

BIRMINGHAM DEVELOPMENT PLAN EXAMINATION

**MATTER H: NEIGHBOURHOODS AND HOUSING
PROVISION, INCLUDING PROVISION FOR GYPSIES,
TRAVELLERS AND TRAVELLING SHOWPEOPLE (BDP
POLICIES TP26 – 27, TP29 AND TP31 - 34**

**STATEMENT ON BEHALF OF BIRMINGHAM CITY
COUNCIL**

Main issue: Does the Plan make adequate and appropriate provision to meet the identified housing needs, including the needs of gypsies and travellers?

Issue 1

As required by NPPF paragraph 47, have the Council identified:

- (a) a five-year supply of specific deliverable housing sites; and**
- (b) a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15?**

- 1.1 The City has 5.9 years supply. This is derived from a 5-Year requirement of 11,865 dwellings (including a 5% buffer) and a supply of 14,041 dwellings. Of these 11,881 dwellings are on identified sites.
- 1.2 Details of the 5-Year supply are set out in the document 'Exam3 5-Year Land Supply 2014-19'. This sets out how the 5-Year requirement has been determined, justifies the 5% buffer, lists the sites making up the supply and identifies how advanced the sites are within the planning system.
- 1.3 Details of the assessment undertaken to establish the 5-Year supply are set out in the document 'Exam6 - 2014 SHLAA'.
- 1.4 Sufficient land has been identified to meet the BDP housing requirement for years 6-10 and from year 11 to the end of the plan period.
- 1.5 A schedule of sites covering all time periods together with details of the process and methodology used to establish the schedule is set out in the 2014 SHLAA (Exam6). EXAM6 also contains the justification for the windfall allowance.

Issue 2

Is there reasonable certainty that a five-year supply of specific deliverable sites can be maintained throughout the Plan period?

- 2.1 There is reasonable certainty that a 5-Year supply can be maintained throughout the plan period.
- 2.2 The BDP housing target is challenging and will require a significant increase in provision in the City over the plan period. This challenging target has been set at a time when the house building industry is just starting to recover from a difficult period and where some markets, such as that for apartments in the city centre, are returning more slowly than others, which is impacting on delivery in the short term.
- 2.3 Throughout the BDP the City Council has put measures in place to facilitate increased housing provision, for instance through the allocation of the Langley SUE and other large sites. However, these large allocations will take time to start delivering housing in large numbers. An analysis of the deliverability of the larger housing sites has been undertaken and this is set out in the Site Delivery Plan (IMP2).
- 2.4 The housing trajectory in the BDP is, therefore, stepped to allow for these lead in times, to allow for improving economic circumstances, to allow time for all markets to recover and to ensure that it is realistic and achievable.

- 2.5 Sufficient supply to meet the trajectory for the plan period has been identified through the SHLAA process. The stepped trajectory will enable this supply to come forward into the 5-Year supply at an increasing rate which is sufficient to maintain a 5-Year supply of deliverable sites.
- 2.6 Section 4 of document 'Exam3 5-Year Land Supply 2014-19' demonstrates how the 5-Year requirement will increase over the plan period from 11,865 dwellings in 2014 to 16,223 dwellings from 2021 onwards in accordance with the BDP trajectory.
- 2.7 Section 6 of the Housing Targets 2011-31 Technical Paper (document H1) sets out delivery will increase over the plan period enabling a 5-Year supply to be maintained.

Issue 3

Is policy TP27 justified in requiring infrastructure to be put in place before new housing is provided?

- 3.1 It is important that essential new or improved infrastructure is provided in a timely manner when new housing developments take place. This means that the infrastructure should be in place and operational before the need for it arises. In most sites in Birmingham this will result in a requirement for the infrastructure to be provided in advance of the housing.
- 3.2 The Council does however recognise that there will be a small number of cases where there are large sites with housing delivery extending over a number of years, and in these cases it may be more appropriate for infrastructure to be provided in a staged way reflecting the progress of development on the site. Such cases will need to be resolved on an individual basis. The Council considers that the wording of the policy is sufficiently flexible to allow this to happen, but has no fundamental objection to a minor revision to clarify this if this is felt to be necessary.

Issue 4

(a) Are the provisions of policy TP29 adequate to ensure the provision of a mix of housing to meet the needs of different groups in the community?

(b) Is the policy sufficiently flexible to ensure its effectiveness?

- 4.1 Policy TP29 recognises the need for a range of different dwellings to be provided to meet local needs. The policy does not attempt to prescribe what this will mean in individual cases, since this will vary depending on local circumstances and site characteristics. The policy does however clearly identify the factors that will be taken into account in assessing this.
- 4.2 The SHMA identifies the need for different sizes and tenures of housing across the city and would support the use of Policy TP29 to refuse planning permission should the mix of housing proposed be inappropriate. The SHMA is supplemented by other assessments of need on area or household type basis.
- 4.3 This approach has attracted no adverse comment during the pre-submission consultation and the Council considers that it is both effective and flexible.

Issue 5

Are the density requirements of policy TP29 justified?

- 5.1 The NPPF at paragraph 47 states “To boost significantly the supply of housing, local planning authorities should: set out their own approach to housing density to reflect local circumstances”.
- 5.2 The City Council consider it to be very important that the best use is made of suitable land, especially as this is a limited resource in Birmingham. The minimum figures set out in the policy were introduced in the Alterations to the UDP (The Birmingham Plan) in 2005 and reflect the nature of Birmingham as England’s second city, the regional centre of the West Midlands and a local authority with an urban area of over 22,000 hectares. These minima have been rolled forward into the BDP as they have proven to be effective and appropriate. Where there are objections to the minimum densities in Policy TP29 they relate to the minimum of 40 dwellings per hectare (dph) ‘elsewhere in the city’ rather than the minimum of 100 dph in the city centre or 50 dph in areas well served by public transport (which barely attracted any comment). Most of the objections have been made by those promoting residential development on Green Belt land in Sutton Coldfield.
- 5.3 The City Council do not accept that housing cannot be delivered at 40 dwellings per hectare. Even schemes which are predominantly family housing can be delivered at 40 dwellings per hectare so long as developers are prepared to tailor their design to the site and not rely on off the peg solutions. With regards to large sites, such as the Langley SUE, the scale of the site enables a range of densities to be delivered in different locations across the site while still providing 40 dwellings per hectare overall.
- 5.4 However, the City Council acknowledge that not all sites will be able to deliver at the minimum densities set out in the policy and this is acknowledged within the policy. Lower densities may be appropriate due to site specific constraints or other policy considerations. In assigning capacities to sites which have not yet received planning permission, the SHLAA takes account of constraints including topography and site shape together with any potential on site obligations, for instance for open space. This results in many sites being recorded in the SHLAA with a capacity below that set out in the policy. When planning applications are submitted for development at a density below that set out in the policy, the policy requires applicants to supply supporting information justifying the density proposed. This is then given due consideration in the decision making process.

Issue 6

(a) Does the Plan meet the requirements of paragraphs 9(a)&(b) of *Planning Policy for Traveller Sites* [PPTS]?

(b) If not, how will this situation be rectified?

- 6.1 These paragraphs of the PPTS require the Council to “identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets” and to “ identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15”.

- 6.2 The 2014 Gypsy, Traveller and Travelling Showpeople Assessment (H5) has provided an up-to date assessment of the need for additional pitches for gypsies and travellers. Based on this Study, the requirement for the plan period is for an additional eight permanent pitches, four of which are required in the next five years with the remainder towards the end of the plan period. The Assessment also identifies a requirement for ten to fifteen transit pitches and five stopping places. There is no requirement for further provision for travelling showpeople. No suitable sites have been identified at this time.
- 6.3 No sites have been put forward by the Travelling community and no planning applications for sites have been submitted for over 10 years. The Council undertook a call for sites for gypsy and traveller sites in 2013, but this had a very poor response and failed to produce any realistic opportunities which would satisfy the criteria in policy TP33.
- 6.4 The Council is therefore in the process of undertaking a review of sites within its own ownership to identify a potential site or sites which comply with the criteria set out in policy TP33 to meet the identified need.
- 6.5 It is likely that it will be possible to meet the five year requirement (and possibly the full requirement) for permanent pitches on a single site and this may also be true of transit pitches and stopping places. Once sites have been identified the Council will seek to bring them forward as quickly as possible. At this stage the intention is that this will be through the submission of a planning application.

Issue 7

Are the criteria contained in policy TP33 justified and consistent with national policy in PPTS?

- 7.1 Policy TP33 relates to provision to meet the needs of gypsies, travellers and travelling showpeople.
- 7.2 Paragraph 10 of the PPTS states that “Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.”
- 7.3 The City Council acknowledge that the first bullet of TP38 (which states that there should be a demonstrated need for the accommodation) is not consistent with the PPTS and a modification (MM75) is proposed which deletes this bullet.
- 7.4 The Council considers that, subject to this modification, the criteria set out in policy TP33 are consistent with that paragraph.

Issue 8

Are these policies effectively drafted to achieve their intended purpose and do they provide a clear indication of how a decision-maker should react to a development proposal?

- 8.1 The Council considers that these policies are effectively drafted, subject to the main and additional modifications proposed in EXAM2A and EXAM2B. Taken together they provide a clear framework for the delivery of the ambitious housing targets set in the plan, and in the Council's view they provide a clear indication to decision-makers on development proposals.