TOWN AND COUNTRY PLANNING ACT 1990

SECTION 247 DRAFT ORDER

RELATING TO THE STOPPING UP
OF PART OF ALDRIDGE ROAD, FRANCHISE STREET AND WELLHEAD LANE,
PERRY BARR, BIRMINGHAM.

REFERENCE NATTRAN/WM/S247/3650

ANCILLARY TO THE BIRMINGHAM CITY COUNCIL (PERRY BARR – ATHLETES’
VILLAGE AND LEGACY).
COMPULSORY PURCHASE ORDER 2018

STATEMENT OF CASE OF BIRMINGHAM CITY COUNCIL

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1 Scope of Statement of Case

1.1 This Statement of Case deals specifically with the stopping up of Highway at Aldridge Road, Franchise Street and Wellhead Lane, Perry Barr, Birmingham, pursuant to Section 247 of the Town and Country Planning Act 1990.

1.2 Planning Consent was granted on 20th December 2018 under reference 2018/06313/PA, for the erection of a mixed use residential led development to first serve as the residential element of the Commonwealth Games Athletes’ Village, and later converted to 1,146 residential units (Use Class C3), 268 extra care apartments (Use Class C2), 1,237sqm commercial floorspace (Use Class A1 - A3), and a community centre (Use Class D2) with associated parking, landscaping and infrastructure at the former BCU Teaching Campus, Franchise Street, Perry Barr, Birmingham, B42 2SU.

1.3 The implementation of the scheme requires the stopping up of highway.

2 Background

2.1 The Section 247 Application relates to the stopping up of 13 parcels of highway as described in Schedule 1 of the Order and shown on the Order Plan (see s247 Appendix 1 – Draft order bundle).

2.2 The S247 application was submitted to the Department for Transport in January 2019 and at the same time a written consultation (concerning all the necessary statutory undertakers and other interested parties) was carried out to ascertain whether they had any objections the Stopping up Order.

2.3 The Order was drafted by the Secretary of State on 22 February 2019 Notices were posted on site for a 28 day objection period (expiring on 22 March 2019) and was advertised in the Birmingham Post.

3 Reasons for Making the Order

3.1 The stopping up of these areas of highway is fundamental to the implementation of the scheme for which consent has been granted. All land within the areas of highway to be stopped up is required for the residential element of the development proposed. A number of the parcels identified for stopping up will be built over, and others will be within private gardens or private amenity space.

3.2 The consented scheme will provide the residential element of the Birmingham 2022 Commonwealth Games Athletes’ Village. The Village will accommodate some 6,500 athletes and officials during the Games, and is at the heart of Birmingham’s plans for the delivery of
a successful event. This accommodation needs to be handed over to the Games Organising Committee (“the OC”) in January 2022. After the Games it will be retrofitted to provide some 1400 homes of mixed tenure. It has been designed to meet both Games and legacy requirements.

4 Objections

4.1 Three objections to the Order were received. Two have been withdrawn. The remaining objection has been addressed as follows:

Cadent

4.2 Cadent objected on the basis of the presence of there being low or medium pressure gas pipes identified in the vicinity of the proposed works.

4.3 On further investigation it appears that there is a gas pipe under parcel 9 as identified on the s247 Order plan. There may also be a stub under parcel 12, but this is not part of the active network.

4.4 Cadent’s letter of objection states that to resolve the objection they should either be granted an easement or a diversion should be carried out. A diversion is required for parcel 9 as a building will be constructed on this land. The Council’s agents have been in discussion with Cadent to agree the route of the diversion, and a quote for this has been provided. The cost of the diversion will be funded from the project.

4.5 Cadent states in its letter of objection that the objection will not be withdrawn until the diversion is carried out. However, this is not realistic as the diversion will be carried out in conjunction with a later phase of the scheme. In many years of dealing with Section 247 applications and objections for a variety of schemes, the Council normally secures the removal of objections by agreeing to the principle of carrying out a diversion (if required) at the authority’s cost and if appropriate, submitting the relevant application for a quote for the diversion work. The wording of the draft order (clause 3) also preserves the statutory undertaker’s position. The Council is of the view that these steps would protect the position of Cadent in respect of its apparatus impacted by the order and it should not have to wait until the diversion is actually completed out before the objection can be removed. This point has formed part of the ongoing dialogue with Cadent. As a result Cadent’s agent in this matter has informed the Council’s agent that once the quoted cost has been paid they will instruct Cadent to lift the objection to the stopping up order. Arrangement for payment is now being made.

4.6 The Council is confident that suitable terms will be agreed to enable the objection to be withdrawn.
5 Conclusion

5.1 Timely confirmation of this Order is crucial to the successful delivery of the Commonwealth Games Athletes’ Village in time for the Games in 2022 and the legacy regeneration of Perry Barr. The draft order needs to be made before the construction of certain residential blocks can commence. The Council has engaged with all of the objectors to ensure that their needs can be met within the delivery of the scheme.