolition and construction plan is be split in to two and covered by two conditions. The Area Planning Officer continued that Regulatory Services also proposed two conditions in place of condition No. 16 so that one required details of a noise mitigation scheme to include details of glazing and ventilation specifications and one requiring post installation commission testing to ensure standards had been met. They also recommended a vehicle charging point be provided but a condition was already recommended in the officer's report.

Councillor Diane Donaldson joined the meeting.

Councillor Gareth Moore commented on the application making reference to the view of Regulatory Services, indicating he could not support the recommendations because of the external noise impact and the Area Planning Manager (City Centre) responded thereto.

The Chair indicated that because Councillor Donaldson had not been present at the start of the item, she would be unable to allow her to vote.

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

7612

RESOLVED:-

- (i) That consideration of the application be deferred pending the completion of a suitable legal agreement as set out in the report;
- (ii) that, in the event of the above legal agreement not being completed to the satisfaction of the local planning authority by the 4 September 2020, planning permission be refused for the reasons set out in the report;

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- (iii) that, in the event of the legal agreement being completed to the satisfaction of the local planning authority by the 4 September 2020, favourable consideration would be given to the planning application subject to the conditions set out in the report and amended below;

Condition No. 2 to be replaced with

New condition 1

Submission of a Demolition Management Plan

No demolition shall take place until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- assessing and dealing with hazardous materials,
- integration with the contaminated land remediation strategy or remediation limitations,
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- demolition hours,
- noise control methodologies,
- the erection and maintenance of security hoarding including decorative displays and facilities for public, viewing, where appropriate,
- wheel washing facilities,
- measures to control the emission of dust and dirt during demolition,
- a scheme for the recycling/disposing of waste resulting from demolition.

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

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

New Condition 2

Submission of a Construction Management Plan

No construction works shall take place until a construction method statement and management plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- assessing and dealing with contamination and hazardous materials and risks during site preparation and construction,
- loading and unloading of plant and materials,

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- construction hours,
- noise control methodologies,
- measures to control the emission of dust and dirt during construction,
- a scheme for the recycling/disposing of waste resulting from construction works.

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

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 as the information is required prior to development commencing 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.

Condition No. 16 to be replaced with

New condition 3

Noise Mitigation Scheme

- a) Prior to the commencement of construction, a scheme of noise mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority which shall detail the following:-
 - i. the design and specification for the proposed noise mitigation from glazing, building components, acoustic barriers and ventilation provision – this shall ensure that the internal noise environment to habitable rooms meets:-
 - the daytime and night-time internal noise level criteria requirements detailed in section 7 (and in particular Table 4) of British Standard 8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’, and
 - the 2017 ProPG on Planning and Noise – ‘New residential developments’, and
 - the requirements of the Birmingham City Council Planning Consultation Guidance Note on Noise & Vibration and considers noise from entertainment, hospitality and related activities.
 - ii. if any mechanical ventilation is proposed, the design and specification for any mechanical ventilation system to any habitable room (other than kitchen or bathroom extraction) - the scheme shall include an assessment of the combined impact of the noise break-through from the building structure (including glazing) and the noise generated by the mechanical ventilation within the habitable

room. The scheme shall also address the adequacy of the ventilation system to avoid over-heating conditions and shall be supported by an overheating assessment carried out in accordance with CIBSE TM59 Design methodology for the assessment of overheating risk in homes.

The noise mitigation and ventilation shall be undertaken in accordance with the approved details prior to occupation of the development and thereafter be maintained.

Reason:

In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of the approved dwellings in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

New Condition 4

Noise Commissioning Testing

- a) A method of post-installation commissioning testing and assessment of the approved acoustic mitigation scheme shall be submitted to and agreed in writing by the local planning authority. This assessment and testing shall demonstrate that:-
 - i. noise generated by the MVHR system within habitable rooms does not exceed NR20, and
 - ii the internal noise environment to habitable rooms shall (under all conditions of the test) meet the daytime and night-time internal noise level criteria requirements detailed in section 7 (and in particular Table 4) of British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings', the 2017 ProPG on Planning and Noise – 'New residential developments' and the requirements of the Birmingham City Council Planning Consultation Guidance Note on Noise & Vibration.
- b) Prior to the first occupation of the development a report detailing the results of the post-installation commissioning testing and assessment of the acoustic mitigation scheme demonstrating that the scheme meets i), and ii) above shall be submitted to and approved in writing by the local planning authority.

Reason:

In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of the approved dwellings in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

- (iv) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

**REPORT NO. 8 – LAND AT THE CORNER OF HIGHFIELD LANE AND
WOODRIDGE AVENUE, QUINTON, BIRMINGHAM, B32 1RE –
2020/00357/PA**

The Area Planning Manager (South) indicated that Transportation had recommended a further condition be included so that the vehicle access and new road was in place prior to first occupation of the houses.

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

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

7613

RESOLVED:-

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

New Condition

Requires the submission and completion of on and off site highway works
The development shall not be occupied until the proposed new highway access and extension of footway, as shown on the approved plans, have been substantially completed. All works to be carried out at the applicants expense to Birmingham City Council specification and any required highway agreements.

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.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

**REPORT NO. 9 – FORMER BCU CITY NORTH CAMPUS, FRANCHISE
STREET, PERRY BARR, BIRMINGHAM, B42 2SU – 2020/02963/PA**

The Principal Planning Officer advised there was no updates and made introductory comments relating to the report.

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

7614

RESOLVED:-

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

POLICY REPORTS

PROTOCOL FOR PRE-APPLICATION PRESENTATIONS TO PLANNING COMMITTEE

The Interim Assistant Director Planning made introductory comments relating to the report and explained that in paragraph 2.2 of the report changed the paragraph 8.14 (iv-vi) in the Planning Code of Practice and paragraphs (iii) and (iv) in the temporary Planning Code of Practice.

Councillor Gareth Moore noted that the report did not reflect that it was the intention that the proposals be trailed to establish if they worked. He would have expected that Members would have the opportunity of reviewing the effectiveness of the proposal.

The Chair commented that it was the intention to review after 12 months and the Interim Assistant Director Planning Interim Assistant Director Planning agreed that assertion.

Councillor Gareth Moore indicated that he would prefer to review after 6 months and the Chair indicated that was acceptable.

Councillors Peter Griffiths and Martin Straker Welds spoke in support of reviewing after 6 months.

The Interim Assistant Director Planning suggested the following additional recommendation:-

“That the ‘Protocol for Pre-Application Presentations to Planning Committee’ be reviewed after 6 months.”

It was –

7615

RESOLVED:-

- (i) That the ‘Protocol for Pre-application Presentations to Planning Committee’ as set out in Appendix 1 be approved;
- (ii) that the Planning Code of Practice be amended to delete paragraphs 8.14(iv-vi) which refer to pre-application presentations and Issues Reports and replace them with:
 - iv. Agents or prospective applicants have the opportunity to present their proposals to members of the Planning Committee at presentations organised in accordance with the ‘Protocol for Pre-application Presentations to Planning Committee’.*
- (iii) that the ‘Protocol for Pre-Application Presentations to Planning Committee’ be reviewed after 6 months.

**PUBLIC CONSULTATION ON THE TEMPORARY CHANGES TO THE
STATEMENT OF COMMUNITY INVOLVEMENT (SCI) DUE TO COVID-19
RESTRICTIONS**

Councillor Gareth Moore was concerned as to how long the temporary changes were to remain in place. He felt that, in line with other measures to deal with Covid 19, the measure should be in place until May 2021 at which time a formal decision would be taken whether to continue with the temporary arrangements or revert to original document.

The Chair indicated that Cabinet was undertaking the consultation as the document was its responsibility and Members could respond to the consultation on an individual basis. She noted that Councillor Moore's comment would be taken through the consultation process by officers.

The Principal Planning Policy Officer indicated that the changes and wording were as flexible as possible so that if there was a change in Covid 19 guidance it would be easy to relax any restrictions in the SCI accordingly. He noted that an end date could be inserted to make the document consistent with other temporary measures to deal with issues arising from Covid 19 situation.

7616 **RESOLVED:-**

That the contents of the report be noted.

OTHER URGENT BUSINESS

7617 There were no items raised.

AUTHORITY TO CHAIR AND OFFICERS

7618 **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 1143 hours

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CHAIR