

BIRMINGHAM CITY COUNCIL

ECONOMY AND SKILLS O&S COMMITTEE

1630 hours on 3rd February 2021, Online Meeting – Actions

Present:

Councillor Lou Robson (Chair)

Councillors Nicky Brennan, Maureen Cornish, Chaman Lal, Simon Morrall, Julien Pritchard.

Also, Present:

Councillor Ian Ward

Councillor Roger Harmer

Councillor Jon Hunt

Andrew Fuller, City Design Manager

Ceri Saunders, Acting Group O&S Manager

Baseema Begum, Scrutiny Officer

1. NOTICE OF RECORDING/WEBCAST

The Chair advised those present that the meeting would be webcast for live and subsequent broadcast via the Council's Internet site and that Members of the press/public may record and take photographs except where there are confidential or exempt items.

2. APOLOGIES

Cllr Zaheer Khan.

3. DECLARATIONS OF INTERESTS

Cllr Lou Robson declared a non-pecuniary interest in relation to Austin Village Conservation Area. However, as this call-in is related to the Acocks Green Conservation Area legal advice confirmed that this does not affect the role of chairing the meeting.

Cllr Lal declared an interest as the ward councillor for the Soho and Jewellery Quarter ward that is referred to in the cabinet report.

4. CONSERVATION AREAS UPDATE AND PROPOSAL – CALL IN

The Chair, Cllr Lou Robson welcomed attendees and outlined the purpose of the call-in in specific reference to the Acocks Green area, the format of the meeting and the process of the call-in procedure and made reference to the additional papers circulated.

Cllrs Harmer and Hunt were asked to state their reasons for the call-in request.

Cllr Harmer highlighted the reasons for the call-in as set out in the call-in request form on the decision not to proceed with a conservation area for Acocks Green. He talked members through his presentation and in summary the following points were made: -

- A 600-signatory petition was submitted to Council in support of the conservation area which demonstrates the strong local support, alongside a survey of 117 residents, in which 114 were in support of conservation status, despite the potential restrictions this might place them under as homeowners regarding modifications to their properties.
- Previous agreements, emails, meetings and support shown for the proposals put forward by residents and councillors in Acocks Green since 2008 when a previous Cabinet Member had agreed in principle to these proposals and again in 2014 when a previous Principal Conservation Officer had also supported it.
- With this in mind and due to a lack of Council resource to support further work the local community conducted thorough research including enlisting professional support over many years into the heritage and historic features within Acocks Green. This was presented to the Council but was not captured by the recent update carried out by officers in arriving at this decision. This has led to the local community feeling very upset since they were led to believe that with the work carried out the area had a strong chance of receiving the status.
- The Cabinet report had not included research within it to which it had referred, so there was no detail on why the proposal had been rejected which was only supplied when requested by Cllr Harmer after the meeting and therefore members were not in receipt of all details.
- The basis of the research undertaken by the Council was not based on assessments that are utilised by Historic England or the Oxford Study criteria on historic interest; rather it focused on windows and doors. Acocks Green scores highly in many of the other criteria of Historic England and it was felt that these were not considered adequately by the Council officers in arriving at their decision.

Councillor Hunt added that the professional advice given at the Cabinet meeting was one sided and none was provided to support the alternative view. He referenced the overarching historical interest of the area and the evidence presented by Cllr Harmer and encouraged the Committee to call in the decision so that a better assessment could be undertaken bearing in mind the points presented.

The Chair then called on the Leader and Andrew Fuller, City Design Manager to respond to the points made: -

- The Leader expressed his interest in and support for conservation areas and had visited Acocks Green several times when the surveys were being conducted on the proposed conservation area. He added that despite not supporting the conservation area designation proposal, it did not mean that the valuable work in the area was not recognised. Furthermore, he suggested local listing as an option which local residents might want to consider to protect individual local fine buildings and said there was no reason for the local community not to continue to compile a case to convince conservation officers in future.
- Cllr Ward added that he was not persuaded that the further evidence presented at the call-in meeting provided an additional argument for the case of conservation area status for Acocks Green, and the professional advice provided by officers of the Council had to guide his decision.
- The City Design Manager, Andrew Fuller, said he and conservation colleagues had been involved for a long time in appraising Acocks Green for conservation area status, and that he had been clear with local residents that there were serious concerns with such a designation. It was added that by reviewing Acocks Green, the City was following the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 in its duty to determine which areas 'should' be designated as conservation areas. As a member of the Institute of Historic Building Conservation he was bound by his professional integrity and stood by the findings of his own review and the survey work with the Conservation Team as sound and robust. Although previous Conservation Officers had indicated support to the community, when it was clear that this was not a supportable proposal, he voiced those concerns.
- The map of regression of the area (shared with members) that was undertaken (illustrating the substantial redevelopment throughout the study area) along with the condition survey of all buildings, including the degree of loss of original fabric were carefully analysed and concluded that the area: -
 - was a railway suburb, but not particularly early, unique or special in terms of its function or architecture;
 - the area had suffered significant change during the mid to late 20th Century resulting in the loss of landmark buildings including many associated with its early development; and
 - the buildings in the area were so altered that it would be difficult to evidence a management plan to effectively guide future development.
- It was added that the Government is very clear on the sound designation of conservation areas and not over designating and this is set out in Paragraph 186 of the National Planning Policy Framework (NPPF). Therefore, designating Acocks Green as a conservation area would devalue the existing and exceptional conservation areas of Birmingham and would suggest that vast swaths of the city were potentially of conservation area status when they did not meet this standard.

In response to queries from members it was confirmed that: -

- Conservation area designation is best described as the overall townscape of an area and that includes the buildings, streets, open spaces etc. A designated

area then has a management plan in place to ensure that any decisions made in relation to planning applications is considerate of this.

- A local listing is where a local authority recognises individual assets and buildings not of listed building standard but of local interest and value. The Council is due to review its process this year and this involves a set of criteria that shows how decisions are made.
- The Council has a duty to carry out the process (under planning legislation) of reviewing areas for designation as conservation areas. There is no onus on the Council to designate or not therefore new areas can always be added.
- Enforcement is a key tool in managing a conservation area. Once designated an Article 4 direction (Town and Country Planning Order, 1995) removes rights of the owner to make any changes or alterations to their property changes without seeking planning permission from the Council. Condition at the point of designation is very important and does require strong community support to manage effectively.

The Committee then held a discussion and were particularly concerned about the protection of historic assets across the city. Members felt that Cabinet took their decision on the basis of a report which was missing vital information like the detailed officer survey that sat behind the decision not to recommend Acocks Green for conservation area status that has been shared with members today, and that Cabinet would benefit from considering this level of background information. Furthermore, there was the question of the differing levels of support and opinions from the Council and conservation officers in the past, which clearly demonstrated a difference of opinion in this matter. This difference of view, and differing criteria for agreeing conservation areas, as explained by Councillors Harmer and Hunt, suggested there is more than one professional opinion on this matter.

The Chair then moved to a vote of the members that was unanimous to call-in the decision for reconsideration by Cabinet. Cllr Robson thanked all attendees and explained that a report of the committee would be presented to the next Cabinet meeting.

The Chair thanked everyone for their attendance and taking part in the discussion.

RESOLVED: -

1. A report to be drafted in preparation for the next cabinet meeting with the views of the committee and will be presented by the Chair.

5. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS (IF ANY)

None.

6. OTHER URGENT BUSINESS

The Chair explained that a report will now be compiled following conclusion of the evidence gathering for the Council owned Assets Inquiry. Members of the working group are due to meet next week to consider this further. It was imperative that many

of the queries raised during the inquiry are not left unanswered and it is hoped that these can be presented as case studies to the Executive for further information.

7. AUTHORITY TO CHAIRMAN AND OFFICERS

Agreed.

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 18:27 hours.