

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
1 MARCH 2018**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 1 MARCH 2018 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM

PRESENT:-

Councillor Mike Sharpe in the Chair;

Councillors Tahir Ali, Bob Beauchamp, Maureen Cornish, Peter Douglas Osborn, Mohammed Fazal, Barry Henley, Carol Jones, Gareth Moore, Martin Straker Welds and Fiona Williams.

PUBLIC ATTENDANCE

- 6031 The Chairman welcomed members of the public to the meeting, indicating that a leaflet had been circulated explaining how the Committee operated. He stressed that, because the Committee was a quasi-judicial one, no decisions had been made before the meeting.
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NOTICE OF RECORDING

- 6032 The Chairman 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.
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DECLARATIONS OF INTEREST

- 6033 The Chairman 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.
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CHAIRMAN'S ANNOUNCEMENTS

Planning Committee Meetings

- 6034 The Chairman informed Members that meetings were scheduled to take place on 15 March, 29 March and 12 April 2018.
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APOLOGIES

6035 No apologies were submitted.

MINUTES

6036 **RESOLVED:-**

It was noted that the Minutes of the last meeting will be submitted to the next meeting of the Planning Committee.

MATTERS ARISING

6037 There were no matters arising.

NOTIFICATIONS BY MEMBERS OF PLANNING APPLICATIONS THAT THEY CONSIDER SHOULD BE DETERMINED BY COMMITTEE

Planning Application No 2017/10597/PA – 32 Holly Lane, Erdington, B24 9JS

6038 Councillor Gareth Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns expressed regarding the scale of the building and the loss of residential amenity.

PETITION(S)

6039 No petitions were received.

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 CORPORATE DIRECTOR, ECONOMY

The following reports were submitted:-

(See document No 1)

Planning Applications in Respect of the South Area

Report No 8 – 103 Selly Park Road, Selly Park – 2017/10237/PA

The Area Planning Manager (South) introduced the report.

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Members commented on the application and the Area Planning Manager (South) responded thereto. He reported concerns from Councillor McCarthy that the application was recommended for approval.

Upon being put to a vote it was 9 in favour, 4 against and 1 abstention.

6040

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 9 – 35 Boldmere Road, Sutton Coldfield, B73 5UY – 2017/10312/PA

The Area Planning Manager (North West) introduced the report.

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

Members requested that the Planning Application be deferred to a future meeting pending further information.

The Chairman proposed and Councillor Keith Linnecor seconded that consideration of the application be deferred pending further information and upon being put to a vote it was 13 in favour, 0 against and 1 abstention.

6041

RESOLVED:-

That planning permission be deferred pending further information.

Report No 10 – St Marys Church of England Primary Academy and Nursery, 292 Hamstead Road, Handsworth – 2017/10931/PA

The Area Planning Manager (North West) introduced the report and stated that the wording in paragraph 6.5 should read 'The proposal would not **affect** existing etc'.

Upon being put to a vote it was 14 in favour, 0 against and 0 abstentions.

6042

RESOLVED:-

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

Report No 11 – Land Fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street, St Luke's Estate, – 2017/10448/PA

The Area Planning Manager (City Centre) introduced the report and stated that comments had been received from Regulatory Services and that it was necessary to attach 4 additional conditions.

Members welcomed the development but expressed regret at the loss of the church building as part of the redevelopment.

The officer stated that Members suggestion to install a sprinkler system in the Apartment Block and the suggestion to include a variety of fruit trees in the landscaping scheme would be discussed with the developer.

Upon being put to a vote it was 14 in favour, 0 against and 0 abstentions.

6043

RESOLVED:-

- (i) That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Transport be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990;
- (ii) that consideration of the application be approved pending the completion of a suitable legal agreement as set out in the report;
- (iii) that, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 15 March 2018, 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 on or before 15 March 2018, favourable consideration would be given to the Planning Application subject to the conditions set out in the report;
- (v) that the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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

• 4 Additional conditions:

- Limits the noise levels for Plant and Machinery

The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing Laeq at any noise sensitive premises as assessed in accordance with

British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification. Reason: In order to secure a satisfactory development and to safeguard the amenities of occupiers of dwellings on the site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- Secures noise and vibration levels for habitable rooms

The layout of the proposed development shall be designed to ensure that noise and vibration levels for facades containing habitable rooms and for outdoor living spaces do not exceed the criteria provided in the current EPU Planning Consultation Guidance Note 1 (Noise and Vibration) and the NPPF. No development (other than demolition) shall take place on any phase of development until a noise assessment has been undertaken to demonstrate that the development meets the requirements. The assessment shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details. Reason: In order to secure a satisfactory development site and to safeguard the amenities of occupiers of dwellings on the site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

- Limits the entertainment noise level

Noise emanating from the commercial premises (Leq, 5min) shall not exceed the following:-

- a level 10dB less than the background noise level (L90, 5min measured in the absence of the entertainment noise) in octave bands from 63Hz to 4kHz at the façade of any noise sensitive premises.
- octave band levels (Leq, 5min) at the façade of any noise sensitive premises
Octave Band Leq, 5Min 63 Hz 39, 125 Hz 27, 250 Hz 17, 500 Hz 10, 1 kHz 5, 2 kHz 1, 4kHz -1
- octave band levels (Leq, 5min) within any attached noise sensitive premises:
Octave Band Leq, 5Min, 63 Hz 36, 125 Hz 22, 250 Hz 12, 500 Hz 5, 1 kHz 0, 2 kHz -4, 4kHz -6

Reason: In order to secure a satisfactory development and to safeguard the amenities of occupiers of dwellings adjacent to the commercial unit in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

- Requires an air quality assessment and monitoring

No development shall take place, other than demolition, until a full air quality assessment for each phase of development has been carried out to determine the air quality at the building facades and the results submitted in writing to the Local Planning Authority. If the results, for any facades which include dwellings, predict exceedance of national air quality objective values then a scheme of mitigation for the dwellings affected shall be submitted to and approved in writing by the Local Planning Authority. No phase of development shall be occupied unless the agreed mitigation measures have been provided in accordance with the approved details.

If mitigation is required, within 12 months of first residential occupation of any phase of development, an air quality monitoring plan shall be submitted and agreed in writing with the Local Planning Authority. If the monitoring plan demonstrates that the air quality exposure exceedances no longer occur the dwellings subject to mitigation shall be provided with a natural ventilation option in addition, or instead of, the installed mechanical ventilation.

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.

Report No 12 – Central Methodist Hall, 196 – 224 Corporation Street, Ladywood – 2017/10287/PA

The Area Planning Manager (City Centre) introduced the report.

Two objectors spoke against the application.

A supporter spoke in favour of the application.

Members welcomed the application as the Grade 2 listed building was currently in a poor state of repair and it's deterioration over many years had placed the building on Historic England's Heritage at Risk Register.

Upon being put to a vote it was 14 in favour, 0 against and 0 abstentions.

6044

RESOLVED:-

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

Report No 13 – Central Methodist Hall, 196 – 224 Corporation Street, Ladywood – 2017/10287/PA

The Area Planning Manager (City Centre) introduced the report.

Upon being put to a vote it was 14 in favour, 0 against and 0 abstentions.

6045

RESOLVED:-

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

Report No 14 – Land at Vesey Street, Lench Street, Lancaster Street and Lancaster Circus, St Chads Queensway – 2017/08885/PA

The Area Planning Manager (City Centre) introduced the report and stated that comments had been received from Regulatory Services and that it was necessary to remove Condition 12 and to attach 3 additional conditions.

Members expressed concern that there was insufficient parking provision for residents. It was agreed to amend Condition 19 to include S38 works.

Upon being put to a vote it was 11 in favour, 2 against and 0 abstentions.

6046

RESOLVED:-

- (i) That the City Solicitor be authorised to make an Order in accordance with the provision of Section 257 of Town and Country Planning Act 1990.
- (ii) That Planning permission be granted subject to the recommendations and conditions set out in the report and amended below;

• Delete condition 12

• Alteration to condition 19:

Requires the prior submission and completion of works for the combined **S38 & S278/TRO** Agreement.

The development shall not be occupied until a package of highway measures has been approved in writing by the Local Planning Authority and the approved measures have been completed. The package of measures shall include Traffic Regulation Orders to be amended to provide new loading/waiting restrictions, removal of redundant footway crossings, drain diversion works and provision of landscaping and a replacement pedestrian footpath between Lench Street and Lancaster Street, generally in accordance with drawing ref 6247-L-200, and are to be carried out at the applicants expense to Birmingham City Council specification.

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.

• 3 extra conditions:

- Requires the prior submission of extraction and odour control details
Prior to the commencement of above ground development details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF

- Secures noise insulation and assessment
Prior to commencement of above ground development a further noise assessment shall be undertaken to consider the impacts of all potential noise

sources including plant, equipment and mechanical ventilation and a noise insulation and mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.

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.

- Secures further air quality

Prior to commencement of above ground development details of a further air quality assessment shall be submitted and undertaken to consider the impacts of both traffic and plant, equipment and combustion sources and a scheme for the mitigation of the air quality impacts has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained.

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.

Report No 15 – Land and Bounded by, Paradise Circus Queensway and Surroundings Including Chamberlain Square, Parade, and Paradise Street – 2017/10835/PA

The Area Planning Manager (City Centre) introduced the report.

Members welcomed the development but expressed concern that traffic congestion may be a problem.

Upon being put to a vote it was 14 in favour, 0 against and 0 abstentions.

6047 **RESOLVED:-**

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

VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS

6048 There were no site visits pending.

OTHER URGENT BUSINESS

6049 No items of Other Urgent Business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

6050

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.

EXCLUSION OF THE PUBLIC

6051

RESOLVED:-

That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc

**Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972**

Private section of the Minutes of the last 3
meeting.