

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE

THURSDAY, 31 OCTOBER 2024 AT 11:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

3 - 4

LINK TO ACCESS PLANNING APPLICATIONS ONLINE

Item Description

5 - 10

FRONT SHEET & AGENDA 31102024

Item Description

11 - 34

FINAL OFFICER REPORTS 31102024

Item Description

For individual reports please use the following link:

www.birmingham.gov.uk/planningonline

Click on Access Planning Online

Then click on Application Number Search and enter the appropriate Application Number.

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE

MEETING TO BE HELD ON

THURSDAY 31ST

OCTOBER 2024 AT 1100

HOURS

IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE,

VICTORIA SQUARE, BIRMINGHAM

Members of the public are welcome to attend meetings of the Planning Committee in-person to see decisions being made. However, seating capacity in Committee Rooms 3 and 4 at the Council House is limited and so potential attendees are advised to consider watching the meeting from the safety and comfort of their own home instead, using the following <https://birmingham.public-i.tv/core/portal/home>

The agenda for Planning Committee meetings is available five working days in advance and sets out the matters to be discussed. If you are interested in a particular item that is being considered at the meeting and you wish to speak, you must contact the Planning department no later than noon on the Friday before the meeting takes place. You can do this by completing the online request form, which can be accessed at the following link, www.birmingham.gov.uk/planningspeakers

The reports on the agenda contain an appropriate recommendation for Committee to either approve or refuse the application. These recommendations are based on local and national planning policies, together with views expressed as a result of consultations with the public, other City Council Departments and appropriate external organisations.

The Chair manages the debate on individual agenda items and those present discuss the business by addressing the Chair; this helps to keep the debate in an orderly manner. The Chair takes each item in turn and when it is considered there has been sufficient debate, the Chair will call for a decision on the application or agreement that the information be noted or deferred or for further work/issues to be addressed. At this stage, a vote may be taken on the recommendations which are either found at the front of each report or as amended by Councillors.

A team of City Council Officers advise the Planning Committee during the meeting and reports are presented by the Area Planning Managers.

Please note that it is not possible for you to take part in the discussion.

Access to Meeting

- a) Committee meetings are usually open to the public, but sometimes the Committee may have to discuss an item in private (normally at the end of the meeting). In such circumstances members of the public will be asked to leave the meeting.

- b) Members of the public who wish to view the Committee Meeting online can do so by following the link provided on CMIS:
https://birmingham.cmis.uk.com/birmingham/Committee/Regulatory/tabid/135/ctl/ViewCMIS_CommitteeDetails/mid/520/id/4/Default.aspx
- c) The Committee has adopted a procedure to allow interested parties (including members of the public) to speak at meetings in connection with Planning Applications providing that prior notice has been given. Notes setting out the procedure for Public Speaking Rights are available on the Council's web site at www.birmingham.gov.uk/planningspeakers
Any queries in connection with Public Speaking Rights procedures should be directed to the Planning Department via www.birmingham.gov.uk/planningspeakers
- d) If you have any access issues or special/particular requirements, please inform us of these by sending an e-mail to CommitteeSupport@birmingham.gov.uk at least 3 working days before the meeting so that reasonable adjustments can be made.

ADVICE ON MEMBERS' INTERESTS

Involvement in Planning Matters Prior to Meetings of the Planning Committee.

Members of the Committee are advised to take steps to minimise their involvement in any planning matter prior to its consideration by the Committee so that they take all decisions at the meeting with an open mind.

Part C of the Council's Constitution provides further information on the Code of Conduct for Members (Part C4) and includes a Planning Code of Practice for Members and Officers (Part C8). A copy of the Constitution is available from the City Solicitor or can be downloaded from the Council's website via [The City Council's Constitution | Birmingham City Council](#).

If a pecuniary or other registerable interest arises from any business to be discussed at Planning Committee then the Member concerned must declare this interest either at the start of the meeting or immediately before the item is discussed.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Relationship between Members and Officers

Good administration is dependent on a successful relationship between Councillors and Officers which can only be based upon mutual trust and understanding of each other's roles and responsibilities. This relationship, and the trust which underpins it, must never be abused or compromised e.g. by a member putting pressure on Officers to adopt a particular recommendation in a committee report.

Member Training

The Nolan Committee recommended that all members of Planning Committees should receive appropriate training. Appointment to the Planning Committee effectively creates a requirement for all Members to undertake such training both on appointment and periodically thereafter. Members are advised not to accept nomination to the Committee unless they are prepared to take on this responsibility. Members must also familiarise themselves with the provisions of these procedures.

BIRMINGHAM CITY COUNCIL

PLANNING COMMITTEE

**THURSDAY 31ST OCTOBER 2024 AT
1100 HOURS IN COMMITTEE
ROOMS 3 & 4, COUNCIL HOUSE,
VICTORIA SQUARE, BIRMINGHAM**

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTEREST

The Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 APOLOGIES

To receive any apologies.

4 CHAIR'S ANNOUNCEMENTS

The Chair will make announcements, if any.

5 **MINUTES**

To confirm and sign the Minutes of the meeting held on 3rd October 2024.

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

6 **BIRMINGHAM ALEXANDER STADIUM, WALSALL ROAD, PERRY BARR,
BIRMINGHAM - 2024/04846/PA**

7 **PERRY PARK, WALSALL ROAD, PERRY BARR, BIRMINGHAM, B42-
2024/03273/PA**

8 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

Birmingham City Council

Planning Committee

31 October 2024

I submit for your consideration the attached reports for the **North** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2024/04846/PA Birmingham Alexander Stadium Walsall Road Perry Barr Birmingham B42 2LR Section 73 application to vary Condition 32 (boundary treatment) of permission 2019/07968/PA to change the approved layout of the fence lines on the North Plaza, with additional event access gates, and to increase the height of the secure line fencing boundary around the warm up track Original Application: Hybrid planning application to include full planning permission to provide a new western stadium, increase seating capacity to 18,000, relay athletics track, provide new warm up track, a new throwing area, sports lighting, provision of office/teaching accommodation, landscaping and all associated works. An outline application for Commonwealth Games 'overlay' to include temporary seating up to 40,000 spectators, athlete drop-off/pick-up area, temporary bus mall, various compounds and upgrade/provision of access road, all matters reserved

Approve – Temporary
31/12/2027

7

2024/04857/PA

Perry Park
Walsall Road
Perry Barr
Birmingham
B42

Section 73 application to vary Condition 6 (removal of temporary structures) of permission 2021/06577/PA to allow for the retention of the Games Family Transport Mall until 31st December 2027 and the permanent retention of the Spectator Mall, also known as the L-shaped road, as well as the reinstatement of the drop kerbs where the access spur road joins Church Road, and access controlled by new security barriers.

Original application: Reserved matters application for the erection of temporary overlay structures for the purposes of hosting the Birmingham 2022 Commonwealth Games following hybrid 2019/07968/PA

Committee Date:	31/10/2024	Application Number:	2024/04846/PA
Accepted:	25/07/2024	Application Type:	Variation of Condition
Target Date:	01/11/2024		
Ward:	Perry Barr		

Birmingham Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2LR

Section 73 application to vary Condition 32 (boundary treatment) of permission 2019/07968/PA to change the approved layout of the fence lines on the North Plaza, with additional event access gates, and to increase the height of the secure line fencing boundary around the warm up track

Original Application: Hybrid planning application to include full planning permission to provide a new western stadium, increase seating capacity to 18,000, relay athletics track, provide new warm up track, a new throwing area, sports lighting, provision of office/teaching accommodation, landscaping and all associated works. An outline application for Commonwealth Games 'overlay' to include temporary seating up to 40,000 spectators, athlete drop-off/pick-up area, temporary bus mall, various compounds and upgrade/provision of access road, all matters reserved

Applicant: Birmingham City Council
Birmingham Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2LR

Agent: Birmingham City Council
10 Woodcock Street, Birmingham, B7 4BL

Recommendation

Approve subject to Conditions

1 Proposal

1.1 The proposed development is for a change to the approved (ref: 2019/07968/PA) layout of the fence lines on the North Plaza, along with additional event access gates and an increase to the height of the secure line fencing boundary around the warm-up track.

1.2 [Link to Documents](#)

2 Site & Surroundings

2.1 The application site includes the existing Alexander Stadium, which was upgraded to host the Commonwealth Games, and its associated warm up track/ outfield areas.

- 2.2 The stadium is situated to the northwest of the City Centre in the Perry Barr Constituency. It lies between the M6 to the east and the A34 Walsall Road to the west and is bounded by the Tame Valley Canal immediately to the north. Perry Reservoir is situated adjacent to the site boundary immediately north-east of the Alexander Stadium. It acts as a water storage and overflow reservoir for the Tame Valley Canal.
- 2.3 Two Sites of Local Importance for Nature Conservation (SLINCs) are adjacent to the site, namely Tame Valley Canal and Perry Park Lake. There are several Grade II statutory listed buildings nearby, Anglican Church of St John, 2/15 15 and 17 Church Road, Packhorse Zig-Zag Bridge and canal infrastructure. The nearest conservation area (Aston Hall and Church Conservation Area) is over 1km to the southeast.
- 2.4 The stadium site is accessed from two signalised junctions from the A34 Walsall Road; Stadium Way that runs to the north of the Walsall Road allotments; and an unnamed access road to the south of the allotments, running from Church Road.
- 2.5 A link to the 'Site location' (from google maps) can be accessed here – [Alexander Stadium - Google Maps](#).
- 2.6 The aerial below shows the stadium's relationship with its locality. The position between the A34 (Walsall Road) and M6, with residential development and estates to the north, separated by the Tame Valley Canal is clearly understood and appreciated.



Figure 1: Aerial view of Alexander Stadium

3 Planning History

- 3.1 **2021/06577/PA** – Reserved matters application for the erection of temporary overlay structures – Approved w/conditions
- 3.2 **2021/02809/PA** – Reserved Matters application for the installation of temporary lighting and catenary structures – Approved w/conditions
- 3.3 **2021/00377/PA** – Reserved matters application for access road comprising a new temporary Athletes' Route between Church Road and the Alexander Stadium service road – Approved w/conditions

3.4 **2019/07968/PA** – Hybrid application for stadium redevelopment and Commonwealth Games use – Approved w/conditions

4 Consultation Responses

4.1 BCC Conservation – No objection.

4.2 BCC Design & Landscaping – No objection.

4.3 BCC Leisure Services – Support proposals.

4.4 BCC Environmental Pollution Control – No objection.

4.5 Canal & River Trust – No comment.

5 Third Party Responses

5.1 Six letters of objection received. The issues raised are summarised below:

- Loss of local parkland to the stadium.
- Park has not been redeveloped and given back to the local community.
- Works not needed.

5.2 One letter of support received from 3Bs Neighbourhood Planning Forum stating that the proposals would finally advance the reinstatement of Perry Park, over two full years after the end of the Commonwealth Games. This is subject to the restoration of the footpath along the northern boundary of Perry Park, at the foot of the canal embankment; that the works commence as soon as possible; and that all temporary closures of Perry Park are communicated to the local community.

6 Relevant National & Local Policy Context

6.1 National Planning Policy Framework
Planning Practice Guidance
Birmingham Development Plan 2017
Development Management DPD
Birmingham Design Guide 2022
Perry Barr 2040 A Vision for Legacy Masterplan (2022)
Beeches, Booths and Barr (3Bs) Neighbourhood Development Plan (2021)

7 Planning Considerations

Principle of Development

7.1 This planning application is made under section 73 of the Town and Country Planning Act 1990 which relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID:21a Updated: 23.07.2019) of the PPG.

7.2 In deciding an application under section 73, the local planning authority must only consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or

- that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 7.3 While applications under section 73 are commonly referred to as applications to 'amend/remove' the conditions attached to a particular planning permission, it should be noted that a decision under s.73(2) leaves the original permission intact, effectively creating a second permission, either of which could potentially be implemented. When considering an application under s.73, the scope of a Local Planning Authority's jurisdiction is more limited than when considering an application for full planning permission. Nonetheless, this Local Planning Authority is unrestricted in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under s.73 is a wholly new planning permission. However, the section does not empower the Local Planning Authority to rewrite the permission altogether.
- 7.4 In particular, when varying/removing any of the conditions, consideration has to be given to whether any proposed changes would go to the heart of the planning permission and fundamentally alter what was originally granted. If it is considered that the changes do substantially change the permission, then a new planning application is required rather than one under section 73.
- 7.5 In this case, I have concluded that the changes to the original permission as a result of the proposed boundary treatment amendments would not go to the heart of the permission. No new material planning policies lead me to alter my recommendation. I therefore only intend to address the relevant matters with regards to the above alteration.

Minor Material Amendments

- 7.6 The existing approved boundary treatment to the North Plaza was approved under discharge of condition 2022/02286/PA. The alignment followed the edge of the warm-up track and around the throwing areas. Further treatments were also shown around the main stadium with access points at various positions. The sports fencing around the warm-up track measured 2m in height, with the throwing area fencing dropping down to 1.1m. The main stadium fencing had a mixture of 2m and 1.1m high fencing.
- 7.7 The proposed amendment would move the fencing away from the throwing areas and continue it up to the side of the Gymnastic & Martial Arts Centre to the south. The fencing around the warm-up track would follow the same alignment as previously, but both elements would be increased in height up to 2.4m.
- 7.8 To the main stadium, new 2.3m fencing with four access gates would be constructed around the northern stand and would meet up with the warm-up track fencing to the west.
- 7.9 Several comments have been received about the reinstatement of Perry Park and, although the proposed amendments do not directly relate to this, they are considered to facilitate the eventual move of the area back into community use.
- 7.10 The proposed amendments, when reviewed collectively with all of the previous development, are considered to be minor and would not unacceptably impact on the character of the area.

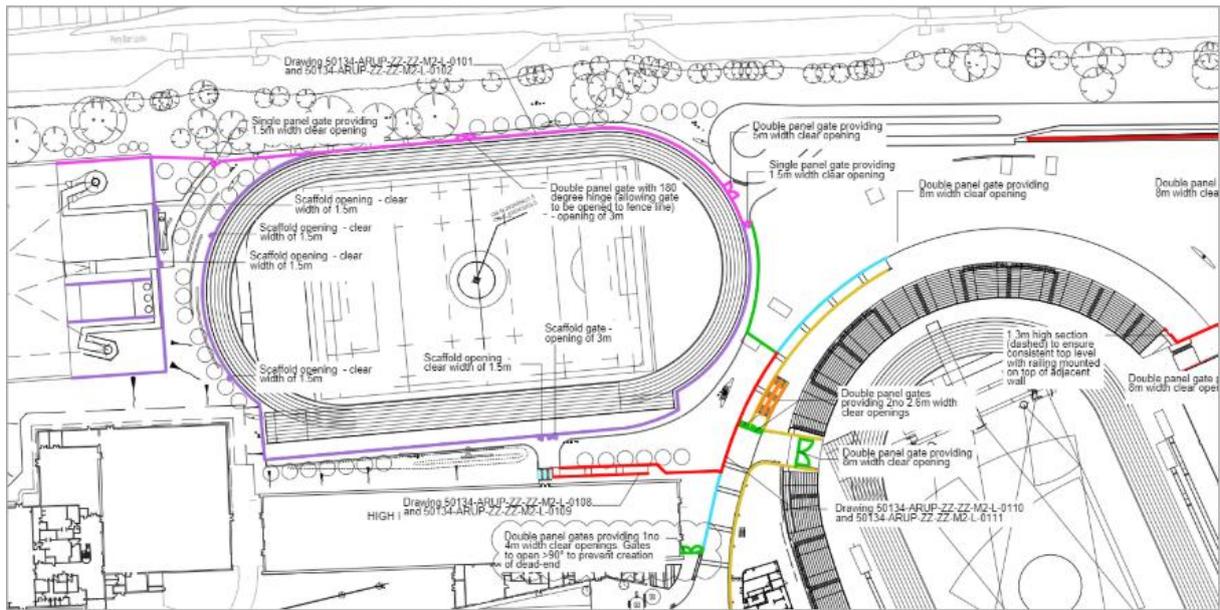


Figure 2: Previously approved boundary treatment

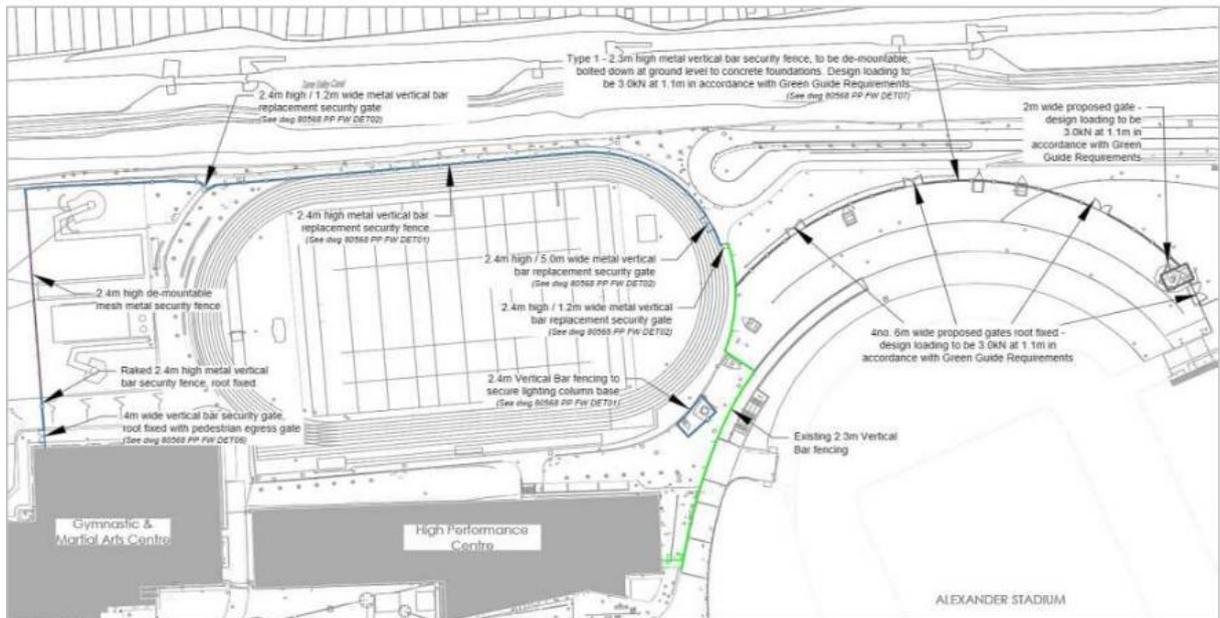


Figure 3: Proposed amendment to approved boundary treatment

Other Matters

7.11 Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Since the determination of the original application, a number of the conditions have been discharged and, therefore, the conditions attached to this proposal have been amended to reflect these approved details. The details of these amendments can be seen in the table below. There have been no other new material considerations since the original permission, which are relevant to this decision, in my opinion.

No.	Condition	Notes
1	Reserved Matters Details	No change

2	Implement Within 3 Years (Outline)	Amend to date of issue
3	Archaeological Assessment	Update with condition discharge details
4	Floodlighting	No change - compliance
5	Design and Access Statement	No change - compliance
6	Works Within 10m Of Canal Slope	Update with condition discharge details
7	Playing Pitch Maintenance	No change – To be discharged
8	Community Use Agreement	Update with condition discharge details
9	Vehicle Parking and Turning	Update with condition discharge details
10	Entry And Exit Signs	No change - To be discharged
11	Delivery And Service Area	No change - compliance
12	Contamination Remediation Scheme	Update with condition discharge details
13	Contaminated Land Verification Report	Update with condition discharge details
14	Surface Water Drainage Scheme (Full)	Update with condition discharge details
15	Secure Playing Pitches	Update with condition discharge details
16	Landscape Management Plan	Update with condition discharge details
17	Parking Management Strategy	Update with condition discharge details
18	Travel Plan	Update with condition discharge details
19	Noise Levels	No change - compliance
20	Sustainable Drainage Operation and Maintenance Plan	Update with condition discharge details
21	Bird/Bat Boxes	Update with condition discharge details
22	Utility Services	No change - compliance
23	Implement Within 3 Years (Full)	Amend to date of issue
24	Sample Materials	Update with condition discharge details
25	Approved Plans	Updated with latest plans
26	Employment Construction Plan	Update with condition discharge details
27	Mitigation/ Enhancement Scheme	No change - compliance
28	LEMP	No change - To be discharged
29	Hard and/or Soft Landscape Details	Update with condition discharge details
30	Earthwork Details	Update with condition discharge details
31	Level Details	Update with condition discharge details
32	Boundary Treatments	Update with submitted details
33	Define Phases	No change - compliance
34	Construction Ecological Mitigation Plan	Update with condition discharge details
35	Construction Method Statement	Update with condition discharge details
36	Tree Protection Areas	No change - compliance
37	No-Dig Specification	No change
38	Tree Pruning Protection	No change - compliance
39	Tree Protection Plan	No change - compliance
40	Surface Water Drainage	No change
41	Prevents Piling	No change
42	Hydraulic Modelling	Update with condition discharge details

8 Conclusion

- 8.1 The original planning permission was granted under application reference 2019/07968/PA. The policies and material considerations that are relevant to that decision are set out in the associated Officer Report. The currently proposed amendment to the boundary treatments to the North Plaza are considered to be minor and acceptable in their impact and, therefore, the application is recommended for approval on this basis.

9 Recommendation

- 9.1 Officers have made a recommendation on the basis of the Development Plan and other material considerations. It is for the Committee to weigh and balance these in coming to a decision, based on their judgement of the available evidence.
- 9.2 That permission is GRANTED subject to all the previous conditions (updated in

accordance with the approved discharges of condition) and notes attached to permission 2019/07968/PA with Condition 32 amended accordingly.

-
- 1 Requires the submission of reserved matter details following an outline approval (Outline)
 - 2 Implement within 3 years (Outline)
 - 3 Archaeological assessment (Outline)
 - 4 Limits the use of the floodlighting (Full)
 - 5 Requires the scheme to be in accordance design and access statement (Full)
 - 6 Method statement for works within 10m slope (Full)
 - 7 Secure playing pitch maintenance plan (Full)
 - 8 Secures community use (Full)
 - 9 Vehicle parking and turning details (Full)
 - 10 Requires the submission of entry and exit sign details (Full)
 - 11 Requires the delivery and service area prior to occupation (Full)
 - 12 Contamination remediation scheme (Full)
 - 13 Contaminated land verification report (Full)
 - 14 Surface water drainage scheme (Full)
 - 15 Secure playing pitches (Full)
 - 16 Landscape management plan (Full)
 - 17 Parking management strategy (Full)
 - 18 Travel plan (Full)
 - 19 Secures noise levels (Full)
 - 20 Sustainable Drainage Operation and Maintenance Plan (Full)
 - 21 Bird/bat boxes (Full)
 - 22 Defines enabling works (Full)
 - 23 Implement within 3 years (Full)
 - 24 Requires the submission of sample materials (Both)
 - 25 Requires the scheme to be in accordance with the listed approved plans (Both)
 - 26 Employment construction plan (Both)
 - 27 Mitigation/enhancement plan (Both)
-

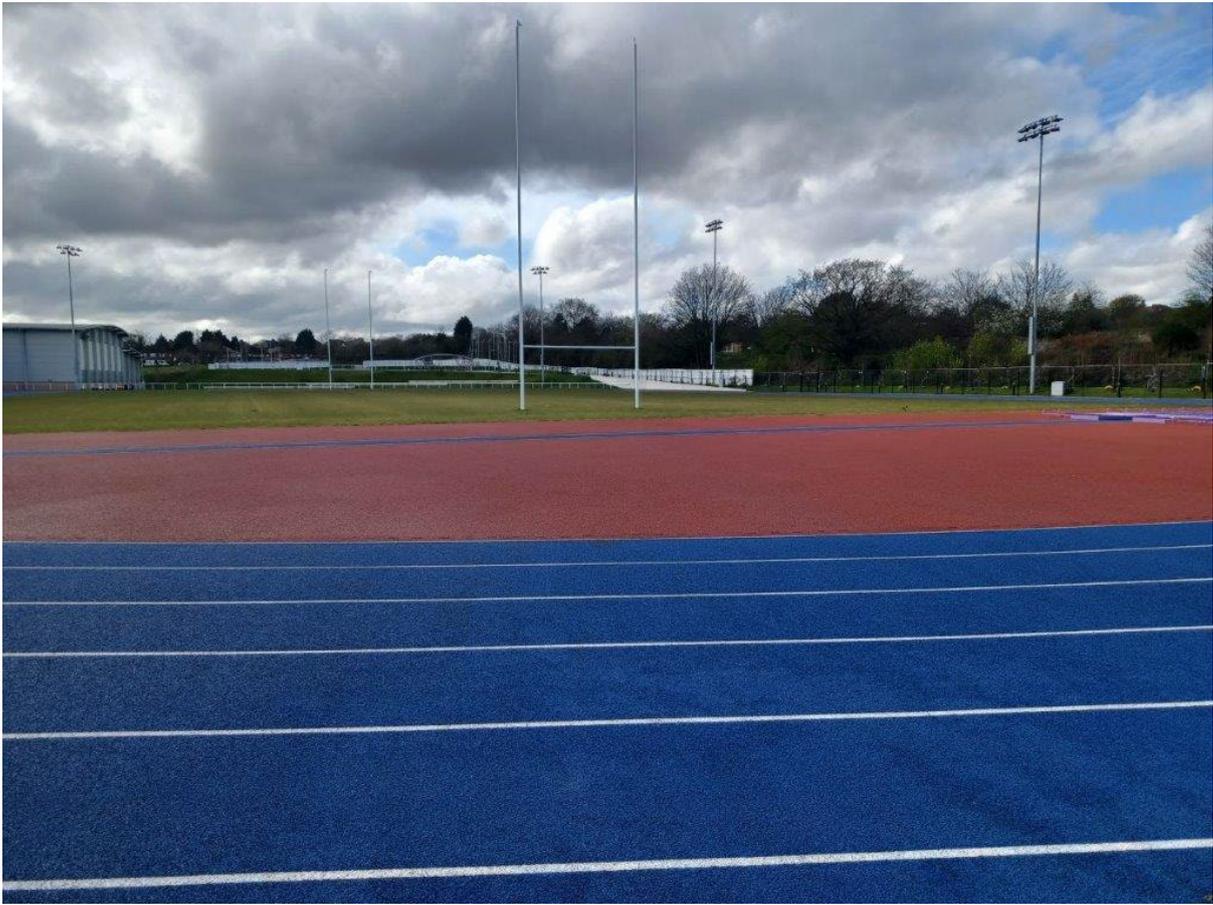
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- 28 Landscape and ecological management plan (LEMP)
 - 29 Hard and/or soft landscape details (Both)
 - 30 Earthworks details (Both)
 - 31 Level details (Both)
 - 32 Boundary treatment details (Both)
 - 33 Defines phases (Both)
 - 34 Construction ecological mitigation plan (Both)
 - 35 Construction method statement/management plan (Both)
 - 36 Requirements within pre-defined tree protection areas (Both)
 - 37 No-Dig Specification (Both)
 - 38 Tree pruning protection (Both)
 - 39 Arboricultural Method Statement and Tree Protection Plan (Both)
 - 40 Restricts surface water drainage (Both)
 - 41 Prevents piling (Both)
 - 42 Hydraulic modelling (Both)
-

Case Officer: Eddie Wrench

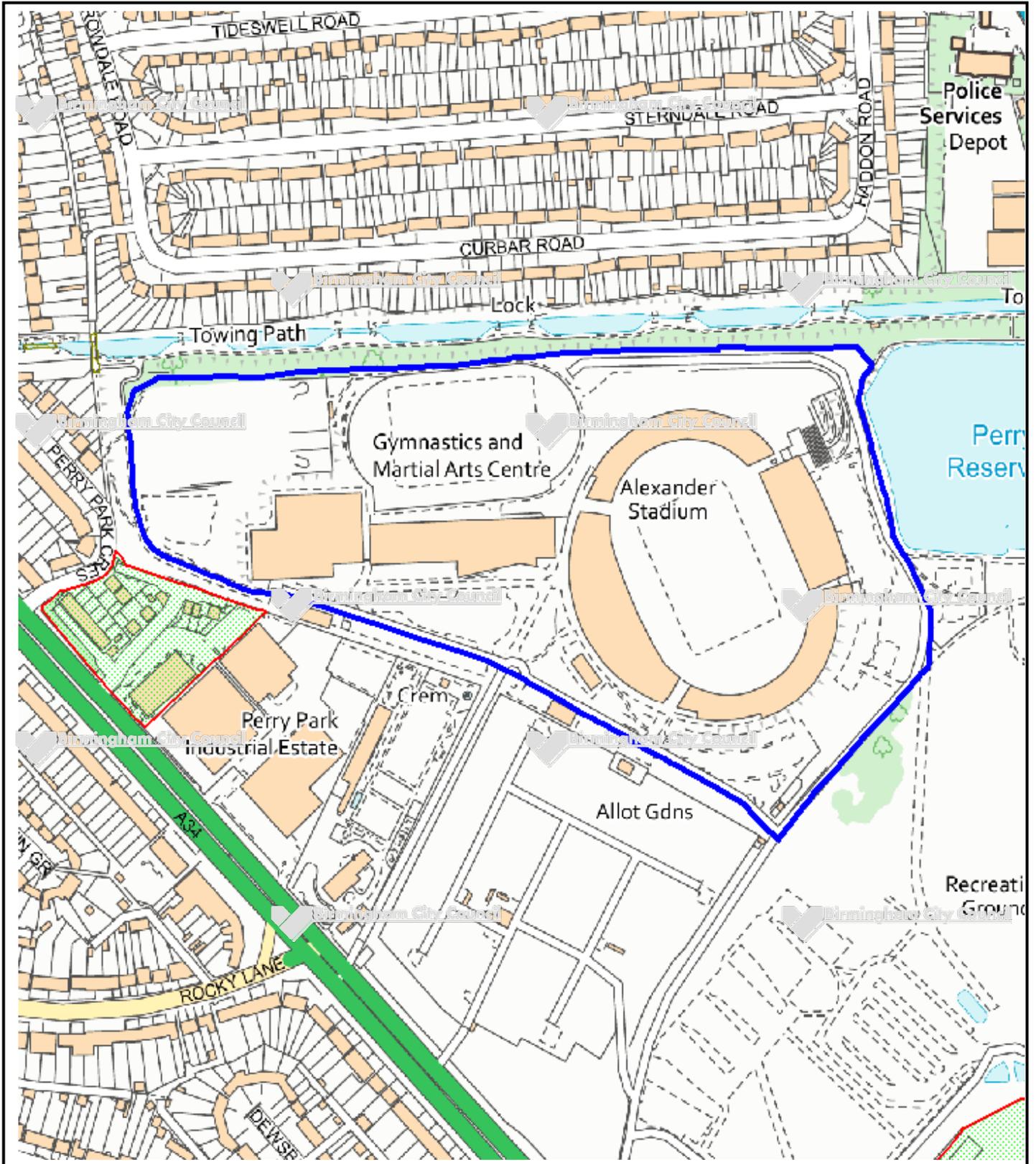
Photo(s)







Location Plan



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Committee Date:	31/10/2024	Application Number:	2024/04857/PA
Accepted:	25/07/2024	Application Type:	Variation of Condition
Target Date:	01/11/2024		
Ward:	Perry Barr		

Perry Park, Walsall Road, Perry Barr, Birmingham, B42

Section 73 application to vary Condition 6 (removal of temporary structures) of permission 2021/06577/PA to allow for the retention of the Games Family Transport Mall until 31st December 2027 and the permanent retention of the Spectator Mall, also known as the L-shaped road, as well as the reinstatement of the drop kerbs where the access spur road joins Church Road, and access controlled by new security barriers.

Original application: Reserved matters application for the erection of temporary overlay structures for the purposes of hosting the Birmingham 2022 Commonwealth Games following hybrid 2019/07968/PA

Applicant: Birmingham City Council
Council House, Victoria Square, Birmingham, B1 1BB
Agent:

Recommendation
Approve Temporary

1 Proposal

1.1 The proposed amendment to reserved matters approval 2021/06577/PA would allow for the permanent retention of a pedestrian walkway, known as the Spectator Mall, and an extension of time for the retention of the Games Family Transport Mall for an additional five years from the original deadline until 31st December 2027. In addition to these, drop kerbs would be reinstated where the access spur road joins Church Road, with new security barriers to control access.

1.2 [Link to Documents](#)

2 Site & Surroundings

2.1 The application site includes the existing Alexander Stadium, which was upgraded to host the Commonwealth Games, and its associated warm up track/ outfield areas.

2.2 The stadium is situated to the northwest of the City Centre in the Perry Barr Constituency. It lies between the M6 to the east and the A34 Walsall Road to the west and is bounded by the Tame Valley Canal immediately to the north. Perry Reservoir is

situated adjacent to the site boundary immediately north-east of the Alexander Stadium. It acts as a water storage and overflow reservoir for the Tame Valley Canal.

- 2.3 Two Sites of Local Importance for Nature Conservation (SLINCs) are adjacent to the site, namely Tame Valley Canal and Perry Park Lake. There are several Grade II statutory listed buildings nearby, Anglican Church of St John, 2/15 15 and 17 Church Road, Packhorse Zig-Zag Bridge and canal infrastructure. The nearest conservation area (Aston Hall and Church Conservation Area) is over 1km to the southeast.
- 2.4 The stadium site is accessed from two signalised junctions from the A34 Walsall Road; Stadium Way that runs to the north of the Walsall Road allotments; and an unnamed access road to the south of the allotments, running from Church Road.
- 2.5 A link to the 'Site location' (from google maps) can be accessed here – [Alexander Stadium - Google Maps](#).
- 2.6 The aerial below shows the stadium's relationship with its locality. The position between the A34 (Walsall Road) and M6, with residential development and estates to the north, separated by the Tame Valley Canal is clearly understood and appreciated.



Figure 1: Aerial view of the Games Family Transport Mall and the Spectator Mall

3 Planning History

- 3.1 **2021/06577/PA** – Reserved matters application for the erection of temporary overlay structures – Approved w/conditions
- 3.2 **2021/02809/PA** – Reserved Matters application for the installation of temporary lighting and catenary structures – Approved w/conditions
- 3.3 **2021/00377/PA** – Reserved matters application for access road comprising a new temporary Athletes' Route between Church Road and the Alexander Stadium service road – Approved w/conditions
- 3.4 **2019/07968/PA** – Hybrid application for stadium redevelopment and Commonwealth

Games use – Approved w/conditions

4 Consultation Responses

- 4.1 BCC Conservation – No objection.
- 4.2 BCC Design & Landscaping – No objection.
- 4.3 BCC Leisure Services – Support proposals.
- 4.4 BCC Transportation – No objection subject to a condition that all the highways works are carried out to the department's specifications/standards.
- 4.5 BCC Environmental Pollution Control – No objection.
- 4.6 LLFA – No objection subject to conditions for the works to be carried out in accordance with the FRA and the submittance of a Sustainable Drainage Operation and Maintenance Plan.
- 4.7 Canal & River Trust – No comment.
- 4.8 Sport England – No objection.

5 Third Party Responses

- 5.1 Two letters of objection received. The issues raised are summarised below:
 - Loss of local parkland to the stadium.
 - Too much tarmac left on the fields.
 - Proposals detrimental to the appearance of the park.
 - Park has not been redeveloped and given back to the local community.
 - Works not needed.
- 5.2 One letter of support received from 3Bs Neighbourhood Planning Forum stating that the proposals would:
 - Soften the appearance of the vast tarmac coach park ("transport mall") and screen it from view from residents at Perry Villa Drive.
 - Provide constructive leisure use of the space via imaginative proposals for activation.
 - Resolve issues with vehicular access and the entrance from Church Road.
 - Remove redundant hard surfaced paths in the vicinity of the tarmac coach park, and slightly reducing the size by varying the width of paths around its edge.
 - They do question the extension of the temporary use of the transportation mall, however, given that it has not been utilised since the end of the Commonwealth Games and will only be used again for the 2026 European Athletics Championships.

6 Relevant National & Local Policy Context

- 6.1 National Planning Policy Framework
Planning Practice Guidance
Birmingham Development Plan 2017
Development Management DPD
Birmingham Design Guide 2022
Perry Barr 2040 A Vision for Legacy Masterplan (2022)

7 Planning Considerations

Principle of Development

- 7.1 This planning application is made under section 73 of the Town and Country Planning Act 1990 which relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID:21a Updated: 23.07.2019) of the PPG.
- 7.2 In deciding an application under section 73, the local planning authority must only consider the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 7.3 While applications under section 73 are commonly referred to as applications to 'amend/remove' the conditions attached to a particular planning permission, it should be noted that a decision under s.73(2) leaves the original permission intact, effectively creating a second permission, either of which could potentially be implemented. When considering an application under s.73, the scope of a Local Planning Authority's jurisdiction is more limited than when considering an application for full planning permission. Nonetheless, this Local Planning Authority is unrestricted in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under s.73 is a wholly new planning permission. However, the section does not empower the Local Planning Authority to rewrite the permission altogether.
- 7.4 In particular, when varying/removing any of the conditions, consideration has to be given to whether any proposed changes would go to the heart of the planning permission and fundamentally alter what was originally granted. If it is considered that the changes do substantially change the permission, then a new planning application is required rather than one under section 73.
- 7.5 In this case, I have concluded that the changes to the original permission as a result of the proposed amendments would not go to the heart of the permission. No new material planning policies lead me to alter my recommendation. I therefore only intend to address the relevant matters with regards to the above alteration.

Minor Material Amendments

- 7.6 The Games Family Transport Mall and the Spectator Mall were constructed as part of the Commonwealth Games Overlay works to facilitate access and circulation around the southern entrance to the Alexander Stadium. Since completion of the Commonwealth Games, much of the temporary overlay infrastructure has been removed and the removal of these overlay structures were also scheduled as part of Condition 6 of 2021/06577/PA. However, as Birmingham has been announced as the host of the European Athletics Championships for 2026 at the Alexander Stadium, it has now been considered premature to carry out these works. The proposal is

therefore to amend the current approval to allow the retention of the Games Family Transport Mall until 31st December 2027 and secure the permanent retention of the Spectator Mall. The proposed amendments also include the reinstatement of the drop kerbs where the access spur road joins Church Road, as well as new access-controlled security barriers, to facilitate and manage future circulation in and around the site.

- 7.7 The proposal would assist in maintaining the Stadium’s ability to continue to host national and international athletics events and would therefore be supported by Policy TP25 of the BDP which states that ‘proposals which reinforce and promote Birmingham’s role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City’s existing tourist and cultural facilities and enabling new or expanded provision where it contributes to the City’s continued success as a destination for visitors’.
- 7.8 Several comments have been received around the reinstatement of Perry Park and the delay the proposals would cause to this. Whilst the retention of the Transport Mall until the end of 2027 would inevitably mean a delay, it would be limited to a fairly limited part of the overall site and plans are in progress to activate this area when not in use for events (see below). Therefore, on balance, I consider the proposed minor amendments to support the City’s aim of international recognition and tourism attraction and would not unacceptably impact on the character of the area or long-term use of the park by the public.

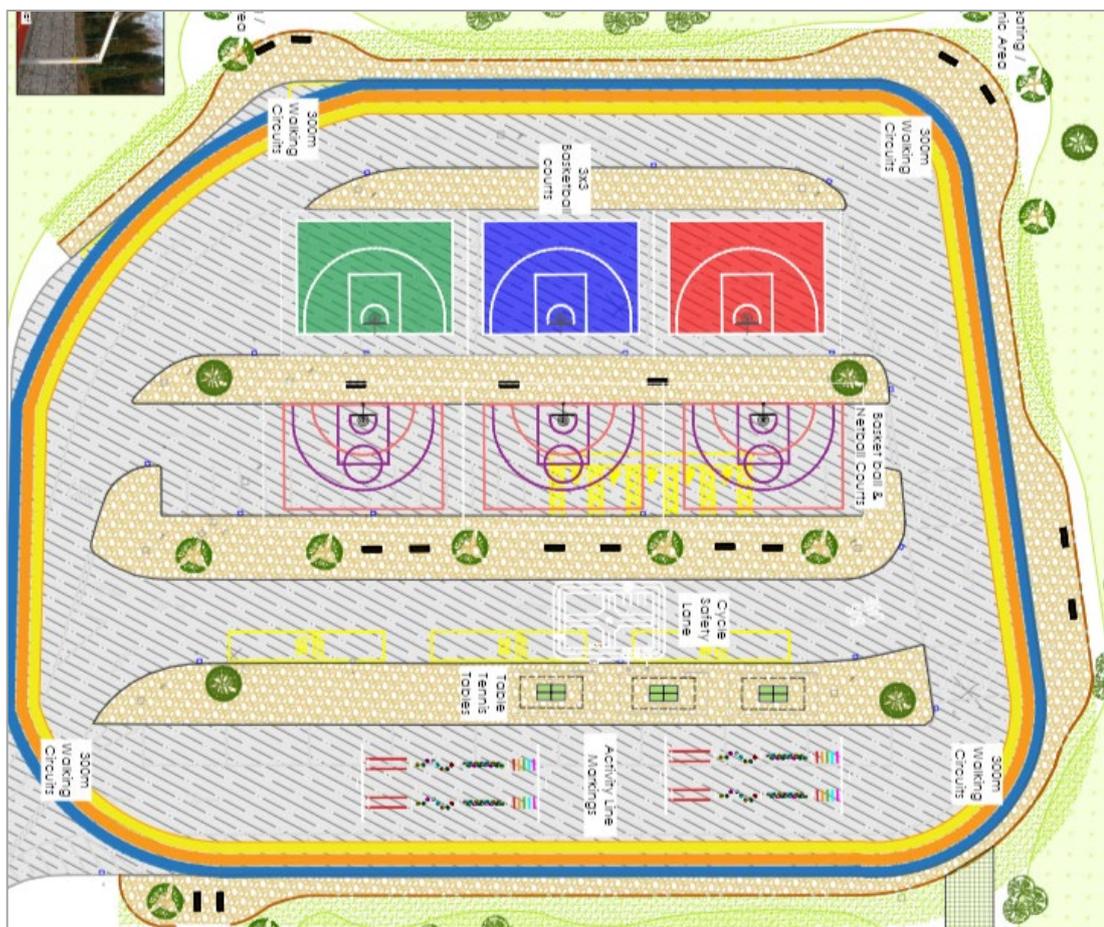


Figure 2: Transport Mall Activation Plans

Other Matters

- 7.9 Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Since the determination of the original reserved matters application, several of the conditions have been discharged and, therefore, the conditions attached to this proposal have been amended to reflect these approved details.
- 7.10 Given the proposed changes to the original permission, the previously approved Flood Risk Assessment has been updated to reflect the latest position. The LLFA has recommended that a condition should be attached to any approval requiring the implementation of the amended FRA and also that a separate condition is required for a Sustainable Drainage Operation and Maintenance Plan. Whilst conditions of this type would not ordinarily be attached to a reserved matters approval, in this case I consider them necessary to facilitate the proposed amendments.

8 Conclusion

- 8.1 The original reserved matters permission was approved under application reference 2021/06577/PA. The policies and material considerations that are relevant to that decision are set out in the associated Officer Report. The currently proposed amendments are considered to be minor and acceptable in their impact and, therefore, the application is recommended for approval on this basis.

9 Recommendation

- 9.1 Officers have made a recommendation on the basis of the Development Plan and other material considerations. It is for the Committee to weigh and balance these in coming to a decision, based on their judgement of the available evidence.
- 9.2 That temporary permission is APPROVED subject to all the previous conditions (updated in accordance with the approved discharges of condition) and notes attached to permission 2021/06577/PA.

-
- 1 Noise Levels for Plant and Machinery
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires iso illumination plan
 - 4 Limits the use of the floodlighting
 - 5 Noise assessment and management plan
 - 6 Requires the submission of a scheme to show how the temporary structures will be removed within a timescale
 - 7 Replacement play equipment
 - 8 Secure fence reposition
 - 9 Highways works
 - 10 Requires the implementation of the Flood Risk Assessment
 - 11 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
-

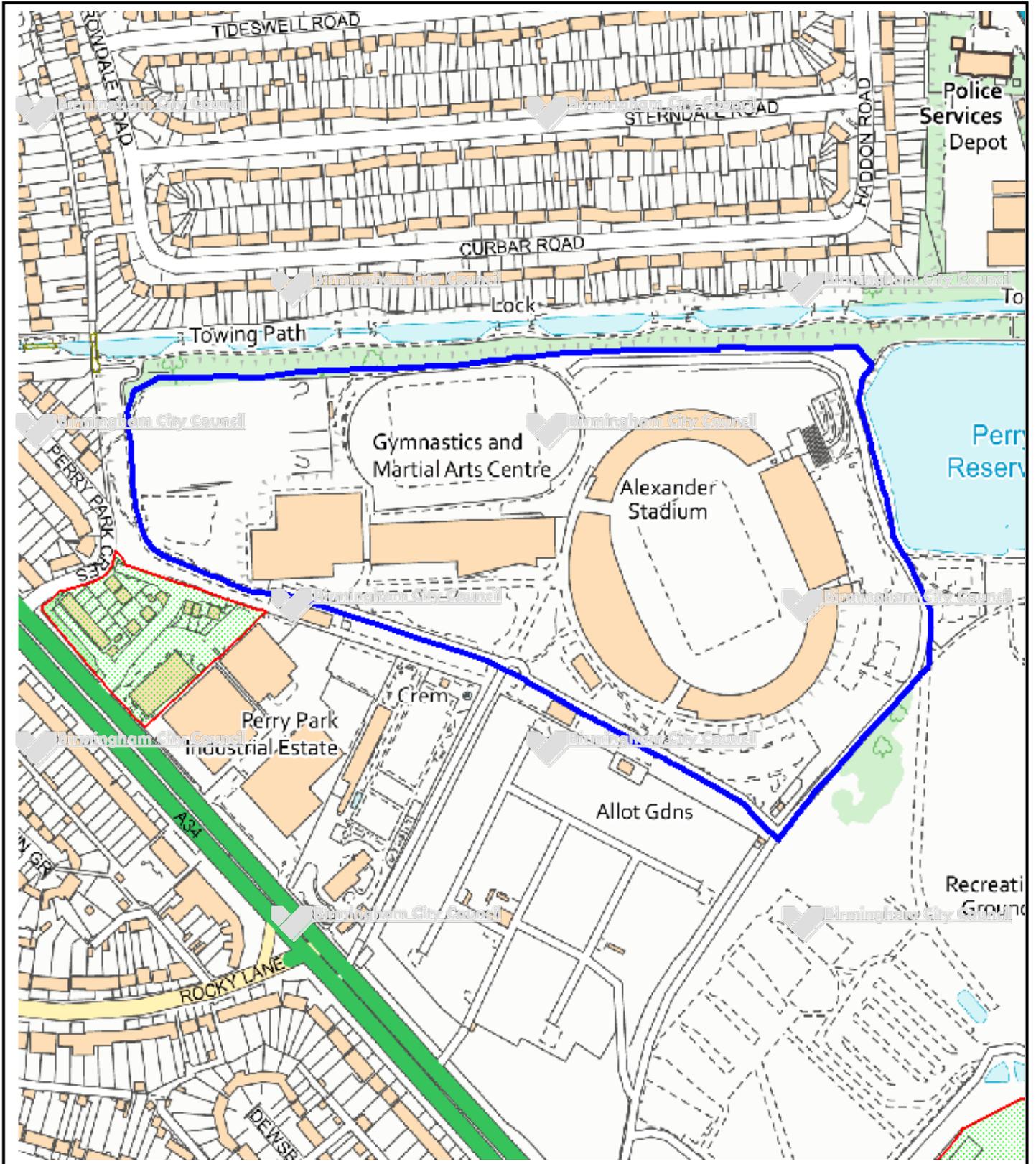
Case Officer: Eddie Wrench

Photo(s)





Location Plan



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