

# BIRMINGHAM CITY COUNCIL

<b>PLANNING COMMITTEE</b> <b>22 DECEMBER 2016</b>
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## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 22 DECEMBER 2016 AT 1100 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

### **PRESENT:-**

Councillor Sharpe in the Chair;

Councillors T Ali, Azim, Beauchamp, Booton, Douglas Osborn, Fazal, K Jenkins, Linnecor, Moore and Straker Welds.

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### **PUBLIC ATTENDANCE**

- 5136 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**

- 5137 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.birminghamnewsroom.com](http://www.birminghamnewsroom.com)) and members of the press/public could record and take photographs. The whole of the meeting would be filmed except where there were confidential or exempt items.

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### **CHAIRMAN'S ANNOUNCEMENTS**

#### **Planning Committee Meetings**

- 5138 The Chairman informed Members that meetings were scheduled to take place on 5, 19 January, 2 and 16 February 2017.

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### **APOLOGIES**

- 5139 Apologies were submitted on behalf of Councillors Cornish, Henley, C Jones and Williams.

**MINUTES**

5140 **RESOLVED:-**

That the Minutes of that part of the last meeting of the Committee open to the public be noted.

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**MATTERS ARISING**

5141 There were no matters arising.

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

**Planning Application No 2016/09132/PA – Old Horns Crescent, Great Barr**

5142 Councillor Moore requested that a report relating to the above planning application be submitted to a future meeting of the Committee in light of concerns regarding the impact the proposal might have on the highway, traffic and the loss of green space.

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**PETITIONS**

5143 No petitions were received.

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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 OF PLANNING AND REGENERATION**

The following reports were submitted:-

(See document No 1)

**Planning Applications in Respect of the East Area**

**Report No 8 – C4 Castle Vale Enterprise Park, Park Lane, Castle Vale – 2016/08132/PA**

The Area Planning Manager (East) outlined comments received from Councillor Brown regarding the proposal.

A supporter spoke against the recommendation to refuse planning permission.

The Area Planning Manager (East) responded to comments made by the supporter.

Members commented on the application and it was agreed that officers liaise with the applicant to try to find suitable premises. It was also agreed that the applicant be given up to six months to make alternative arrangements and that no enforcement action be taken during that time.

The Area Planning Manager (East) and Head of Planning Management responded to Members' comments.

Upon being put to a vote it was 8 in favour, 0 against and 2 abstentions.

5144 **RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report.

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**Report No 9 – 16 Flint Green Road, Acocks Green – 2016/08228/PA**

The Area Planning Manager (East) advised that additional representations objecting to the proposal had been received. She added that the application was for determination and drew Members' attention to the additional information set out in the report.

Members commented on the application and in light of the additional information Councillor Straker Welds proposed and it was seconded by Councillor Azim that planning permission be granted.

Upon being put to a vote it was 4 in favour, 3 against and 3 abstentions.

5145 **RESOLVED:-**

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

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**Report No 10 – Land Adjacent Cascades Swimming Baths, Station Road, Stechford – 2016/09092/PA**

The Area Planning Manager (East) advised that she wished to amend the conditions in light of acceptable submissions.

Members commented on the application and the Head of Planning Management responded thereto.

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

5146

**RESOLVED:-**

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

Amended Condition 2:

Requires the Implementation of the Approved Ground Contamination Remediation Measures.

Ground contamination remediation measures shall be provided in accordance with the details set out within the "Discovery Strategy" report (Pam Brown Associates. Project No: 1637-16/RB/MMS, dated November 2016). Any changes to these measures require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Amended Condition 6:

Requires the Implementation of the Approved Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

The Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan shall be provided in accordance with Drawing nos. 2014-262 100 Rev H, 2014-262 106 P2, 2014-262 108 P1 and E172116\_01\_D, and the 2014-262 SUDS Statement, Porous Paving Detail and Surface Water Management – Operation and Maintenance pro-forma. 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 there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and 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), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

Amended Condition 11:

Requires the Scheme to be in Accordance with the Approved Landscaping Scheme.

The approved landscaping scheme shall be implemented in accordance with drawing no. W2076-1001 Rev E. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005.

Amended Condition 12:

Requires the Scheme to be in Accordance with the Approved Hard Surfacing Materials.

The approved hard surfacing materials shall be implemented in accordance with drawing no. W2076-1002 Rev E and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

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**Planning Applications in Respect of the City Centre Area**

**Report No 11 – 32-35 Water Street, Jewellery Quarter, City Centre – 2016/08575/PA**

The Area Planning Manager (City Centre) advised that two petitions in support of the proposal had been received.

A supporter spoke against the recommendation to refuse planning permission.

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

Members commented on the application.

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

5147 **RESOLVED:-**

That planning permission be refused for the reason(s) set out in the report.

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**Report No 12 – International House, Staniforth Street, City Centre – 2016/07872/PA**

The Area Planning Manager (City Centre) in referring to paragraph 6.28 of the report advised that 10,222 square metres of net additional gross internal floor space would equate to a payment of £600,000 not £705,318.

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

Upon being put to a vote it was 9 in favour, 1 against and 0 abstentions.

5148 **RESOLVED:-**

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

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**Report No 13 – Phase 8A, The Mint, Icknield Street, Jewellery Quarter, City Centre – 2016/05029/PA**

A Member commented on the application.

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

5149 **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 on or before 5 January 2017, 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 on or before 5 January 2017, favourable consideration would be given to the planning application subject to the conditions set out in the report;
  - (iv) 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 North West Area**

**Report No 14 – 276 Soho Road, Handsworth – 2016/04344/PA**

A Member commented on the application.

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

5150

**RESOLVED:-**

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

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**Report No 15 – 51 Upper Holland Road, Sutton Coldfield – 2016/06059/PA**

The Area Planning Manager (North West) advised that the application was for determination and drew Members' attention to the additional information set out in the report.

Members commented on the application and the Head of Planning Management responded thereto.

Members then voted on the original recommendation which was to 'approve subject to conditions' and it was 7 in favour, 3 against and 0 abstentions.

5151

**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 South Area**

**Report No 16 – Fitness First Health Centre, Pershore Road, Selly Oak – 2016/00664/PA**

The Area Planning Manager (South) advised that the application was for determination and drew Members' attention to the additional information set out in the report.

He pointed out that additional letters, both in objection to and in support of the proposal, had been received and outlined the details contained therein.

He reminded Members of the update to Condition 3, given verbally at the meeting held on 8 December 2016 limiting the hours of use.

The Transport Manager explained the impact that the development might have on traffic flows and the mitigation measures proposed by the applicant.

Members commented on the proposal, took into consideration the strength of the reasons for refusal detailed in the report and the likelihood of the applicant overturning the decision at an appeal if permission was not granted.

The Area Planning Manager (South) and Transport Manager responded to Members' comments.

Based on the additional information regarding the strength of the reasons for refusal it was proposed by Councillor Straker Welds and seconded by Councillor T Ali that planning permission be granted and upon being put to a vote it was 6 in favour, 3 against and 1 abstention.

5152 **RESOLVED:-**

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

Limits the Hours of Use to 0700-2200 Monday-Saturday and Bank Holidays and 1000-1700 Sundays.

The premises shall only be open for customers between 0700-2200 hours Monday to Saturday and Bank Holidays and 1000-1700 hours on Sundays.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

(Councillor Linnecor wished to be recorded as having abstained from voting).

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**Report No 17 – B A P S Shri Swaminarayan Mandir, 75 Pitmaston Road, Hall Green – 2016/06603/PA**

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

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

5153 **RESOLVED:-**

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

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**Report No 18 – 10 Bournville Lane, Bournville – 2016/09173/PA**

A Member commented on the application and the Head of Planning Management responded thereto.

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

5154 **RESOLVED:-**

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

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**POLICY REPORTS**

The following report of the Director of Planning and Regeneration was submitted:-

(See document No 2)

**Appeal Decisions Received from the Planning Inspectorate in November 2016**

The Head of Planning Management introduced the report and responded to Members' comments.

5155 **RESOLVED:-**

That the schedule of appeal decisions received from the Planning Inspectorate in November 2016 be noted.

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Councillor K Jenkins left the meeting at this point.

**Provision of Delegated Powers and Constitution Arrangements in Respect of the High Speed 2 (HS2) (London to West Midlands) Bill**

The following report of the Strategic Director of Economy was submitted:-

(See document No 3)

The Area Planning Manager (East) requested that paragraph 4.14 of the report be amended proposing that relevant Ward Members be consulted on each Schedule 17 application.

Members commented on the report and the Head of Planning Management responded thereto.

It was proposed by Councillor T Ali and seconded by Councillor Linnecor that recommendation 2.2 be amended to read 'The Strategic Director of Economy **in agreement** with the Chairman of Planning Committee...'. Upon being put to

a vote it was 6 in favour, 3 against and 0 abstentions that the recommendation be amended accordingly.

5156

**RESOLVED:-**

- (i) That the Strategic Director of Economy be authorised to exercise and sub-delegate the delegated powers as set out in the appendix to the report;
- (ii) that the Strategic Director of Economy, in agreement with the Chairman of Planning Committee, be authorised, in cases of referral to Planning Committee but where 8 week expiry will arise before the next available meeting of Planning Committee, to exercise all of the powers of Planning Committee in respect of High Speed 2 (HS2) (London to West Midlands);
- (iii) that these additional delegations be referred to the Chief Executive for noting, in accordance with constitutional requirements;
- (iv) that the proposed approach to public and statutory consultation be agreed and implemented as set out in the report and amended below:-

Amended Paragraph 4.14:

In addition, it is proposed that relevant Ward Members are consulted on each Schedule 17 application. In addition, those Departments and internal consultees that are relevant to the considerations of each particular application would also be consulted.

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**VISITS TO SITES IN CONNECTION WITH PLANNING APPLICATIONS**

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There were no site visits pending.

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**OTHER URGENT BUSINESS**

The Chairman was of the opinion that the following items should be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act:-

**A. Article 4 Direction in Erdington**

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The Head of Planning Management advised that he had no further information to report regarding the request by Councillor Moore for an Article 4 Direction in Erdington.

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**B. Spirit of Enterprise Statue**

- 5159 Councillor Douglas Osborn enquired whether the Spirit of Enterprise statue would be returned to Centenary Square.
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**C. Environmental Sub-Committee**

- 5160 In response to comments by Councillors Linnecor and Straker Welds, the Chairman advised that further information regarding the establishment of an Environmental Sub-Committee was awaited from the Director of Planning and Regeneration.
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**AUTHORITY TO CHAIRMAN AND OFFICERS**

- 5161 **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.

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**EXCLUSION OF THE PUBLIC**

- 5162 **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.