Birmingham City Council

Birmingham City Council (Perry Barr – Commonwealth Games Athletes’ Village and Legacy) Compulsory Purchase Order 2018

Town and Country Planning Act 1990
Acquisition of Land Act 1981

Public Local Inquiry

Proof of Evidence of Douglas Lee, BA (Hons), MCD, MRTPI on behalf of Birmingham City Council
1 Qualifications and Experience

Douglas Charles Lee will say:

1.1 I currently hold the post of Development Planning Manager at Birmingham City Council within the Planning and Development Department which is part of the Inclusive Growth Directorate.

1.2 I hold a BA (Hons) degree in Geography from the University of Leicester and a postgraduate masters degree in Civic Design from the University of Liverpool. I was elected a Chartered Member of the Royal Town Planning Institute in 1992.

1.3 I have almost 29 years experience as a town planner the majority of this time has been at Birmingham City Council in a variety of roles. The exception was 2007 – 2009 when I held the post of Senior Planning Consultant at Arup.

1.4 At Birmingham City Council I have been engaged in a variety of projects including the Bordesley Park Area Action Plan and major transportation proposals such as HS2 and Metro. I have considerable experience of compulsory purchase orders having provided the planning input into a number of orders progressed by the City Council including the New Street Station Gateway Project, the Curzon Street redevelopment, and the Cube development as well as smaller Orders such as Brickfield Road.

1.5 In this evidence I will provide information on the planning considerations that led the City Council to promote compulsory purchase. This will include the proposals for Perry Barr set out in the Birmingham Development Plan and the Aston, Newtown & Lozells Area Action Plan and how these have developed with the proposals for the Commonwealth Games. I will also set out the planning applications either approved or programmed to support the delivery of the Athletes’ Village and post Games legacy development and how the scheme will be brought forward through the planning process.
2 Introduction

2.1 This evidence relates to the CPO made on 7th December 2018 by Birmingham City Council. The CPO is made under Section 226(1) (a) of the Town and Country Planning Act 1990 as amended. The CPO enables the delivery of a scheme which will support the hosting of the 2022 Commonwealth Games and see the regeneration of Perry Barr in the longer term. In particular the land is being acquired for the purposes set out in the Order, namely facilitating the carrying out of development, redevelopment and improvement of the land by the demolition of buildings and the construction of:

- A new mixed use residential led development to serve as the residential element of the Athletes’ Village for the 2022 Commonwealth Games and subsequently to convert to mixed tenure housing including residential units and extra care apartments, commercial premises and community/leisure facilities;
- Residential and commercial premises; and
- A new bus depot

Together also with associated car parking, highway improvements (including cycle lane), public transport infrastructure improvements (including improvement to Perry Barr Rail Station and bus interchange), and associated works to facilitate the regeneration of Perry Barr and contribute to the promotion and improvement of the economic, social and environmental wellbeing of the area.

2.2 There is considerable planning policy, guidance and advice in place that provides a clear strategic framework for the scheme. This is set out in detail in section 6 of the Council's Statement of Case and in Section 3 below.

2.3 It is necessary for the majority of the elements within the scheme to have planning consent. Where this is not yet in place, the clear planning policy and guidance in place provides sufficient certainty that there is no reason why planning permission would not be granted when compliant development is proposed. Section 4 sets out in detail the current approvals and applications programmed to support and deliver the scheme. In summary these include:

- Planning approval (2018/06313/PA) was granted on the 20th December 2018 for the erection of a mixed use residential development to first serve as the Commonwealth Games Athletes’ Village, and later to be converted to 1,146 residential units (Use Class C3), 268 extra care apartments (Use Class C2), 1,237 sqm commercial floorspace (Use Class A1 – A3), and a community centre (Use Class D2) with associated parking, landscaping and infrastructure.
- An outline application (2019/03020/PA) for land to the east of Wellhead Lane was registered on the 15th April 2019 for the creation of residential dwellings, a new secondary school with sixth form, new public open space, associated
parking, landscaping and infrastructure with all matters reserved except access. This represents Phase 2 of the legacy development and incorporates the development of the land that will be used for temporary facilities for the duration of the Commonwealth Games. It is expected that the application will be determined in July 2019.

- A scheme for the temporary Games time facilities at the Athletes’ Village is being progressed by the City Council and the Commonwealth Games partners. This application is programmed to be submitted at the end of 2020.

- The planning application for the development of the new bus depot at the corner of Aston Lane / Wellhead Lane (to replace the current depot at Wellhead Lane) is being prepared and is programmed for submission in late Summer 2019.

- The planning applications for the redeveloped Perry Barr Rail Station and bus interchange are being progressed and are programmed for submission in Autumn 2019.

- The use of the sites at Birchfield Gateway as compound space will not require planning permission as both sites immediately adjoin the projects which they will be facilitating. A scheme for the temporary use of part of the African Village site for the bus interchange is being developed and an application will be prepared for submission in early 2020.

- The proposed highway works are considered to constitute permitted development under Schedule 2 Part 9 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. In order to mitigate risk a screening opinion on the need for an environmental impact assessment for the highway works (including the proposed demolition of the A34 flyover) will be submitted during the Summer. If an environmental impact assessment is required then a planning application for the highway works will be submitted later in the year.

2.4 As is set out above the City Council is making significant progress with regards to the planning position for the scheme with a clear programme set out and resources identified so that the necessary approvals are secured in good time to deliver the Commonwealth Games. Accordingly, given the progress outlined above and the overall consistency with planning policy, there are considered to be no obvious reasons why planning permission might be withheld. This approach is also consistent with government ‘Guidance on Compulsory purchase process and The Crichel Down Rules’ which recognises at paragraph 105 that it may not always be feasible or sensible to wait until the full details of scheme have been worked up, and planning permission obtained, before proceeding with the Order.

2.5 The sections below address the key points of the strategic framework, the compliance of the scheme with this strategic framework, and sets out in more detail the steps being taken to secure the consents required within this framework to enable delivery of the scheme.
3 Planning Policy Context

3.1 There is a clear strategic and planning framework for the Athletes’ Village and wider regeneration of Perry Barr (including the legacy development) which this Order supports. This framework is clearly set out in both the City Council’s Statement of Reasons and Statement of Case and as such there is no reason why planning permission would not be granted when compliant development is proposed (indeed Phase 1 of the Athletes’ Village and subsequent legacy development has already obtained planning approval and the development is currently on site). This section does not repeat the entire policy context for the Order but does highlight the key documents.

National Planning Policy Framework (NPPF), 2019 (BCC12)

3.2 The NPPF constitutes the Government’s view of what sustainable development means in practice, and is designed to stimulate growth and sustainable development. This includes building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, healthy and safe communities, delivering a wide choice of quality homes and requiring good design. The scheme delivers sustainable growth on brownfield land through the provision of a significant number of new homes (of diverse type and tenure) and other uses including those to support the vitality of Perry Barr District Centre. The scheme places a great emphasis on placemaking and high quality design as well as providing significantly enhanced connectivity through sustainable transport improvements such as an improved Perry Barr Rail Station and new SPRINT bus route as well as cycling and walking improvements.

3.3 The NPPF requires that local planning authorities optimise the use of land and buildings and take a proactive role in bringing forward land that may be suitable for meeting development needs, especially where this can help to bring more land forward for meeting development needs and/or securing better development outcomes. Homes should not be built at low densities where there is an existing or anticipated shortage of land for meeting identified housing needs, and should use minimum density standards for city and town centres and other locations that are well served by public transport.

3.4 In Birmingham there is an overall pressure on land in the City with the population expected to grow by 156,000 by 2031. It is the case that Birmingham cannot meet its objectively assessed housing need, and that Perry Barr is a local centre well served by public transport (increasingly so as a result of the scheme) and therefore is a location that can accommodate greater housing growth. As such the housing densities proposed in Perry Barr as part of this scheme, and densities which can be realised in future as a result of the delivery of this scheme, are in line with both meeting this need and the policy objectives of the NPPF.

3.5 Paragraph 119 of the NPPF identifies that local planning authorities should use the full range of powers available to them, including identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this
Paragraph 119 goes on to state that;

“Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or securing better development outcomes.”

3.6 As such the scheme promoted in this Order, and the approach to achieving this, is entirely compliant with the NPPF.

Birmingham’s Development Plan, 2017 (BCC13)

3.7 The Birmingham Development Plan (BDP) is the Development Plan for the City for the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004. The BDP was adopted in January 2017 prior to the City Council’s bid for the 2022 Commonwealth Games (following the Commonwealth Games Federation’s withdrawal of host city rights for the 2022 Games from Durban in March 2017). Unsurprisingly the BDP therefore does not directly reference the Commonwealth Games. However the implementation of the Commonwealth Games and the legacy development (and the CPO scheme), are consistent with the policies and the growth aspirations for Perry Barr set out in the BDP.

3.8 The BDP sets out a clear vision for Birmingham that by 2031 it will be renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness. The Commonwealth Games and the legacy development are entirely consistent with this vision and the growth objectives of the BDP. The BDP objectives include promoting Birmingham as an international city, supporting development, investment and other initiatives that raise the City’s profile and strengthen its position nationally and internationally. Policy TP25 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. In addition Policy TP11 states that the provision and availability of sports facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a ‘stepping stone’ into more formal sport will be supported and promoted. The Commonwealth Games and its sporting legacy will contribute to these objectives, and the scheme at Perry Barr is central to its delivery.

3.9 The BDP plans for the delivery of growth to support an additional 156,000 people living within the city by 2031. Policy PG1 of the BDP plans for overall levels of growth. This policy identifies the need for significant levels of housing, employment, office and employment growth over the plan period. In particular it identifies Birmingham’s objectively assessed housing need as 89,000 additional dwellings over the plan period; the BDP plans for the delivery of 51,100 homes, with the balance to be met within the Greater Birmingham Housing Market Area. As a result the focus of
the BDP is the delivery of homes and jobs for the growing population. This includes the delivery of 51,000 homes and a target of up to 100,000 new jobs (both for the growing population and to reduce existing levels of unemployment and worklessness) and sets out a spatial strategy for the delivery of this growth in 10 key growth areas; one of which is Aston, Newtown and Lozells, which incorporates the Perry Barr area. The proposals for the legacy development see the direct delivery of 2000 homes with the impacts of the transport and environmental improvements in the area facilitating the delivery of around 2900 further homes across the wider Perry Barr area and along the A34 Corridor within the next 15 years. This level of housing is supported by the focus on public transport and the enhanced accessibility of Perry Barr and will meet both the overall housing need in the City and facilitate the delivery of higher levels of housing sooner in the development process.

3.10 The regeneration and growth of Perry Barr is identified in policies GA3 and TP21 of the BDP. Policy GA3 for Aston, Newtown and Lozells states that an Area Action Plan is in place to secure comprehensive regeneration and guide future development over a 15 year period. Paragraph 5.47 states that:

“Perry Barr / Birchfield is identified as a District Growth Centre growth point in the AAP, and has the potential to accommodate a significant level of retail and office development. Potential exists to diversify the commercial offer (retail and office), whilst also delivering infrastructure improvements, new community facilities and housing growth. Sites with development potential include the Birmingham City University site, One Stop Shopping Centre, Perry Barr Stadium, Gailey Park and the bus depot on Wellhead Lane.”

The proposals for the Games and the legacy development accord with the growth opportunities outlined above and directly bring forward development of the University, Gailey Park and bus depot sites. The One Stop Shopping Centre and Perry Barr Stadium are affected by the proposed highway changes and will benefit from the public transport and wider connectivity improvements in the area.

3.11 Policy GA3 specifically identifies the former BCU campus site as a key development opportunity within the area and replaces Policy ED1 in the AAP. The policy states that:

“High quality design to assist with place-making and a more attractive public realm is essential given the site’s prominent location. Any proposal brought forward for the site should contribute to improving pedestrian linkages, particularly to the One Stop Shopping Centre, Perry Barr rail station and the more traditional retail area to the south at Birchfield roundabout.”

3.12 Place making, the quality of the public realm and connectivity are a key part of the scheme and accords with the policy objective set out in GA3. In particular the proposals improve pedestrian connectivity throughout the area including to the Rail Station and One Stop Shopping Centre as well as the Birchfield area to the south.

3.13 Policy TP21 in the BDP refers to the network and hierarchy of centres in Birmingham. Perry Barr District Centre is identified as one of four significant growth points, with the
potential to accommodate a significant level of growth up to 2031. At Perry Barr this includes 20,000 sqm gross of comparison retail and 10,000 sqm gross of office floorspace. The proposals at Birchfield Island and for the legacy commercial uses in the Village will support the delivery of this quantum of growth.

3.14 As set out in Ian MacLeod’s evidence the former University campus site will form part of the Athlete’s Village for the Games, and has the potential to accommodate 1,400 new homes, comprising both family housing and apartments as part of the legacy development. These homes will be developed in advance of the Games, to accommodate the athletes during the event, and will be disposed of in line with a market strategy to provide a mix of tenures post Games. This significant housing scheme will be accompanied by supporting uses on adjacent sites, to ensure a mix of uses and a vibrant and diverse district centre offer in the longer term.

3.15 Policy T38 of the BDP promotes sustainable transport networks and states that:

“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel will be supported.

The delivery of a sustainable transport network will require:

- Improved choice by developing and improving public transport, cycling and walking networks.
- The facilitation of modes of transport that reduce carbon emissions and improve air quality.
- Improvements and development of road, rail and water freight routes to support the sustainable and efficient movement of goods.
- Reduction in the negative impact of road traffic, for example congestion and road accidents.
- Working with partners to support and promote sustainable modes and low emission travel choices.
- Ensuring that land use planning decisions support and promote sustainable travel.
- Building, maintaining and managing the transport network in a way that reduces CO2, addresses air quality problems and minimises transport’s impact on the environment.
- In some circumstances, the re-allocation of existing roadspace to more sustainable travel modes.”

The proposed changes to the highway network as detailed in Mr Everest’s evidence are consistent with the approach set out in Policy TP38.
3.16 The scheme is also compliant with thematic policies set out in the BDP, relating to the environment, local centres, delivering successful homes and neighbourhoods, and improving connectivity (as outlined in the Statement of Reasons and Statement of Case).

3.17 Chapter 10 of the BDP addresses the important issue of delivery, including working with partners, accessing Government funding and utilising the City's prudential borrowing powers. Of particular relevance to this Order, reference is made to the use of the City Council's powers including the pro-active use of the Council's land holdings as well as making use of the Council's Compulsory Purchase powers. Paragraph 10.24 states that:

"The City Council has a strong track record in utilising these powers to support urban regeneration schemes and the delivery of infrastructure and will continue to apply these powers where the acquisition of land is necessary to enable comprehensive schemes that deliver economic, social and/or environmental benefits."

The City Council's approach to the Order and the scheme is entirely consistent with this policy as the scheme will deliver both infrastructure and the regeneration of Perry Barr that will improve the economic, social and environmental well-being of the area.

Aston, Newtown and Lozells Area Action Plan (AAP) 2012 (BCC14)

3.18 Policy GA3 of the BDP stems from the Aston, Newtown and Lozells Area Action Plan which was adopted in 2012 and identified the Perry Barr / Birchfield District Centre as a busy and vibrant centre which is a key growth opportunity in the area. Whilst recognising this, the AAP also set out the challenges in the area at paragraph 4.2:

"The relationship and linkages between the two shopping centres are poor. Fragmentation of the centre is compounded by the flyover and underpass system which dominates the area and creates both a physical and mental barrier to pedestrian movement."

3.19 The Aston, Newtown and Lozells Area Action Plan ("the AAP") provides a clear vision and strategy for the regeneration of the area. Perry Barr District Centre is a ‘growth point’ within the AAP boundary and there is a specific policy on the area entitled ‘LC1- Perry Barr/ Birchfield District Centre’. This policy sets a clear aspiration around the regeneration of the local centre. It refers to a number of opportunity sites which are suitable for local centre uses: the Crown and Cushion Public House (now known as the African Village site), and the land and temporary shops adjacent to the former Birchfield Library, both of which form part of the Order Land, and Gailey Park (described as the Gyratory site in the AAP) which the Council has already acquired. A number of these are located around Birchfield Island which is an area characterised by a poor environmental image, several underutilised sites and poor connectivity. A holistic approach to this area will enable comprehensive redevelopment to come forward and highway improvements to be delivered. Policy LC1A of the AAP supports this approach and identifies the need to improve the public realm at Perry Barr.
3.20 The regeneration aspirations set out in the AAP extend to policies to improve connectivity within the Perry Barr area. Policies T7-T10 of the AAP address the creation of a high quality rapid transit corridor along the A34, junction improvements, improved pedestrian and cycle connectivity and modal interchange. The scheme delivers all of these aspirations.

3.21 The delivery and implementation section of the AAP notes that the Council will work with partners to deliver the objectives of the AAP, and that it will use its compulsory purchase powers where necessary. Again both the Order and the scheme that it supports are consistent with this policy approach.

3.22 To conclude the Area Action Plan, although prepared prior to the Commonwealth Games proposal, identifies a number of opportunities at Perry Barr including development sites, a high quality transport corridor and improved public realm. The Commonwealth Games helps to facilitate and deliver the opportunities at Perry Barr and the legacy development is consistent with the opportunities and general approach highlighted in the AAP.

Draft Urban Centres Framework (BCC18)

3.23 The Council’s approach to local centres has identified, over many years, the potential to support improved provision (of retail and other facilities) in the more traditional shopping area around Birchfield Island, and to better connect this to the One Stop Shopping Centre. The scheme and associated Order will deliver a better environment, new development, and improved connectivity to meet these aspirations.

3.24 The draft Urban Centres Framework was published for public consultation in November 2018 and identifies Perry Barr as one of 10 key centres. The section on Perry Barr builds upon the policies and proposals already in place, as well as reflecting the proposals for both the Commonwealth Games and the legacy development. The draft Framework identifies the following ‘Big Moves’ that will transform and regenerate Perry Barr:

- **Vibrant Urban Centre destination** – Perry Barr will be a focus for higher density development; a place with a strong urban character of well-designed buildings and spaces, an attractive place to live, work and visit for a wide range of shopping and leisure uses.

- **Enhanced A34 corridor environment** – The highway will be redesigned to improve pedestrian and cycling movement, and public transport priority within the centre whilst maintaining vehicle access. These changes will also create opportunities for new development.

- **Public transport hub** – High quality, easily accessible rail, Sprint / rapid transit and bus facilities at the heart of the centre will make public transport the preferred travel choice between Perry Barr, the City Centre and the wider area.
• **East – West movement** - People will be able to easily walk and cycle within the centre, and between Perry Hall Park to the west and new residential neighbourhoods to the east.

• **Commonwealth Games Athletes’ Village** – The 1,400 homes legacy development will be a major catalyst for the area, bringing new residential development along with infrastructure investment.

Birmingham Connected (BCC19)

3.25 Birmingham Connected, the City Council’s transport strategy, was published in November 2014. This sets out the long term vision for transport and connectivity in the city linking directly with the strategies and policies set out in the BDP. It highlights the importance of investing in integrated transport to offer choice and support sustainable growth, and of doing so in a collaborative and participatory way. It specifically identifies the delivery of Sprint bus rapid transit along the A34, as well as opportunities to improve rail infrastructure, and to provide new cycle routes. The scheme as proposed at Perry Barr is consistent with and facilitates the delivery of this vision (further detail on this is set out Mr Everest’s evidence).

Wider Strategic Plans for Growth

3.26 Both the Greater Birmingham and Solihull Local Enterprise Partnership and the West Midlands Combined Authority have published strategic economic plans which promote growth. The scheme is entirely consistent with the ambitions of both these plans and both organisations are supportive of the Commonwealth Games and proposed legacy development at Perry Barr.

Conclusion

3.27 The scheme is therefore entirely consistent with planning policy and guidance at the national and local level.
3 Planning Position

4.1 Whilst the scheme as a whole is policy compliant, and it is considered that there are no planning impediments to the scheme, it is of course necessary to secure the relevant regulatory approvals, including planning consents, for the individual elements of the scheme. The following section of my evidence therefore sets out the progress being made towards securing planning consent where it is required.

4.2 In terms of the Order it is recognised that the full details of every element of the scheme are not yet finalised. However, paragraph 105 of the MHCLG Guidance on Compulsory Purchase Process (February 2018) states that it is not always feasible to wait for full details to be prepared before making an Order:

“It may not always be feasible or sensible to wait until the full details of the scheme have been worked up, and planning permission obtained, before proceeding with the order. Furthermore, in cases where the proposed acquisitions form part of a longer-term strategy which needs to be able to cope with changing circumstances, it may not always be possible to demonstrate with absolute clarity or certainty the precise nature of the end use proposed. In all such cases the responsibility will lie with the acquiring authority to put forward a compelling case for acquisition in advance of resolving all the uncertainties.”

4.3 In this regard the City Council is able to demonstrate clear proposals for both the Commonwealth Games and the legacy development. Indeed planning approval has either been secured or submitted for a significant element of the scheme and there is a clear strategy and programme in place (as set out in section 2 and below) to deliver the remaining approvals as required. Furthermore Mr MacLeod’s evidence provides further information on the overall delivery programme for both the Commonwealth Games and the legacy development.

4.4 Planning approval (2018/06313/PA) was granted on the 20th December 2018 for the erection of a mixed use residential development to first serve as the Commonwealth Games Athletes’ Village, and later to be converted to 1,146 residential units (Use Class C3), 268 extra care apartments (Use Class C2), 1,237 sqm commercial floorspace (Use Class A1 – A3), and a community centre (Use Class D2) with associated parking, landscaping and infrastructure. In recommending that planning permission be granted the report to Planning Committee concluded that

“The proposed mixed use, residential led, redevelopment of this site would, initially, enable Birmingham to accommodate athletes and associated support teams for the internationally important Commonwealth Games in 2022. More importantly, post games the proposal would result in a significant legacy development which would provide much needed well-designed new homes, high quality informal and formal public open space as part of a sustainable development in accordance with local and national planning policy.”

4.5 This approval has been implemented and is currently on site. Under the approval an Order under Section 247 of the Town and Country Planning Act 1990 has also been made for the stopping up of highway at Aldridge Road and Wellhead Lane. Subject to
confirmation this will enable the stopping up of the highway necessary to deliver this element of the scheme.

4.6 An outline application (2019/03020/PA) for land to the east of Wellhead Lane was registered on the 15th April 2019 for the creation of residential dwellings, a new secondary school with sixth form, new public open space, associated parking, landscaping and infrastructure with all matters reserved except access. This represents Phase 2 of the legacy development and incorporates the development of the land that will be used for temporary facilities for the duration of the Commonwealth Games. It is expected that the application will be determined in July 2019.

4.7 Although an outline application (apart from access) the application is supported by an indicative masterplan which has been added to the core documents list (BCC42). In summary the proposals incorporate up to 500 new homes and apartments, a new secondary school and sixth form for 1,260 pupils, the retention of the Doug Ellis Sports Centre and 3G pitch and the provision of 1.08 ha (2.66 acres) of public open space. The outline application was subject to extensive pre-application consultation and it is considered to be compliant with policy and therefore that in principle there is no planning impediment to approval being granted.

4.8 A scheme for the temporary Games time facilities at the Athletes’ Village is being progressed by the City Council and the Commonwealth Games partners. This will be the subject of a future planning application, around 18 months ahead of the Games, which is in line with the timing which successfully delivered the Glasgow and London Athletes’ Villages for the Commonwealth Games and Olympic Games respectively. The Games time Village will be designed to meet the Council’s legacy ambitions, as set out in the Phase 2 application detailed above. Key elements of the Games time Village scheme, including access and the main circulation routes, are therefore fixed, and likewise it is considered that in principle there is no planning impediment to approval being granted for this application which is programmed to be submitted at the end of 2020.

4.9 The planning application for the development of the new bus depot at the corner of Aston Lane / Wellhead Lane (to replace the current depot at Wellhead Lane) is being prepared and is programmed for submission in late Summer 2019. Pre-application discussions have identified a number of requirements, such as the need for an air quality assessment, which the application will need to address. Subject to a compliant scheme being submitted, in principle there is considered to be no further planning impediment to the delivery of the new bus depot.

4.10 The planning applications for the redeveloped Perry Barr Rail Station and bus interchange are being progressed and are programmed for submission in Autumn 2019. These elements of the scheme will be delivered by the West Midlands Combined Authority (further detail is provided in Mr Shingadia’s evidence). Pre-application discussions are underway with the WMCA and it is considered that the proposed improvements at this important transport hub are entirely consistent with the planning policy outlined above.
4.11 The use of the sites at Birchfield Gateway as compound space will not require planning permission as both sites immediately adjoin the projects which they will be facilitating. A scheme for the temporary use of part of the African Village site and adjoining land for the bus interchange is being developed and is outlined further in Mr Shingadia’s proof. An application is being prepared for submission in early 2020.

4.12 The highway works have been developed as one scheme incorporating both the Birchfield Island and the A34 / Aldridge Road gyratory which seeks to achieve the most effective and efficient highway solution. The highways elements of the scheme are designed to facilitate land assembly, unlocking opportunities for residential development, and to improve connectivity and legibility within the area. This will see the replacement of the A34/Aldridge Road gyratory and flyover junction with a signal controlled all movements junction, and the replacement of Birchfield Island with a signal controlled all movements junction. These will allow for public transport priority, the continuation of the cycle route through the centre, and improved pedestrian crossings, as well as creating a more legible and attractive place.

4.13 These highway works are set out in further detail in Mr Everest’s evidence and are considered to constitute permitted development under Schedule 2 Part 9 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. In order to mitigate risk a screening opinion on the need for an environmental impact assessment for the highway works (including the proposed demolition of the A34 flyover) will be submitted during the Summer. If an environmental impact assessment is required then a planning application for the highway works will be submitted later in the year.

4.14 In addition to the progress outlined above the City Council is also preparing a development brief and delivery plan for the legacy development of the sites at Birchfield Gateway to provide further clarity and certainty for prospective developers. This will provide detailed guidance to ensure that policy compliant developments are brought forward and will incorporate a delivery plan to demonstrate the viability and deliverability of these developments.
5 Conclusion

5.1 The above evidence demonstrates that the scheme which will be delivered as a result of the acquisition of the Order lands is entirely in conformity with planning policy. I therefore contend that the scheme for which the land is being acquired fits in with the adopted Local Plan for the area (the BDP and the Aston, Newtown and Lozells AAP) and the National Planning Policy Framework in accordance with paragraph 106 of the Ministry of Housing, Communities & Local Government ‘Guidance on Compulsory purchase process and The Crichel Down Rules’.

5.2 Furthermore progress has been made with regard to planning approvals and where this is not in place a programme is in place to deliver the required approvals. As the detailed proposals are worked up there may be details that are altered or improved. If so any changes will be picked up through the proper procedures at the appropriate time.

5.3 The scheme will deliver the Commonwealth Games Athletes’ Village and the legacy development as well as the wider regeneration of the Perry Barr area. As such it will clearly achieve the promotion and improvement of the economic, social and environmental well-being of Birmingham and its citizens.

5.4 Funding for the delivery of both the Commonwealth Games and the legacy developments is in place with Phase 1 of the Athletes’ Village already on site, as set out in Mr MacLeod’s evidence. Overall the focus on the area and the collaborative working between the various public agencies and other stakeholders has enabled a comprehensive approach to be taken to maximise the opportunity to transform the Perry Barr area. It is clear given the scale and importance of the proposals, and the diversity of ownerships and occupations, that the scheme can only be delivered in a timely way through the use of compulsory purchase powers. There is also a need to act quickly and decisively to secure the land and property under the City Council’s control so that the scheme can be implemented comprehensively and expeditiously. The Secretary of State is therefore asked to confirm the Order without modification.
6. Declaration

6.1 The evidence which I have prepared and provide for this inquiry in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.