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Committee Date:	06/08/2015	Application Number:	2015/03138/PA
Accepted:	13/07/2015	Application Type:	Full Planning
Target Date:	12/10/2015		
Ward:	South Yardley		

Former Virgin Media Office Building, Talbot Way, Small Heath, Birmingham, B10 0HJ

Erection of 3-storey extension and sports hall to Perry Beeches V free school to provide primary and secondary school facilities with football pitch, MUGA, parking and landscaping. Demolition of existing industrial building to the rear of the site.

Applicant: Perry Beeches Academy Trust  
Tame House, 156-170 Newhall Street, Birmingham, B3 1SJ  
Agent: Glancy Nicholls Architects  
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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Proposal for Phase 2 of the creation of an all-through free school. Prior Approval has already been granted for Phase 1 (2015/01158/PA), which consisted of the refurbishment of the former Virgin Media Building to provide accommodation for reception and primary school children, and is under construction. Phase 2 consists of a new building and therefore requires formal planning permission.
- 1.2. Phase 2 consists of a new three-storey secondary school with a shared hall and sports facilities (2 or 4 court options) as well as external works including a football pitch, MUGA and outdoor play and areas. The application also includes the remodelling of the access off Coventry Road to create a shared surface for pedestrian and cycle movements as well as low level vehicular movements associated with 3no. disabled parking spaces. The existing trees currently lining this route would be retained to create a pedestrian friendly tree-lined boulevard leading from Coventry Road to the main entrance and the secondary school entrance. A new zebra crossing would be installed to Coventry Road in close proximity to this boulevard. 79no. staff parking spaces are proposed via the existing access off Talbot Way. To increase capacity for drop-offs and pick-ups on Talbot Way, new pavements would be installed where there are currently none and on-street parking is allowed as well as bollards installed to prevent parking on grass verges where there are parking restrictions.
- 1.3. Phase 1 will accommodate approximately 300 pupils in September 2015 and Phase 2 would enable this number to eventually increase to a capacity of 1320 pupils.
- 1.4. The layout would create a central spine corridor leading to class room clusters at ground, first and second floor levels. The hall and indoor sports facilities (either 2 or

4 court) would also be located off this central spine corridor on the ground floor. The MUGA would be located to the west of the sports hall and the football pitch to the northwest. Informal hard play area and external teaching areas surround the new building and also contained within the new internal courtyards.

- 1.5. The appearance of the Phase 2 extension adopts a contemporary approach, with the use a brick plinth to the ground floor and render with feature infill spandrel panels to the upper floors. The building would be naturally ventilated with inward opening ventilation panels. The external louvres would be coloured to offer a branded colour scheme. The sports block would be clad in vertical composite cladding panel, also in a branded colour scheme.
- 1.6. Phase 2 has been designed in a manner to complement Phase 1, with secure thresholds through the school from the foyer through to shared uses such as the Hall and Library.
- 1.7. The application has been accompanied by a Design and Access Statement, Loss of Industrial Land Statement, Transport Assessment, Flood Risk Assessment, Noise Impact Assessment, Arboricultural Survey and Land Contamination Report.
- 1.8. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and there is no requirement for an Environmental Assessment.

1.9. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The 2.12ha site consists of 2 distinct elements, with first being the 3-storey former Virgin Media building, which is currently being converted to provide reception and primary school accommodation. To the rear is a large area of hardstanding and a single storey warehouse.
- 2.2. The site forms part of the Small Heath Business Park, which consists of a number of industrial/office uses to the northeast, east and south. To the southwest is the Sapcote Business Centre. To the northwest is residential terrace housing (Oldknow Road) as well as Oldknow Academy.
- 2.3. The site has existing vehicular access points via Coventry Road and Talbot Way both of which provide some on-street parking as well as parking restrictions along other sections.

2.4. [Site location](#)

3. [Planning History](#)

- 3.1. 10/04/15 – 2015/01158/PA. Prior Approval for change of use from offices (Use Class B1) to a free school (Use Class D1). Prior approval required and approved with conditions.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions relating to a school travel plan, cycle stores, parking management strategy, S278/TRO Agreement,

construction management plan, amended means of access off Coventry Road and entry and exit signs.

- 4.2. Regulatory Services – No objection subject to conditions relating to contamination, noise levels for plant and machinery, extraction and odour control, refuse stores and hours of use of MUGA.
- 4.3. Education & Commissioning – Object on the grounds of introducing additional school places in the wrong place at the wrong time, with significant negative impact and disruption for children in East Birmingham and at a very significant cost to the public purse.
- 4.4. Local Lead Drainage Authority – no objection subject to condition relating to a Sustainable Drainage Assessment and Sustainable Drainage Operation, and Maintenance Plan
- 4.5. West Midlands Police – No objection.
- 4.6. West Midlands Fire Service – No objection.
- 4.7. Severn Trent Water – No objections subject to a drainage condition.
- 4.8. Local properties, Councillors and MP consulted with site and press notices posted.
- 4.9. One Objection received on behalf on neighbouring premises raising the following matters:
  - Unacceptable disruption and serious safety concerns caused by traffic congestion.
  - Majority of pupils would be below the age of 11 and there would be a huge influx of cars and pedestrians.
  - Talbot Way is too narrow to accommodate this influx of additional vehicles.
  - Talbot Way is already busy with vehicles and parked cars.
  - Risk to staff and pupils with large articulated lorries making deliveries to surrounding industrial premises.
  - Industrial location is inappropriate for large influx of children and parents.
  - Disruptive and inconsiderate parking.
  - Cumulative impact on traffic with the expansion of Oldknow Academy.
  - Non-compliant with Policy 6.48 which seeks to prioritise traffic management schemes which, amongst others, improve safety, access and traffic flows.
  - Does not reflect the aims of Car Parking Guidelines SPD to minimise the impact of new developments on congestion and the access of new developments be properly provided for.
  - If minded to approve, request conditions S106 to ensure traffic remains free flowing or strictly enforced double red lines/TRO, with suitable crossing points and drop off points away from Talbot Way.
  - Recommend access it taken solely from Coventry Road rather than Talbot Way.
  - Not consulted on the Prior Approval application.

## 5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Loss of Industrial Land to Alternative Uses SPD, Places for All SPG, Car Parking Guidelines SPD and the National Planning Policy Framework.
6. Planning Considerations
- 6.1. Provision of new education facilities:
- 6.2. The NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Furthermore, Local Planning Authorities should give great weight to the need to create, expand or alter schools.
- 6.3. An objective of the Draft Birmingham Development Plan is to strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places. Policy TP35 of the Draft Birmingham Development Plan recognises that as the City's population grows there will also be a need for additional school and college provision. Adding that, proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported subject to:
- Safe access by cycle and walking as well as by car.
  - Safe drop-off and pick-up provision.
  - Provide outdoor facilities for sport and recreation.
  - Avoid conflict with adjoining uses.
- 6.4. Education and Commissioning have made a strong objection to the proposal on the grounds that the Free School would "... introduce additional school places in the wrong place at the wrong time, with significant negative impact and disruption for children in East Birmingham and at a very significant cost to the public purse. Currently East Birmingham has ample secondary school places until 2018. Locating PBV on the Small Heath site will exacerbate inequality of access to strong provision in one of the most socio-economically deprived parts of the city... The proposed opening of PBV in 2015 will flood the area with excess primary and secondary places for the next three years. Revenue budget pressures will be created across the family of local schools including Oldknow Academy, St Benedict's Infants School, Cockshut Hill Technology College, International School, Starbank All-through. £20m Basic Need capital investment has been committed to the heavily over-subscribed and outstanding Starbank All-Through school, for which a new-build school is under construction to provide primary and secondary places serving the same locality as the proposed PBV".
- 6.5. Government Policy and Guidance is clear that there is a presumption in favour of the development of state-funded schools, to ensure that there is sufficient provision, as well as increased choice and opportunity. The strong objection from Education and Commissioning is noted and the matter of education provision, location and budgets are a matter for the relevant education bodies. Ultimately, it is not the role of Planning Legislation and the Planning System to make this strategic decision. On this basis, there are no planning reasons to object in principle to the proposed new education facilities on the grounds of need for provision.
- 6.6. Loss of industrial land:

- 6.7. 'Loss of industrial land to alternative uses' SPD seeks to safeguard an appropriate reservoir of industrial land and ensure no investment is lost to the City for the lack of a suitable site. When considering proposals for the loss of industrial to alternative use consideration also needs to be given to, non-conforming uses, active marketing, viability of industrial development as well as whether there are good planning grounds to depart from the policy. The protection of employment land is reiterated in the Draft Birmingham Development Plan and the application site falls within a Core Employment Area.
- 6.8. A Loss of Industrial Land report has been submitted in support of the application, which discusses the marketing undertaken to date and a market assessment as well as the need for education provision.
- 6.9. The site was marketed from May 2012 until late 2014, run on a professional and commercial basis. Interest was generated for educational uses from a number of parties. Three companies expressed interest in the site for industrial purposes but were ultimately discounted due to, amongst others, surrounding land uses (residential and educational), challenging access and insufficient need for office building. The report's market assessment suggests that take up of industrial units and office space of this nature in the local area are very slow and difficult as occupiers are choosing other preferential sites instead.
- 6.10. The report adds that the proposed school (in conjunction with Phase 1) would address a current shortage of primary school places and a prediction of increased pressure on secondary school places. It also adds that all the applicant's schools are in areas which are agreed with Birmingham City Council and the Department for Education as being in the most need. Attention is drawn to the Council's 'Birmingham Education Sufficiency Requirements 2014-2019' and that there are low vacancy rates at current schools and a 'medium risk of insufficient capacity' to meet forecast supply for Reception entry in 2015 in terms of primary education provision in South Yardley. This report also identifies that there is a medium risk of insufficient capacity to meet secondary school growth 2015-2016 (Year 7 in 2016) and a high risk of insufficient capacity from 2017-2019.
- 6.11. The marketing of the site is noted, though this ceased in late 2014, as are the findings of Birmingham's education sufficiency requirements as well as Education and Commissioning's comments. Also of relevance is the current conversion of the former Virgin Media Offices to provide reception and primary education accommodation, which as 'permitted development' was determined under the prior approval process for a state funded school. This restricted the consideration of the application to only transport and highway impacts, contamination risks and noise impacts. By linking the proposed secondary school to the under construction reception and primary school a large all-through school can be created, which will be able to share numerous facilities such as the sports hall and main hall. Providing the secondary school on a separate and physically detached site would not achieve many of the associated benefits. Furthermore, the conclusions of the market assessment is reasonable and it is recognised that the provision of Phase 1 would further limit any industrial interest in the vacant land, restricting its access to Coventry Road only with no scope to secure access off Talbot Way. Taking the above into account, as well as providing new sports and recreational facilities that are available to the wider community, it is considered that, on balance, all these factors together represent planning grounds that supports the loss of this industrial land in a core employment area in this instance. Planning and Growth Strategy raise no strategic objection to the proposal.

- 6.12. Design:
- 6.13. The appearance of the extension is modern and of an architectural language that is appropriate for this commercial context and for this education use. The extension would be constructed from a limited palette of materials of metal cladding, facing brick and render. Key features such as the vertical cladding to the sports hall and the external louvres would be finished in a branded colour scheme (blue) that would complement the blue coloured windows to the existing office building in Phase 1. The surrounding grounds would consist of a mix of hard/soft formal/informal play areas.
- 6.14. The entrance off Coventry Road would be a wide shared surface, which would be dominated by children on foot or bicycle with only limited vehicular movements, predominantly associated with a limited number of disabled spaces near the main school entrance. Existing trees along this route would be retained with new shrub planting to create an attractive tree-lined boulevard for children/visitors approaching from Coventry Road.
- 6.15. A proportion of the existing vegetation to the site's Talbot Road frontage would be retained with new fencing located behind. A new hedgerow with fencing behind would be planted closer to the boundary than existing where the reception classrooms (approved under Phase 1) would adjoin outdoor play areas. This approach would retain the overall open and landscaped character of Talbot Way.
- 6.16. Highways/parking:
- 6.17. A Transport Assessment has been submitted in support of the application and considers the impact of Phases 1 and 2 (700 Primary and 620 secondary pupils) on the local highway network. It identifies that the school is expected to attract the overwhelming majority of its catchment from residential areas to the north of the site. The catchment is anticipated to be in line with other local schools in the area (Small Heath Secondary School, Oldknow Primary and Holy Family Catholic Primary). The assessment also highlights that the A45 Small Heath Highway forms a natural barrier to the catchment. Furthermore, within a 4 minute walk of the site there is space on Talbot Way for approximately 60 cars to park on the carriageway in an appropriate and unrestricted manner.
- 6.18. The pupil trip generation for the proposed school has been determined from the mode share data from local primary and secondary schools. On this basis the Transport Assessment estimates that the school would generate up to 373 vehicular trips in each peak hour. The main mode of transport is likely to be walking with 905 pupils predicted to travel in this manner, whilst the only pupils to potentially drive to school are those from the sixth form. Staff trips are likely to be by car.
- 6.19. The Transport Assessment considers that the vast majority of parent dropping their children off will do so on their way to work, representing pass by or diverted trips that are already present on the local highway network but not specifically Talbot Way or Coventry Road. It concludes that taking into account existing traffic flows and those associate with the new school the impact on the wider highway network would not be significant and at a local level the junction of Coventry Road/Talbot Way has adequate capacity.
- 6.20. Transportation Development recognise that the proposal has the potential for impacts on the highway network such as increased pedestrian movements around the school entrances many of which would be by children. More importantly this

would lead to a significant increase in drop-off and pick-up trips by car which will take place within a focused period that is likely to have an impact on the operation of the highway in and around the school entrances.

- 6.21. The proposal includes a number of measures to assist with the new school in terms of highway safety and parking. The boulevard off Coventry Road would be used by the vast majority of children travelling to school by foot and would create an attractive shared surface that would have very minimal vehicular movements. The new zebra crossing over Coventry Road would particularly benefit those travelling from the direction of Heather Road. The creation of new pavement along sections of Talbot Way where there are no parking restrictions would improve capacity. Where there are current parking restrictions, the application includes the provision of bollards to prevent parking on grass verges and other forms of inconsiderate parking. Transportation Development is in general agreement with these measures and has identified some areas which will need to be addressed by condition and the relevant S278 and TRO agreements. These include greater lengths of new footpath on Talbot Way than currently indicated, introductions of 'No Loading' restrictions around the Talbot Way / Small Heath Highway and Talbot Way / Coventry Road junctions, reduction in the width of the Coventry Road access to single vehicle width and pedestrian guard railing and bollards around the Talbot Way / Coventry Road junction to protect visibility and ensure safe pedestrian movement. Furthermore, Transportation Development identify that there is no viable alternative pedestrian crossing location in the vicinity but the existing bus stop will need to be shortened or moved slightly to the northwest to accommodate zebra zig-zag markings. Relocating the bus shelter to the northwest would require the removal of a street tree, which the Highway Tree Asset Manager raises no objection to on the basis of two suitable replacement trees.
- 6.22. On the basis of the inclusion of these conditions, as well as others including a school travel plan, parking management strategy and construction management plan, it is considered that the impact on the highway network and highway safety is acceptable.
- 6.23. Neighbour amenity
- 6.24. The proposed building is located in the centre of the site and would have no adverse impact on neighbour amenity, including the residential properties to Oldknow Road in terms of loss of privacy and outlook.
- 6.25. Over recent years there has been little activity on the site and the proposed development of a 1320 pupil school would increase the potential for noise and disturbance. The submitted Noise Impact Assessment identifies that the noise climate is dominated by local road traffic on Talbot Way, Small Heath Highway, industrial noise from local units and students at the Oldknow Academy, and plant equipment associated with adjacent buildings. The assessment concludes that typical operational noise of a school should not adversely impact upon neighbour amenity. It does highlight that noise impact from outdoor sports areas has the potential for a minor impact on ambient noise levels within gardens of local residential properties. Typical maximum noise levels are expected to be similar to those currently experienced. However, the site has an established industrial use, located within a core employment area and in theory could begin to operate again as such. Within this context it is considered that any impact on neighbour amenity is within acceptable limits. Regulatory Services raise no objection subject to safeguarding conditions including restricting use of the MUGA to during school hours. However, in view of the desire to provide facilities to the wider community it

is considered that 0800-2000hours Monday to Saturday and 1000-1600hours Sundays and Bank Holidays is reasonable within this mixed use area.

7. Conclusion

- 7.1. Whilst Education and Commissioning have objected to the proposal the issues raised relating to pupil places, location and budget implications are not a matter to be resolved through the Planning System. The proposal would result in the loss of industrial land within a core employment area, however appropriate planning grounds have been demonstrated to support the provision of education facilities in conjunction with an education facility under construction to create an all-through school for up to 1320 pupils in this instance. The appearance of the new school building would improve the character and quality of the locality with no adverse impact on neighbour amenity. Furthermore, the scheme includes specific measures to the public highway that would improve highway safety in light of the anticipated travel modes and patterns.

8. Recommendation

- 8.1. Approve subject to conditions.

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| 1  | Requires the prior submission of a community access agreement  |
| 2  | Requires the prior submission of a contamination remediation scheme  |
| 3  | Requires the prior submission of a contaminated land verification report   |
| 4  | Requires the prior submission of a drainage scheme   |
| 5  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6  | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures                                 |
| 7  | Requires the prior submission of extraction and odour control details  |
| 8  | Requires the prior submission of hard and/or soft landscape details  |
| 9  | Requires the prior submission of hard surfacing materials  |
| 10 | Requires the prior submission of boundary treatment details  |
| 11 | Requires the prior submission of a lighting scheme   |
| 12 | Requires the prior submission of a construction method statement/management plan   |
| 13 | Requires the prior submission of sample materials  |
| 14 | Requires the prior submission of level details   |
| 15 | Requires the prior submission of details of refuse storage   |
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| 16 | Limits the noise levels for Plant and Machinery  |
| 17 | Limits the hours of use of the multi use games area (MUGA) and playing field to 0800 - 2000 Monday to Saturday and 1000-1800 Sundays and Bank Holidays                           |
| 18 | Requires the prior submission of cycle storage details   |
| 19 | Requires the prior submission of a parking management strategy   |
| 20 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
| 21 | Requires the prior submission of a construction method statement/management plan   |
| 22 | Requires the prior approval of the siting/design of the Coventry Road access   |
| 23 | Requires the prior submission of entry and exit sign details   |
| 24 | Requires the prior submission of details of method of managing / preventing parking / waiting on section of shared private drive between Talbot Way and site parking area access |
| 25 | Requires a School Travel Plan within 3 months of the school first opening  |
| 26 | Requires the scheme to be in accordance with the listed approved plans   |
| 27 | Limits the approval to 3 years (Full)  |
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Case Officer:        Peter Barton

## Photo(s)



Figure 1 – Phase 1 and Talbot Way frontage



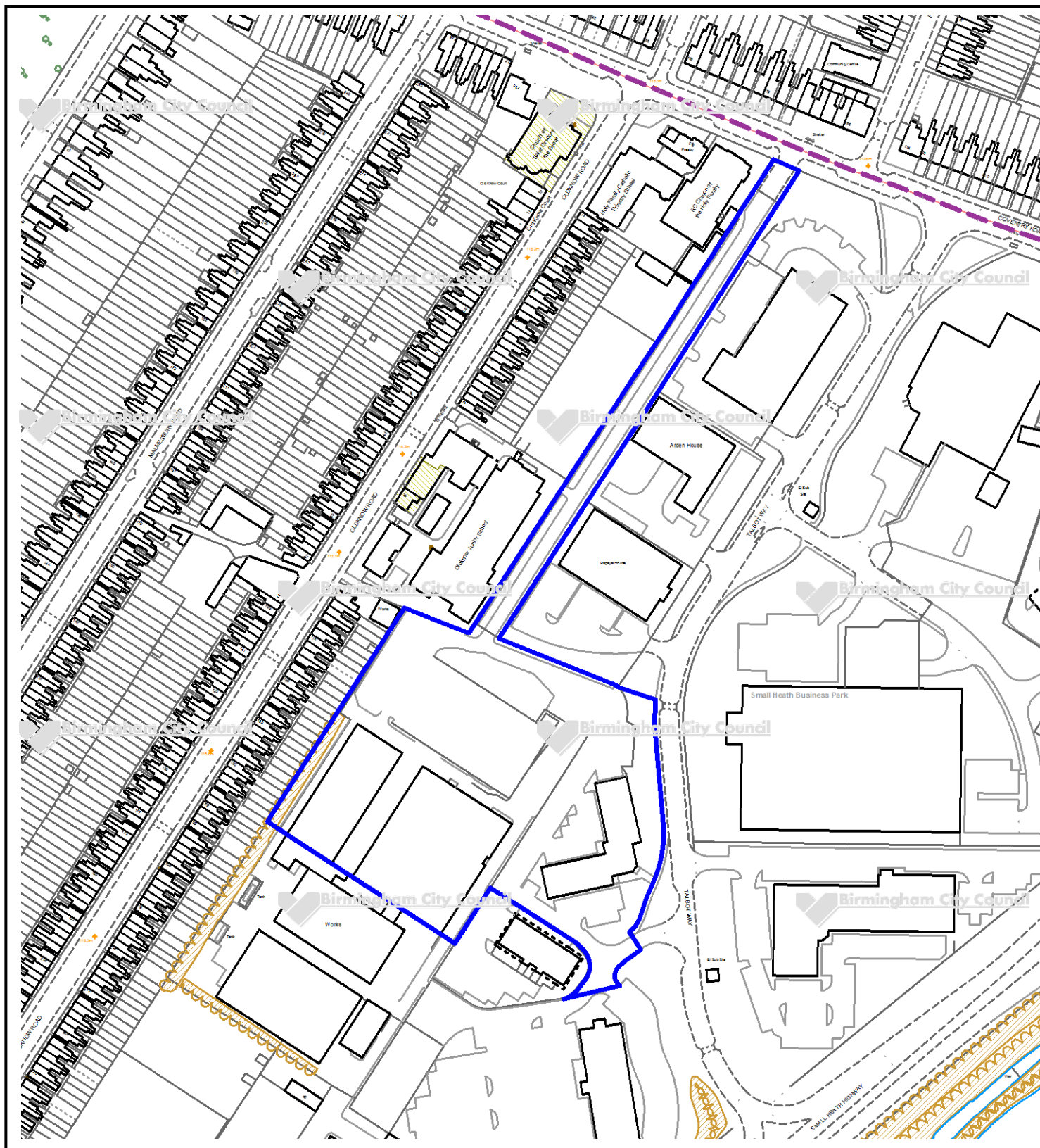
Figure 2 – vacant industrial land to rear of Phase 1





Figure 3 – Access off Coventry Road

## Location Plan



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