

# BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE**  
**30 JULY 2020**

## **MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 30 JULY 2020 AT 1100 HOURS AS AN ON-LINE MEETING**

### **PRESENT:-**

Councillor Karen McCarthy in the Chair;

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

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### **INTRODUCTION**

- 7619 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**

- 7620 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**

- 7621 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**

- 7622 Apologies were submitted on behalf of Councillor Maureen Cornish and Mike Ward 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**

7622 The Chair informed Members that the following meetings were scheduled to take place on the 13 and 27 August 2020 and 10 September, 2020.

The Chair indicated that a report on Committee Development Rights will be on the agenda for 13 August, 2020.

The Chair advised that report No. 17 – Acivico Consultancy Ltd be moved forward to item 6.

There were some written representations from people with speaking rights that would be read out.

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**MINUTES**

7623 The Minutes of the meeting of the Committee held on 16 July 2020, having been circulated, were confirmed by the Committee and signed by the Chair.

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**ACIVICO (BUILDING CONSULTANCY) LTD – ANNUAL PERFORMANCE OVERVIEW – FINANCIAL YEAR (1<sup>ST</sup> APRIL, 2019 – 31<sup>ST</sup> MARCH, 2020 INCLUSIVE)**

The following report of the Interim Director, Inclusive Growth was submitted:-

(See Document no.1)

Councillor Griffiths declared a non pecuniary interest as a Director of Acivico.

There being no discussion it was:-

7624 **RESOLVED:-**

That the report of the Interim Director, Inclusive Growth be noted.

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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. 2)

**PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA**

**REPORT NO 6 - BULL RING TRADING ESTATE, GREEN STREET, DERITEND, BIRMINGHAM, B12 ONB – 2019/07805/PA**

The Area Planning Manager (City Centre) advised that there were no updates and made introductory comments relating to the report.

The Area Planning Manager (South) read a statement on behalf of an objector to the application.

The Area Planning Manager (South) read a statement on behalf of a supporter to the application.

In response to the Chair, Councillor Malik confirmed that he had been present for the whole presentation.

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

Upon being put to a vote it was 9 in favour, 2 against and 0 abstention.

7625

**RESOLVED:-**

- (i) That consideration of application be deferred pending the completion of a legal agreement as set out in the report;
- (ii) That in the event of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority by the 30 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 30 August 2020, favourable consideration be given to this 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.

**REPORT NO 7 – LAND AT FORMER MONACO HOUSE SITE, BRISTOL STREET, BIRMINGHAM, B5 7AS – 2017/10551/PA**

The Area Planning Manager (City Centre Area) advised that at paragraphs 1.5, 1.7 and 2.3 the triggers for the re-run of the viability exercise should be at 75% occupation rather than at 75% completion.

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

7626

**RESOLVED:-**

- (i) That the original resolution be amended and 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 30 August 2020 the planning permission be refused for the reasons set out in the report.
- (iii) That no objection be raised to the stopping-up of Section of footway on Bristol Street and pedestrian subway that runs beneath Bristol Street and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- (iv) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30 August 2020, favourable consideration be given to this application subject to the conditions listed below.
- (v) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

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**PLANNING APPLICATION IN RESPECT OF THE SOUTH AREA**

**REPORT NO 8 – NORTH WORCESTERSHIRE GOLF CLUB, HANGING LANE, NORTHFIELD, BIRMINGHAM, B31 5LP – 2019/10649/PA**

Councillors Peter Griffiths, Julie Johnson and Simon Morrall declared non pecuniary interests having previously expressed a view on the application and took no part in consideration of the item.

The Area Planning Manager (South Area) advised that an additional email had been received from Councillor Armstrong raising concerns that none of the promised consultation with the community had been undertaken by Bloor Homes.

The Area Planning Manager (South Area) read a statement on behalf of an objector to the application.

The Area Planning Manager (South Area) read a statement on behalf of a supporter to the application.

The Area Planning Manager (South Area) and Transport Manager responded to statements made by the objector and supporter.

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

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

7627

**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 1 September 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 1 September 2020 planning permission be approved subject to the conditions set out in the report; and
- (iv) that the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement.

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**REPORT NO.9 – WESTON HOUSE, 6 NORFOLK ROAD, EDGBASTON  
BIRMINGHAM, B15 3QD – 2019/02889/PA**

The Area Planning Manager (South Area) advised that, paragraph 1.4 an additional 12 garage spaces had been proposed. Paragraph 2.1 the Grade II property is South East of the site. It was noted that Members had received correspondence from Bloor Homes.

The Area Planning Manager (South Area) read a statement on behalf of an objector to the application.

The Area Planning Manager (South Area) read a statement on behalf of a supporter to the application.

The Area Planning Manager (South Area) responded to statements made by an objector and supporter.

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

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

7628

**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 27 August 2020 the planning permission be refused for the reason 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 27 August 2020, favourable consideration be given to this 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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**REPORT NO. 10 – LAND OFF COOPER WAY/AUSTIN WAY, LONGBRIDGE, BIRMINGHAM – 2020/02457/PA**

The Area Planning Manager (South Area) advised that there were no updates.

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

7629

**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 legal agreement not being completed to the satisfaction of the Local Planning authority by 27 August 2020 planning permission be refused for the reason set out in the report.
- (iii) That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 27 August 2020 planning permission for application 2020/02457/PA be approved, subject to the conditions set out in the report.
- (iv) That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement.

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**REPORT NO 11 – 128 BALDEN ROAD, HARBORNE, BIRMINGHAM, B32 2EP – 2020/03838/PA**

The Head of Householder Team advised that there were no updates.

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

7630

**RESOLVED:-**

That no prior approval is required.

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**PLANNING APPLICATION IN RESPECT OF THE EAST AREA**

**REPORT NO 12 – WASHWOOD HEATH RAILWAY SIDINGS, HEARTLANDS PARKWAY, WASHWOOD HEATH, BIRMINGHAM, B24 8HZ – 2020/01195/PA**

The Principal Planning Officer (East Area) advised that there were no updates.

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

7631

**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 NORTH WEST AREA**

**REPORT NO 13 – 127 ALDRIDGE ROAD, PERRY BARR, BIRMINGHAM, B42 2EU – 2019/02972/PA**

The Area Planning Manager (North West Area) read out an email that had been received from Councillor Mike Ward who had sent his apologies for the meeting. Councillor Mike Ward whilst welcoming the demolition of the house was disappointed at the loss of open space.

A member commented on the application and the Area Planning Officer responded thereto.

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

7632

**RESOLVED:-**

- (i) That consideration of application 2019/02972/PA be deferred pending the completion of a suitable legal agreement as set out in the report.
- (ii) That in the event of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 31 August 2020, planning permission be refused for the reason set out in the report.
- (iii) That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 31 August 2020, favourable consideration be given to this 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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**REPORT NO 14 – AFRICAN VILLAGE, FORMER CROWN AND CUSHION,  
BIRCHFIELD ROAD, PERRY BARR, BIRMINGHAM, B20 3JE -  
2018/07488/PA**

The Area Planning Manager (North West Area) advised of 2 additional conditions relating to requirements with pre-defined tree protection areas and tree work being limited to a maximum period of 2 years.

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

7633

**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 a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 30 October 2020, planning permission be refused for the reason set out in the report.
- (iii) That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 30<sup>th</sup> October 2020, favourable consideration be given to this application, subject to the conditions set out in the report and amended as follows:-

**New Condition 1**

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;
- 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;



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- 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 2**

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.

- (iv) That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
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**REPORT NO 15 – 70-72 HANDSWORTH WOOD ROAD & LAND TO REAR,  
HANDSWORTH WOOD, BIRMINGHAM, B20 2DT - 2019/10518/PA**

The Area Planning Manager (North West Area) advised that the application had been deferred in order to allow consultation with Birmingham Children's Trust. Officers have now consulted with Birmingham Children's Trust who have advised that they do not wish to make any comments on this application. A further objection had been received from Councillor Narinder Kooner as well as an email direct to the Members that morning expressing concerns about the application which were read out. The Area Planning Manager (North West Area) informed that the objection from the school had been received and had been recorded as a neighbour objection rather than specifically from the school. A further objection had also been received from a Social Worker which included the views of a young person living in the vicinity of the application site. The Area Planning Manager (North West Area) advised members, for the avoidance of doubt, the grounds of objection from the school, that a previous application for the site had been withdrawn and two objections from Social Workers at the West and Central Fostering Support Team were correctly reported at paragraph 4.10. of the report. In terms of managing standards at the facility this was within the remit of the Care Quality Commission.

The Chair added that the application had been deferred for consultation with the Birmingham Children's Trust only, however additional comments had been accepted up to the morning of the Planning Committee meeting.

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

Upon being put to a vote it was 4 in favour, 6 against and 0 abstention.

It was noted that the concerns raised were based on size and mass of the extension, and anti-social behaviour and fear of anti-social behaviour experienced by residents in the area.

7634

**RESOLVED:-**

That consideration of the application referred to in the report be deferred with the Committee minded to refuse.

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**REPORT NO 16 –339-373 BIRCHFIELD ROAD, PERRY BARR,  
BIRMINGHAM, B20 3BJ – 2020/04157/PA**

The Area Planning Manager (North West Area) advised that there were no updates.

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

7635 **RESOLVED:-**

That it be noted that prior approval is required and that planning permission be granted subject to the conditions set out in the report.

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**OTHER URGENT BUSINESS**

7636 There were no items raised.

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**AUTHORITY TO CHAIR AND OFFICERS**

7637 **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 1252 hours

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CHAIR