

Birmingham Development Plan- Policy G10 Longbridge

City Council's response to additional representations from Planning Prospects o.b.o. St Modwen dealing with inconsistencies between Birmingham Development Plan and the Longbridge AAP

Longbridge AAP-(St Modwen representations)	Birmingham Development Plan-(St Modwen representations)	Key inconsistency-(St Modwen representations)	Impact on delivery -(St Modwen representations)	City Council response
<p>Policy S1 – Building Standards – All developments are to be accompanied by a sustainability statement demonstrating how the building standards as set out are to be achieved. For residential Level 4 on adoption of the Area Action Plan (April 2009), A target of Level 5 by 2012, A target of Level 6 by 2016- i.e. zero carbon. Non-residential buildings will target BREEAM Excellent standards. All developments that do not meet these standards will be</p>	<p>TP3 – Sustainable construction – From 2016 all new residential development should aim to be zero carbon and all new non-residential built development in excess of 1000 sq. m gross permitted floorspace should aim to meet BREEAM Excellent.</p> <p>Developers will need to demonstrate how their proposals accord with any local standards set in SPD's</p>	<p>BDP policy applies to development from 2016 whereas the AAP policy applies standard immediately from adoption of the AAP with standards increasing to 2016. For non-residential development, the BDP policy applies from 2016 and then to buildings over 1,000 sq. m whereas the AAP policy applies to all development no matter what size of building.</p>	<p>Longbridge is placed at a significant disadvantage with its policy being significantly more onerous and impacting significantly upon development cost. Delivery and investment in Longbridge will be detrimentally affected by higher sustainable building standards applying. The City Council have not explained why higher building standards should apply at Longbridge.</p>	<p>Differences are not significant (particularly given that BDP will not be adopted until 2015):</p> <ul style="list-style-type: none"> The AAP seeks a target of BREEAM excellent on all developments from adoption. The BDP seeks BREEAM excellent from 2016 on developments over 1000sq.m. gross. Residential -the AAP targets Level 6 – zero carbon- by 2016. The BDP aims for zero carbon from 2016. <p>In addition, the BDP recognises that local standards may be set in other documents.</p> <p>The AAP states that all developments</p>

<p>accompanied by a robust justification.</p>				<p>that do not meet these standards will be accompanied by a robust justification- therefore allowing flexibility.</p> <p>In practice the AAP policy has been applied flexibly to date taking into account viability appraisals carried out for each development- in line with paragraph 4.25 of the AAP.</p> <p>The council does not therefore accept that Longbridge is placed at a significant disadvantage with its policy being significantly more onerous and impacting significantly upon development cost.</p>
<p>Policy S2 – Site wide strategies to be submitted... to address the requirements:</p> <ul style="list-style-type: none"> - a target of Zero carbon by 2016, - Maximise the generation and proportion of energy used from local and renewable or low carbon 	<p>TP4 – Low and zero carbon energy generation – Developers will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist in proposals for new development,</p>	<p>AAP policy is significantly more stringent to require development to be zero carbon by 2016. Rather than “consideration be given to” the AAP requires development to “maximise the generation and proportion of energy used from local and renewable sources” The BDP does not set a</p>	<p>Longbridge is again placed at a significant disadvantage with its policy being significantly more onerous and impacting significantly upon development cost. The additional costs of zero and low carbon technology is significant. It will impact upon delivery of development</p>	<p>Again it is not accepted that differences between the AAP and BDP are either significant or inappropriate. The AAP only requires a target of zero carbon. Also a target of 15% renewable energy is appropriate given the scale of the development taking place at Longbridge.</p> <p>In practice the AAP policy has been applied flexibly to date taking into account viability appraisals carried out</p>

<p>energy sources including CHP.</p> <p>-Meet a renewable energy target of 15% of energy demand from the AAP area.</p>	<p>where practicable. In the case of residential development over 200 units and non-residential developments over 1,000 sq. m first consideration should be given to the inclusion of CHP.... However the use of other technologies will call be accepted where it can be shown they have the same or similar benefits.</p>	<p>specific standard for renewable energy however the AAP states a renewable emerging target of 15%. The BDP is more flexible in a number of ways and also only applies to development of a certain scale.</p>	<p>at Longbridge. Delivery and investment in Longbridge will be detrimentally affected by higher sustainable building standards applying and occupier interest will be directed to areas having lower building costs. The City Council have not explained why higher building standards should apply at Longbridge.</p>	<p>for each development- in line with paragraph 4.25 of the AAP.</p> <p>It is noted that St Modwen have been in discussions with EON about district heating however they have been unable to reach a final agreement.</p> <p>The council does not therefore accept that Longbridge is placed at a significant disadvantage with its policy being significantly more onerous and impacting significantly upon development cost.</p>
<p>Policy DS1 – Development will be required to comply with the following design principles; (extracts).- Majority of parking in the local centre and RIS will be in multi storey and decked car parks -In the local centre and RIS development will be a minimum of 3 storeys in height with elements of 4 to 5 storeys. At Gateway</p>	<p>No specific standards.</p>	<p>No specific policy These specific requirements for the RIS at Longbridge are above and beyond anything set out in the BDP.</p>	<p>These prescriptions add significantly to the challenge of delivery of development at Longbridge.</p>	<p>It is entirely appropriate for the AAP to set out specific local design principles.</p> <p>The requirements in policy DS1 are in line with the AAP vision (see para 2.2 of the AAP) of a sustainable mixed use employment led development with a commitment to high quality design that can create a real sense of place.</p> <p>In practice these AAP design principles have been applied flexibly to date to take account of market and occupier</p>

locations additional storey heights of up to 7 storeys may be appropriate				requirements.
<p>Proposal LC1 A new local centre will be developed on the north works site. The new Local Centre will comprise the following uses;</p> <ul style="list-style-type: none"> -Retail up to 13,500 sq m -Services comprising A2, A3, A4, A5 and other uses, -Leisure up to 5000 sq m, -A college up to 24,000 sq m, -400 dwellings, -Live work units, -B1a Offices up to 10,000 sq m 	<p>GA10 Longbridge – The AAP has planned for the following levels of growth; 1450 homes, one Regional Investment Site, 13,500 sq m gross of comparison retail floorspace and 10,000 sq m of offices</p>	<p>BDP over simplifies the extent of development allowed for in the AAP and whilst summarises some of the permitted scale of development mistakenly includes 700 dwellings on land which actually falls within Bromsgrove District, 25,000 sq m of offices allowed for in the RIS, leisure uses up to 5000 sq m as well as a range of other uses</p>	<p>It is expected that the BDP would not override the AAP in terms of permitted uses and the scale of development allowed at Longbridge but GA10 is precise in stating that the AAP “has planned for”. The City Council has granted permission for a new Marks and Spencer store at Longbridge and this has increased the level of retail development beyond that envisaged in the AAP. It is common ground between the Council and St Modwen that Longbridge should be seen as a District Centre and this additional retail floorspace should be acknowledged in the</p>	<p>The proposed modification to policy GA10- (modification 60 as amended) of the BDP recommends that Longbridge should be recognised as a District Centre- and the additional retail floorspace related to the Marks and Spencer store should be acknowledged in the BDP.</p> <p>Policy GA10 is intended to be a summary of the main AAP proposals for a) housing, b) the RIS and c) the office and retail proposals in the local centre. It is not mistaken in its description of development:</p> <ul style="list-style-type: none"> • Policy GA10 does not include offices allowed for in the RIS. The 10,000 sq.m. of offices referred to is in the District centre. • Policy GA10 summaries the total number of dwellings planned in the AAP. Housing at East Works counts towards Birmingham’s needs and is

			BDP.	dealt with below.
<p>Proposal RIS 1 – Regional Investment Site comprising; 25ha gross,</p> <p>-A Technology Park of at least 15 ha to provide a minimum of 100,000 sq m of B1b, B1c and B2 B1b and B1c to be at a minimum of 7,500 sq.m per hectare</p> <p>-A maximum of 25,000 sq m of B1a for firms that support and compliment the high technology sector and the objectives of the RIS. Also B1a uses at a minimum density of 7,500 sq m per ha.</p> <p>-A maximum of 10,00 sq m of services and amenities</p> <p>A scheme of delivery and management to include measures to be set out to</p>	<p>TP17 –Regional Investment Sites (RIS) are intended to support the diversification and modernisation of the City’s economy. Regional Investment Sites are large high quality sites attractive to national and international investors in the order of 25 to 50 ha. Development on these sites will be restricted to high quality uses falling within Use Classes B1 and B2. Warehousing will only be supported where it is ancillary to the main B1 or B2 use. Complementary facilities to the RIS such as leisure facilities,</p>	<p>Various inconsistencies arise including considerably greater prescription within the AAP but generally including;</p> <p>-B1a office unrestricted within the BDP,</p> <p>-Specific quantum’s of space are set out within the AAP which are beyond that set out in the BDP,</p> <p>-B8 uses are referred to in the BDP.</p> <p>-Offices within the AAP must support and compliment the high technology sector. Development densities are highly prescriptive.</p>	<p>Representations to the BDP contest the appropriateness of RIS generally and its impact on employment delivery. The AAP and BDP policy combine to create a detailed range of prescription which only serves to constrain delivery and reduce flexibility for occupiers and this has a detrimental effect on the delivery of development at Longbridge as part of the RIS.</p>	<p>The council considers that there is a strong need for the RIS to provide high quality sites capable of attracting footloose investment and able to support the diversification of the economy. Longbridge provides an important opportunity to provide a highly attractive RIS with good transport access as set out in paras 2.20 – 2.28 and 3.70- 3.78 of the AAP.</p> <p>The council does not accept that there is any significant inconsistency between policy in the BDP and the AAP. Both AAP and BDP promote the same uses, namely B1, and B2. The AAP gives a more detailed guidance on the mix of uses within these use classes and this is an entirely appropriate role for the AAP.</p>

control uses within the RIS	small-scale retail and conferencing facilities may be supported but only at an appropriate scale and ancillary to the main B1/B2 use of the site. The potential for supporting facilities to be provided off site, through either new or existing facilities will also be taken into account.			
Policy H2 Residential and associated community and local retail uses on the former East Works site -700 dwellings	No corresponding policy in the BDP	This part of the AAP falls within Bromsgrove District and therefore it is not appropriate for the BDP to reference it.	The amount of housing proposed at Longbridge within the BDP includes some of the AAP which falls within Bromsgrove District including this site allocation. Longbridge still represents a significant opportunity for new housing development. Housing has not however been delivered in those locations such as the new	<p>The council confirms that 700 dwellings within the total of 1450 referred to in Policy GA10 are on the Former East Works within Bromsgrove district.</p> <p>However, site H2 was brought forward through the Regional Spatial Strategy to meet Birmingham's housing needs at a time when there was a moratorium on new housing in Bromsgrove and it was agreed that it would count towards Birmingham's housing requirement. (See para 3.103 of the AAP).</p> <p>The submission version of the</p>

			Local Centre as envisaged in the AAP due to changing market conditions and the significantly reduced market for apartments which was anticipated for the Local Centre.	<p>Bromsgrove Local Plan acknowledges at para 8.25 that 'Bromsgrove is already helping to meet the growth needs of Birmingham with the 700 dwellings currently being developed at the former MG Rover plant at Longbridge and the Bromsgrove SHLAA 2014 recognises on page 2 that any housing on this site will meet Birmingham's growth needs and will not be counted towards Bromsgrove's needs. It is therefore clear that these dwellings are meeting Birmingham's needs, and there is no double – counting between the two plans</p> <p>It is therefore appropriate for the BDP to reference it.</p>
<p>Proposal T9 – Car Parking Standards specifically set out for Longbridge in accordance with AAP Appendix.</p> <p>Note also Appendix 3 of the</p>	9.52 – Reference is made to the City Council's SPD on car parking including its parking standards. This also sets out maximum standards.	The levels of car parking within the BDP with reference to the SPD are more generous in terms of provision than the AAP	The level of car parking allowable at Longbridge in line with policy is more restrictive within the AAP than the BDP. This makes development less attractive to the market at Longbridge than	The council accepts that the Car Parking Guidelines SPD (core document TA2) allows more generous provision of parking. However the AAP vision and objectives seek a high proportion of journeys on foot, by cycle and public transport.

AAP -Car Parking standards			elsewhere in the City where a greater level of parking can be provided. These parking standards at Longbridge have a direct and negative impact in attracting occupiers and have a detrimental impact on development delivery.	It is entirely appropriate for the AAP to set out specific local car parking standards.
Proposal OS12 Public art strategy will be prepared for approval. Public art should be an integral part of the public realm and buildings in key locations particularly in the new local centre, the new parks and at the public transport interchange (including street furniture, bridges, art on buildings, lighting, sculpture, surface treatments etc	No policy	The requirements for public art at Longbridge are not reflected in general policy now within the BDP	Longbridge incurs public art as an additional development cost and it has an impact on delivery as a consequence	<p>Whilst there is no specific policy on public art in the BDP, the council requires public art in all major developments schemes- secured through planning conditions and/or S106 agreements. Such a condition has been imposed on major schemes at Longbridge. Public art is also being delivered through the Longbridge Infrastructure Tariff.</p> <p>The council does not accept that the requirement for public art at Longbridge imposes an unacceptable or inappropriate development cost.</p>
4.12 – S106 requirements; - a target of 35% affordable	Policy TP30 applies to affordable housing, but			The AAP requires measures to mitigate the impact of development and physical,

housing,-Securing provision of community, library, health, recreation and cultural facilities with in the overall development and the provision of the Austin Building in the Local Centre,- requirement for affordable business space,-15 year open space and local centre management plan.	other s106 requirements of the AAP are not specifically set out in the BDP.			<p>social and green infrastructure to make the development acceptable: including provision of physical social and green infrastructure.</p> <p>This is in line with BDP policies relating to S106's, including paras 10.11 to 10.13 on developer contributions and planning obligations, policy TP30 on affordable housing, and policy TP9 on open space.</p>
<p>4.13 – Longbridge Infrastructure Tariff – Table of community infrastructure improvements to be funded through LIT (Table 2;) and include improvements to;</p> <ul style="list-style-type: none"> - Longbridge railway station - Rail services and infrastructure, - Bus service improvements, - Education and childcare, - Public art - Open space, recreation and visitor facilities, - Walking cycling and ecology mitigation, - Employment and training agreement, -Business support, 	10.14- the city council is putting in place a CIL to support the delivery of growth required in the BDP.	The Longbridge Infrastructure Tariff will not be CIL compliant when CIL is introduced or earlier subject to enactment of CIL Regulations. A number of aspects of the LIT ae not in any event CIL compliant and were set out before the CIL Regulations and the introduction of the planning obligation tests into statute.	In the BDP stating that development at Longbridge “will be brought forward in line with policies in the AAP” it is unsound in directing development decisions to a plan which is now out of date and not consistent with the NPPF or statute.	<p>To date the LIT has been implemented on a flexible way- namely viability has been assessed for each development and the LIT payments have taken account of this. LIT expenditure has been prioritised according to the needs of the development.</p> <p>CIL has not yet been adopted in Birmingham. The council accepts that full or partial revocation could be necessary in future when the LIT policies are superseded by CIL policy.</p>

<ul style="list-style-type: none"> - Safer communities, - Sports development, - Lifelong learning, - Community cohesion - Heritage and culture - Sustainable transport, travel <p>-Administrative costs for monitoring s106 agreements and LIT,</p> <p>- Rates set for all developments including all employment uses B1, B2 and B8, A1 retail uses, housing including affordable housing, D1 and D2 uses as well as other uses not defined</p>				
<p>4.17 Development Phasing</p> <p>– Specific phasing set out for the delivery of employment and housing – Key delivery to date includes 1060 dwellings to be constructed to April 2015, RIS on West Works Phase 1 complete and Phase 2 underway with entire RIS completed 2019+</p>	No references to phasing delivery at Longbridge	The AAP contains greater prescription	The prescription set out in the AAP is not now in line with events which have occurred on the ground.	The adopted LAAP (pg 52 para 4.18) states that the delivery plan will be reviewed in the light of planning application submissions etc and the AAP will be subject to a strategic review after 5 years (p56, para 4.32) to gauge its overall effectiveness, and consider any major changes in direction, policies and proposals. The 5 year Strategic Review of the LAAP is currently being undertaken, and this will determine the need for any future review of the LAAP.
Appendix 1 – Lists those	There is no similar list	The BDP is not consistent	The absence of a list leads	Do not agree that such a list is

Development Plan policies which are superseded by the AAP.	within the BDP which lists policies in the BDP which supersede policies in the AAP.	in this approach.	to confusion as to which policy takes precedent when conflicts occur.	necessary.
EZ2 – Nanjing – Site is allocated for Nanjing (now MG Motors UK Ltd) for uses within B1b and c, B2 and B8. Surplus land is recognised to be likely to become available and this surplus land will be considered for new uses within the context of the overall aims of the AAP and adjoining land uses.	TP18 and TP19 – Core Employment areas – Areas to be retained in B1b and c, B2 and B8 uses. Exceptional justification required to support other uses outside of these uses. Land safeguarded unless non-conforming or it meets the tests set out in the loss of employment land SPD	The likelihood of surplus additional land was always expected and additional flexibility is already allowed for in the AAP to support the wide objectives of the AAP.	The regeneration of additional surplus land from MG Motors could be constrained by the additional application of Policy TP19 over and above that in the AAP which already allows some flexibility for the redevelopment of surplus land.	Several areas of surplus land within the Nanjing site have been developed or have planning consent for housing. However this land is at a lower level than the main factory or on a part of the site that is separated from the factory. The remaining employment land covered by the Nanjing factory (and shown as core employment land on the BDP Submission Policies map as amended by modification 122) should be retained for employment uses within Class B1b) and c), Class B2 and Class B8 uses. Piecemeal release of this land for other uses is unlikely to be acceptable.