

## Appendix 4

### Planning and Policy Context

#### National Planning Policy Framework (NPPF) (2012)

The NPPF promotes sustainable growth and development, seeking positive improvements in the quality of the built environment including the improvement of conditions in which people live, work, travel and take leisure.

The Framework states at paragraph 14 that at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 7 acknowledges that planning has an important economic role by contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

At paragraph 17 the Framework sets out 12 core principles that should underpin both plan-making and decision-taking. The proposals put forward by Euro Packaging are consistent with this overall approach; in particular to:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The Framework emphasises that planning has a major role in building a strong competitive economy. Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Paragraph 19 adds that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The Euro Packaging proposals will allow their business to both grow and diversify which is consistent with the Framework's emphasis on promoting economic growth.

The Proposals are also consistent with paragraph 21 which states that planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. To achieve this, local planning authorities should draw up local plans that set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth (as the City Council has done with the BDP). In addition local planning authorities are also encouraged to:

- Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
- Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.
- Plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.
- Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

### Birmingham Development Plan 2017

The Birmingham Development Plan (BDP) was adopted in 2017 and is the City's statutory planning framework guiding decisions on all development and regeneration activity to 2031. The BDP sets out how and where new homes, jobs, services and infrastructure will be delivered and the type of places and environments that will be created.

The Euro Packaging proposals accord with the BDP and the objective to create a prosperous, successful and enterprising economy with benefits felt by all. The proposals are consistent with the policies and proposals for the economic growth of the city and the creation of jobs set out in the BDP.

Paragraph 7.1 recognises that Birmingham is one of the most important employment areas within the UK and states that strengthening this position and ensuring that the City has a successful and prosperous economy will require the City to provide for a wide range of opportunities for economic development and job creating activity. Policy TP17 states that provision will be made for a portfolio of 'readily available' employment land and that in addition to Regional Investment Sites (Policy TP18) a 5 year minimum reservoir of 96ha will be maintained throughout the plan period.

Paragraph 7.12 of the BDP states that in order to ensure that the city has a sufficient supply of land for employment uses to support the needs of businesses and meet the challenging targets set out in Policy TP17, the City will need to retain and recycle its limited reservoir of good quality employment land in employment use. A significant proportion of the City's employment land lies within established employment locations which have been identified as core employment areas. The Brickfield Road site is identified as core employment land with such land identified as being the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period (Policy TP19).

Paragraph 7.2 notes that the projected growth in Birmingham's population will require the City to plan for the creation of a significant number of jobs. The increase in employment will need to meet the City's growing population and help reduce the levels of unemployment and worklessness that currently exist. Paragraph 7.46 reinforces this point and states that one of

the key challenges the City faces in the future is ensuring significant jobs are created and that new employment opportunities are accessible to the local population. In accordance with Policy TP26 the City Council will work closely with Euro Packaging to identify and promote job training opportunities for local people and encourage the use of the local supply chain to meet the needs of new development.

The Brickfield Road site and Euro Packaging's current premises both fall within the Tyseley Environmental Enterprise District (TEED) which is identified within Policy TP15 as an area which has the potential to accommodate new waste and sustainable energy technologies, including recycling, Combined Heat and Power and waste recovery. Paragraph 6.91 states that the TEED has the potential to cluster complementary waste and sustainable energy uses. It then goes on to add that the City Council will actively encourage and promote appropriate recycling and CHP schemes in this location.

The BDP also sets out in the Implementation section the City Council's willingness to use its compulsory purchase powers to assemble sites as one of the mechanisms to ensure delivery of the policies and proposals within the plan. Again the use of the City Council's compulsory purchase powers to facilitate the expansion and diversification of Euro Packaging's business is consistent with this approach.

### Tyseley Environmental Enterprise District - Local Development Order (LDO) 2017

As outlined above the BDP and Tyseley Environmental Enterprise District (TEED) Economic Zone has identified the Tyseley industrial area as a principal location in Birmingham for CO2 reduction as part of a low carbon, low waste economy through encouraging recycling, energy production and renewables including manufacturing and supply chain development. To promote such activities and to provide clear planning guidance for the area the City Council has adopted a Local Development Order for Tyseley. The primary aim of the Local Development Order (LDO) is to increase flexibility within the LDO area by allowing certain changes of use without the need for specific planning permission.

The expansion and diversification of Euro Packaging's business is consistent with the objectives of the Tyseley LDO.

### Planning History

The most recent planning history for the Phoenix Business Park site is set out below:

**2006/00735/PA:** Subdivision of site into 16 plots and change of use from external storage of scaffolding to external storage of: Plot 1) Building materials, plant & vehicles. Plot 3/8-9) Scaffolding, plant & vehicles including siting of portable buildings, container & storage enclosure. Plot 4) Skips & vehicle/s. Plot 5) Building materials & vehicle/s including siting of portable building & containers. Plot 6) Stones, gravel & sand, plant and vehicles including siting of portable building & container. Plot 7) Plant & vehicles including siting of portable building & containers. Plot 10) Scaffolding & vehicles. Plot 11/12) Cars awaiting repair & associated vehicles. Plot 13) Skips & vehicles including siting of portable building & container. Plot 14) Vehicles. Plot 15) Building materials & vehicles including siting of portable building & containers. Plot 16) Stones, plant & vehicles including siting of container, and siting of 3 portacabins for use as cafe (Plot 2). 27 April 2006 - temporary approval for a period of three years.

**2015/0930/ENF:** Enforcement investigation into unauthorised uses and subdivision of site. Investigated and found to be in non-compliance. Site owner advised to submit planning application to regularise uses on site.

**2015/08931/PA:** Subdivision of site into 16 plots for a variety of industrial and waste uses. Application withdrawn 8 January 2016.

**2016/06923/PA:** Subdivision of site into 16 plots for a variety of industrial and waste uses. 7 October 2016 – application refused as ‘The application has not demonstrated by means of air quality assessment (dust and odour), full details and specifications of plant and machinery, clarification of all waste types, annual throughput and waste origins, clarifications on use classes sought and a sufficient Transport Statement (TS) that the proposal would not have an adverse impact upon visual amenity, neighbour amenity and highway safety. As such, the Local Planning Authority is therefore unable to undertake a proper assessment of the planning application’.

**2016/10590/PA:** Change of use and subdivision of site into 16 plots to be used as open storage and car parking. 20 July 2017 - application refused as ‘The application has not adequately demonstrated by means of a sufficient Transport Statement (TS), containing information on specific storage types, typical levels of vehicle movements and a HGV turning head within the site, that the proposal does not adversely impact upon highway safety. As such the proposal would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.’

**2018/01359/PA:** Outline planning application with some matters reserved (save for access, scale and appearance) for the erection of a building for general industrial / warehouse and distribution purposes (Use Classes B2 and B8). Application to be determined.