

# BALSALL HEATH NEIGHBOURHOOD DEVELOPMENT PLAN

## Basic Conditions Statement

### **The accompanying draft Plan is submitted by a qualifying body**

The Balsall Heath Neighbourhood Development Plan (NDP) is submitted by the Balsall Heath Neighbourhood Planning Forum, which is a neighbourhood forum that meets the requirements of the Town and Country Planning Act 1990 (as amended by the Localism Act) and has been designated as such by the local planning authority. Written confirmation of the designation by Birmingham City Council is included as an appendix.

### **What is being proposed is a neighbourhood development plan**

The proposals in this NDP relate to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan states the period for which it is to have effect**

It is confirmed that the plan specifies a time period for which it will be in force, namely 2014 to 2031, the latter being the time horizon for the draft Birmingham Development Plan (Local Plan/Core Strategy).

### **The policies do not relate to excluded development**

The neighbourhood plan proposal does not deal with nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The neighbourhood plan proposal relates to the Balsall Heath Neighbourhood Area – as approved by Birmingham City Council – and to no other area. There are no other neighbourhood plans relating to that neighbourhood area.

## Basic Conditions

It is confirmed that the submitted draft NDP meets all the 'basic conditions' as laid down by the Neighbourhood Planning Regulations 2012 – as itemised below.

### **The Plan has appropriate regard to national policy**

The neighbourhood plan has full regard to the National Planning Policy Framework. The NPPF has 12 core planning principles which are contained in paragraph 17. In the following text, it is explained how each of the relevant core principles is met by the plan. The related references in the plan are shown in **bold** and, apart from Principles 1 and 2, refer to

'Policies' contained in the plan; Policies BH1-7 are 'general' policies applicable over the area as a whole, while Policies BH8-20 relate to specific locations within the area. All the Principles of the NPPF are relevant to **Policy BH1: A Sustainable Community**; other policies are related to the Principles as detailed below:

*Principle 1:* All policies and proposals in the plan are the product of extensive consultation with local residents and businesses and therefore seek to empower local people in shaping their surroundings, setting out a positive vision for the future of the area. The plan will be kept up-to-date and is based on joint working and co-operation both within the area itself and with organisations that are concerned with larger than local issues. The policies will provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. This is evidenced throughout the plan but is made fundamental in the '**Primary Aims**' of the plan in **Sub-Section 3.3** of the main document, reflecting the 'Vision Statement' in Para 1.2.3.

*Principle 2:* The plan as a whole is not simply about scrutiny, but instead has been a creative exercise in finding ways to enhance and improve the 'look and feel' of the Balsall Heath area and to enhance the lives of local people and the fortunes of local businesses. The appended **Consultation Statement** demonstrates how the plan has been developed through a creative process with local residents and businesses contributing many new ideas for 'responsive environments'.

*Principle 3:* The plan will proactively drive and support sustainable development to deliver the homes, the infrastructure and the thriving local places that the area needs. While the site allocations of the plan are for housing-led development, every effort has been made to identify objectively and then meet the other development needs of the area, and respond positively to wider opportunities for growth. Policies have taken 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 this area, taking account of the needs of the community. This is evidenced throughout the plan but is particularly relevant in **Policies BH3: Community Infrastructure and Shopping and Local Centres, BH8-14: (Improving the Neighbourhood Centres), and BH15/16: (New Housing Developments)**.

*Principle 4:* The plan seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is evidenced in **Policies BH2: Design and Conservation of the Built Environment, BH5: Parks and BH7: Marking Significant Places and Spaces**.

*Principle 5:* The plan takes account of the roles and character of this inner city, urban area, promoting its vitality and viability. This is evidenced especially in **Policies BH3: Community Infrastructure and Shopping and Local Centres, BH7: Marking Significant Places and Spaces and BH8-14: (Improving the Neighbourhood Centres)**.

*Principle 6:* The plan supports the transition to a low carbon future in a changing climate, taking full account of flood risk, and encourages the reuse of existing resources, including conversion of existing buildings and encouraging the use of renewable resources. This is evidenced especially in **Policies BH2: Design and Conservation of the Built Environment, BH9: Historic Buildings and Design Standards and BH18: Renaturalising the River Rea**.

*Principle 7:* The plan contributes to conserving and enhancing the natural environment and reducing pollution and allocates land for development which is of lesser environmental value. This is evidenced in **Policies BH2: Design and Conservation of the Built Environment, BH4: Environment and Open/Green Spaces and BH5: Parks**. The development site allocation of **Policy BH16: New Housing in Highgate Road** on land which is currently

green space is offset by the proposed enhancements of open/green space made in **Policies BH4: Environment and Open/Green Spaces** and **BH5: Parks** and the improvements of the street scenes in **Policies BH10: The Street Scene and a 'Town Square'** (Balsall Heath Centre), **BH11: Improving the 'Old' Moseley Road**, **BH13: Improving the Street Scene in Ladypool Road** and **BH14: Improving the Street Scene in Stoney Lane**.

*Principle 8:* The plan encourages the effective use of land by reusing land that has been previously developed (brownfield land). This is evidenced especially in **Policy BH15: Regeneration of the former College site** and **BH16: New Housing on Highgate Road**.

*Principle 9:* The plan promotes mixed use developments, and encourage multiple benefits from the use of land in the area, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production). This is evidenced in **Policies BH5: Parks, BH8-14: (Improving the Neighbourhood Centres), BH15: Regeneration of the former College site, BH16: New Housing on Highgate Road, BH18: Renaturalising the River Rea** and **BH19: New Allotments**.

*Principle 10:* The plan seeks to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. This is evidenced in **Policies BH2: Design and Conservation of the Built Environment, BH9/10: (Enhancing the Balsall Heath Centre)**.

*Principle 11:* The plan seeks actively to 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. This is evidenced in **Policies BH6: Connectivity and Movement** and **BH17: Balsall Heath Railway Station**.

*Principle 12:* The plan takes account of and supports local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. This is evidenced especially in **Policies BH3: Community Infrastructure and Shopping and Local Centres, BH4: Environment and Open/Green Spaces, BH5: Parks** and **BH20: Youth Centres**.

### **The plan contributes to the achievement of sustainable development**

The NDP is rooted in the idea of sustainable development and positive growth – making economic, environmental and social progress for this and future generations. The plan is all about creating and maintaining a 'sustainable community' and is evidenced in all the proposals and policies. The **Sustainability Appraisal** (see Appendix ?) carried out during the preparation of the plan demonstrates that most of the policy proposals are positively sustainable; the only substantial negative aspect is the loss of green space to housing development – which is offset by enhancements to the environment elsewhere.

### **The plan is in general conformity with strategic local policy**

The current (early 2014) Local Plan for the area is the Birmingham Unitary Development Plan (2005). It is possible to demonstrate that the NDP is in conformity with that UDP; however much of the UDP dates from 1993 with some later modifications. Given that this plan is so out of date, it was considered appropriate to use the draft '**Birmingham Development Plan**' as the template against which to develop policies for the NDP. The draft BDP is to be submitted for examination in the next few months (mid 2014) and is likely to be the Local Plan for much of the duration of the NDP.

The policies and proposals in the draft Balsall Heath Neighbourhood Development Plan have been derived from the 'Vision Statement' adopted by the BHNPF (see para 1.2.3 of the main document); this statement has been developed into the 'Aims' of the Plan (see Section 3.3 of the main document). These Aims are listed below together with the relevant draft Birmingham Development Plan policy references:

- **To promote a sustainable and healthy community in Balsall Heath which satisfies the social and economic needs of the population while protecting and enhancing the environment (PG3/TP26)**
- **To create a 'heart' for the community in the form of a physical focus for community activities and social interaction (TP20)**
- **To protect and enhance the range of commercial and social uses within the local centres of Moseley Road and Ladypool Road (TP21/22/23)**
- **To enhance the range and quality of housing in the area to match better the needs of local families and their right to decent housing (TP29)**
- **To promote the capacities of the area to provide suitable local jobs and training opportunities while contributing to the economic well-being of the city and wider area (TP19)**
- **To enhance the physical environment of the area in terms of the effective and healthy use of green infrastructure, open space, the quality of the street scene and the reduction of pollution (TP7/8/9)**
- **To conserve and effectively utilise the heritage assets of the area, especially the listed buildings in Moseley Road local centre (TP12)**
- **To improve the connectivity of the area in terms of the movement of people, including the disabled, and of goods and service providers (TP37)**
- **To reduce car dependency and promote walking, cycling and public transport (TP38/39/40)**
- **To improve the availability of renewable energy and sustainable waste management facilities and address climate change issues (TP2/3/13)**
- **To provide a framework within which the land and property owners, investors and the Balsall Heath Forum and its partners can work together to achieve the above aims.**

There are a number of draft BDP policies which are of particular relevance to Balsall Heath (the relevant policy references are given):

- the making of sustainable places: "creating a strong sense of place, high standards of design and environmental sustainability, climate proofing and supported by high quality infrastructure and facilities" (TP26)
- making a contribution to the provision of new housing (TP28) in suitable locations (TP27) with support for the provision of affordable housing (TP30)
- Balsall Heath (ie Moseley Road) and Ladypool Road are recognised as important 'local (neighbourhood) centres' where their retail, service and community/social functions will be maintained and enhanced (TP20/21/22)
- Ladypool Road centre is also recognised as a commercial centre for a wider area in terms of its provision of Asian restaurants, food, clothing and jewellery; this role is to be promoted with further development of the 'Balti Triangle' as a significant visitor destination (TP23)
- ensuring that development contributes towards a healthy city (TP20/36)
- the A435 Moseley Road (which includes the central sector of the Balsall Heath area) is identified as part of the "Strategic Highway Network" (TP37)
- protection to be afforded to heritage assets and encouragement given to developments which bring back into use a number of vacant and under-utilised historic buildings (TP12)

- a proposal to reintroduce passenger rail services on the Camp Hill line and to create rail stations at suitable points (TP40)
- protection of land for the highway improvement of Highgate Road (TP43)
- encouragement of further investment in traffic management and use of public transport, as well as walking and cycling (TP38/39/40/43)
- ensuring that development contributes to addressing climate change (TP2).

In the draft BDP, there are no specific allocations of land within the Balsall Heath area; in particular there are no housing land allocations. However the draft BDP demonstrates a need to consider favourably proposals for development when it is consistent with the policies in the plan (TP27). New housing allocations take account of current and future demographic profiles in assessing the type and size of new housing, whether it is a small infill site or the creation of a new residential neighbourhood (TP29). The Strategic Housing Land Availability Assessment of 2012 is an important part of the evidence base for the BDP and it has been noted that the Highgate Road housing proposal of the NDP features in this document, but is the only one within the NDP area.

The draft NDP notes that Balsall Heath is not one of the 'growth areas' identified in the draft BDP. However the residents of Balsall Heath wish to participate in the city's 'growth agenda' and benefit from investment in the wider area. The growth areas of the City Centre (especially Southside and Eastside) and Bordesley Park are in relatively close proximity and Balsall Heath will seek any 'spill-over' benefits from this growth. It is expected that job opportunities in the growth areas will become available to Balsall Heath residents and likewise the spending power of the growth areas will percolate through to this area.

Birmingham City Council has a range of Supplementary Planning Documents, many of which are relevant to planning policies for the area. Account has been taken of these documents in the preparation of the NDP. The most relevant SPDs are:

- Places for Living 2001
- Places for All 2001
- (Draft) Your Green and Healthy City (likely to be adopted 2014)
- Shopping and Local Centres 2012
- Public Open Space in New Residential Development
- Car parking Guidelines

Other planning documents which have been taken into account in this NDP include:

- Green Living Spaces Plan 2013
- (Draft) Community Infrastructure Levy (likely to be adopted 2014) and (Draft) Infrastructure Delivery Plan

The Local Transport Plan (LTP) is also relevant to the highways, public transport and rail station policies of the NDP. Similarly the city-wide Economic Strategy and Community Strategy have many elements which are supportive of the proposals in this NDP. The NDP also takes note of the work done recently by the City's Planning and Regeneration Team on the improvement and development of the Moseley Road local centre.

There have been various studies and proposals from the City Council relating to the 'Moseley Road Corridor' (the A435 running north-south through the area). These proposals have focused on the traffic and pedestrian problems of the road itself and the development potential for sites adjoining the road. In particular the number of listed and historic buildings has been seen as a means of promoting development interest. A recent study has called this area the 'Moseley Road Heritage Corridor' and this terminology is used in this Plan.

However the City Council is currently referring to this emerging and ongoing work as the 'Moseley Road/Alcester regeneration framework'.

Of more local relevance is the emerging Ward Development Plan (for Sparkbrook Ward as a whole) which will be important in setting the local priorities for the Community Infrastructure Levy, once introduced, and other implementation actions. It is anticipated that some of the proposals emanating from this NDP will feature prominently in the WDP. The physical development policies and proposals of the proposed Stratford Road/Ladypool Road Business Improvement District (BID) are relevant to the NDP and have been incorporated where appropriate.

### **The plan is compatible with EU obligations**

It is confirmed that the draft neighbourhood development plan is compatible with EU obligations around human rights, habitat protection and environmental impacts. There has been no specific Equalities Impact Assessment carried out by the BHDPF; however there is specific reference to the necessity to take into account the needs of deprived sections of the population, especially disabled people (Policy BH1) and young people (Policy BH20). There are also policies relating to employment creation and training opportunities (Policies BH1, 3 and 11).

A draft version of the Plan has been subjected to a Strategic Environmental Assessment (SEA) – see Appendix ? The plan has been amended to meet some the findings of this Assessment; however the main negative finding relates to the loss of green space to development, which the plan seeks to offset through improvements to green spaces elsewhere. The Assessment found that this mitigation is satisfactory. The SEA was extended to include a Sustainability Appraisal, which similarly found there to be no significant problems which are not offset by relevant enhancements elsewhere.

There are no designations within the plan area which are relevant to the EU Habitat Regulations.