

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE  
27 AUGUST 2020**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 27 AUGUST 2020 AT 1100 HOURS AS AN ON-LINE MEETING**

### **PRESENT:-**

Councillor Karen McCarthy in the Chair;

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

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### **INTRODUCTION**

- 7652 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.

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### **NOTICE OF RECORDING**

- 7653 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**

- 7654 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.

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### **APOLOGIES**

- 7655 Apologies were submitted on behalf of Councillors Bob Beauchamp and Lou Robson 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.

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**CHAIR'S ANNOUNCEMENTS**

7656 The Chair informed Members that due to a lack of reports that could be submitted to the meeting scheduled to be held on the 10 September the formal meeting was cancelled but she proposed that an informal meeting would be held on that day to allow Members to discuss the white paper on planning.

The Chair advised the following meetings were scheduled to take place on the 24 September and 8 October 2020.

The Chair continued that, as Members were aware, there was some national training on the 5 November which they would be involved in and it was the intention to try and ensure that no meeting of the Committee was required that day.

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**MINUTES**

7657 The Minutes of the meeting of the Committee held on 30 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 EAST AREA**

**REPORT NO. 6 – LAURELS COURT, 65 FREDERICK ROAD, STECHFORD, BIRMINGHAM, B33 8AE – 2019/06951/PA**

The Principal Planning Officer (East) advised that there were updates in that since the drafting of the 'report back' in an email dated 21 August the applicant's agent:

- expressed their disappointment in the change of recommendation and the new recommendation for refusal.
- stated that a meeting had been held with local residents and the applicant to address their concerns 'Head on' and it has been

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suggested and agreed that a suitable management plan could be developed.

- requested to the Committee that consideration of the application be deferred for a further period to enable meeting(s) to be held between the applicant, local residents and the Local Planning Authority to find a solution to the issues.
- indicated that local residents would be writing to the Local Planning Authority seeking a deferment of consideration of the application.

The Principal Planning Officer (East) advised that 2 local residents had sent in detailed letters in respect of the 'report back' report and change of recommendation, as follows:

- Confirmed that a meeting between the applicant and local residents and a local Councillor took place at the end of July.
- Suggest that the meeting ended with no agreement and the applicants were to persist with the current application. One of the residents indicated that the meeting had been intimidating where residents had been told to accept the proposals as the lease is for 10 years.
- Concerns raised at the proposed use and if the premises were operated outside their licence.
- Maintained their objections to the application as submitted and noted that the premises had been operating without the benefit of planning permission for a period of about 18 months and the incidents have continued and in fact deteriorated.
- Suggest that calls to the police had come from both within the premises and from local area.
- They felt that the issues were not the fault of the residents within the premises but the management of the premises as some residents needed specialist support.
- Confirmed that they did not support a further deferral of consideration of the application.
- Confirmed that they together with those who campaigned fully support the new recommendation.

The Principal Planning Officer (East) made introductory comments relating to the report and highlighted that officers did not feel that a further deferral would be beneficial and were continuing to recommend refusal for the reason set out in the report.

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

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### **RESOLVED:-**

- (i) That the application recommendation be changed to reflect the concerns raised; and
  - (ii) that planning permission be refused for the reason(s) set out in the 'report back' section of the report.
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**REPORT NO. 7 – 82 FRANCES ROAD, STOCKLAND GREEN,  
BIRMINGHAM, B23 7LE - 2020/03934/PA**

The Principal Planning Officer advised that there were no updates and introduced the report highlighting that the application was for a lawful development certificate and therefore views expressed relating to the planning merits of the case could not be considered.

Upon being put to a vote it was 7 in favour, 0 against and 3 abstention.

It was noted that Councillor Mohammed Fazal had been unable to vote due to technical difficulties.

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**RESOLVED:-**

That a lawful development certificate be issued.

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

**REPORT NO. 8 – AFRICAN VILLAGE, FORMER CROWN AND CUSHION,  
BIRCHFIELD ROAD, PERRY BARR, BIRMINGHAM, B20 3JE –  
2018/07488/PA**

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

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

It was noted that Councillor Mohammed Fazal had been unable to vote due to technical difficulties.

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**RESOLVED:-**

- (i) That resolution No. 7633 dated 30 July 2020 be rescinded; and
- (ii) that planning permission be granted subject to the conditions set out in the original report and amended below:-

**New Condition**

Requirements within pre-defined tree protection areas

The protection of any existing tree to be retained in accordance with the approved plans and particulars set out in submitted Arboricultural report THR 18-71 and shall be achieved as follows:

- a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars as referenced above which shall have been previously submitted to and approved by the Local Planning Authority in writing;

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- b) if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority;
- c) the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site;
- d) within any area fenced in accordance with this condition nothing shall be stored placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the authority; and
- e) no equipment, machinery or structure shall be attached to or supported by a retained tree.

These measures shall apply for the duration of the construction phase and until all equipment; machinery and surplus materials have been removed from the site.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

### **New Condition**

Limits agreed trees works to 2 years

The works hereby approved shall consist only of those detailed in this consent, as qualified by these conditions and shall be completed in their entirety. The consent for this particular work is valid for 2 years from the date of consent.

Reason:

To ensure works are undertaken in accordance with BS3998 Recommendations for Tree Work and all good working practice, are not detrimental to the health or the structural integrity of the protected tree and to preserve its amenity value in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

### **New Condition**

Prior to Commencement of Development - S106 Obligation

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No development hereby permitted shall be commenced unless and until all estates and interests in the site required to be bound to ensure satisfactory enforcement of the obligations contained in a Section 106 Agreement relating to this planning permission, have been bound or made subject to the Planning Obligations and other provisions relating thereto, to the satisfaction (as confirmed in writing) of the Local Planning Authority. The Section 106 Agreement shall secure the provision of 10 low cost ownership dwellings, consisting of 5 no. two bed and 5 no. one bed, on site (at 20% discount); and the payment of a monitoring and administration fee associated with the legal agreement of £1,500.

Reason:

In order to secure the provision of affordable housing in accordance with Policies PG3 and TP31 of the Birmingham Development Plan 2017 and the NPPF.

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### **REPORT NO. 9 – 52 GIBSON ROAD, HANDSWORTH, BIRMINGHAM, B20 3UD – 2020/03831/PA**

The Principal Householder Planning Officer indicated that there was an update in that a further objection had been received from a neighbouring resident who raised concerns on the impact on privacy and light on the first-floor rear extension. There was also concern relating to the impact on the view from the neighbour's rear window located above the existing garage. They are satisfied that the rear balconies had been omitted from the proposals.

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

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#### **RESOLVED:-**

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

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### **OTHER URGENT BUSINESS**

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There were no items raised.

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

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#### **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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The meeting ended at 1127 hours

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CHAIR