

BALSALL HEATH NEIGHBOURHOOD DEVELOPMENT PLAN

Summary of representations received during the publication consultation and submitted to the Independent Examiner

December 2014

	Summary of representations
<p>1.</p> <p>English Heritage</p>	<p>We fully endorse the plan and consider it an exemplar, best practice is apparent particularly recognition that both designated and undesignated heritage assets make an important contribution to a community's sense of place and in place making. We welcome that conservation principles are linked to urban design considerations throughout. Policies BH2, 4, 5, 9 and 10 are considered to be complementary to national and Council policies at local level. Support for recognition of Moseley Road/Alcester Road corridor and finding sustainable uses for heritage assets, especially those on the 'at risk' register. Strong endorsement of the future production of detailed urban design framework and design codes. Overall support for approach to protect the wider historic environment and individual buildings.</p>
<p>2.</p> <p>Environment Agency</p>	<p>Policy TP6 Managing Flood Risk of the emerging Birmingham Development Plan is of relevance and should be included in section 3.2.2</p> <p>The following planning documents are relevant to the plan and should be listed in paragraph 3.4.2:-</p> <ul style="list-style-type: none"> - Strategic Flood Risk Assessment (SFRA) Level 1 and 2 (2012) - Local Flood Risk Management Strategy for Birmingham - Surface Water Management Plan - Flood Risk Management Plan - Humber River Basin Management Plan - Sustainable Management of Urban Rivers and Floodplains Policy <p>BH1 promotes sustainability but does not reflect the local flood risk characteristics. An additional bullet should steer new housing and development away from areas at risk of flooding and to ensure new development does not increase the flood risk elsewhere. Support the aim of point i) there should be no net loss of biodiversity given the pressure already in the area and any development should look to improve the prospects for biodiversity. Any changes to green space should be assessed to determine the potential impact on biodiversity and protected species. Support Policy BH2 (d), should also consider integrating this green infrastructure with road side SuDs scheme to help reduce surface run off.</p> <ul style="list-style-type: none"> • Policy BH4 – We recommend the following bullet point is added • <i>'Ensuring that development is resilient to the potential impacts of climate change, floodplains are protected from inappropriate development and sustainable management of watercourses and surface water drainage'</i>

We welcome the recognition of the importance of green space and the need to improve it; there is evidence that access to green/blue space improves physical and mental health and attracts inward investment. To strengthen this a Local Green Space designation could be included as a way to provide special protection against development for green areas of particular importance to local communities.

Support for objectives relating to enhancing the connectivity of the area within BH6 and the improvement of public transport, which reduces the reliance on the private car and helps tackle the causes of climate change. It is recommended that the policy also includes recognition of the role the renaturalisation of the River Rea can play in connecting the local area with the wider area, and also connecting the local community with the water environment.

We welcome the specific policy for renaturalising the River Rea: Policy BH18. This presents a valuable opportunity to enhance the blue corridor reconnecting the public with the river. The section of the River Rea which runs through Balsall Heath is classified under the EU Water Framework Directive as being of 'Bad Ecological Potential'. The overall objective for this water course is to raise it to good ecological potential by 2027 with the main measure to achieve this being to increase in-channel morphological diversity. Any improvements in this area should look to improve in-channel habitat and water quality.

We have formed a partnership with Birmingham City Council and Severn Trent Water to develop options and explore funding opportunities to reduce flood risk in the River Rea catchment. The River Rea Partnership has already begun to identify potential schemes across the catchment, such as the urgent repair works to the Longmore Street wall. With the Partnership Funding approach, the projects identified will attract a percentage of government flood defence grant in aid relative to the benefits proposed. However, external funding must be sought to secure government funds and reach the total required. Promotion of these schemes and the partnership in the NDP would be welcomed.

Approximately 386 properties within sub-area 1 are currently at risk of flooding in a 1:100 year event. We are considering a variety of options to reduce flood risk in this area, namely storage at Tally Ho and at Calthorpe Park and embankment along Eastern Road

The River Rea Partnership is also looking to implement a series of environmental and community enhancement projects alongside our wider aspirations. For sub-area 1 this includes bank re-profiling, re-introducing meanders, re-storing a defunct meander, recreation of gravel bars and riffles.

Communities with adopted neighbourhood plans now benefit from 25 per cent of the levy revenues arising from the development that takes place in their area. In renaturalising the River Rea, the Environment Agency would welcome early engagement and possible partnership working to ensure funding is spent in the most efficient way.

Located directly adjacent to the river and within Flood Zone 2, the renaturalisation of the River Rea project has the potential to cause contamination of the river from floodwaters crossing the site. We would

	<p>therefore welcome the opportunity to feed into the design of the allotments in order to help mitigate any risk and help protect the watercourse from pollution.</p>
<p>3.Standard Life Assurance (GVA)</p>	<p>SLA owns land at Haden Way/Belgrave Middleway which formerly comprised the Joseph Chamberlain College (JCC) and Birmingham Sports Centre (BSC). The site is referred to most notably at Policy BH15</p> <p>Background SLA's interest dates from 2003 when they secured the land from the College and City Council. In 2004 SLA submitted a planning application for <i>“the construction of Class A1 (retail) development and ancillary Class A3 (food & drink) unit together with access, landscaping and associated engineering works.”</i> Planning permission was granted by the Secretary of State in February 2006, following a call-in inquiry. The consent allowed circa 22,000m² of ‘bulky’ comparison goods floorspace and created the value needed to substantially fund the relocation of JCC to the new College on the opposite side of Haden Way. It also funded relocation of community sports from the BSC to the new JCC sports hall, and elite martial arts and gymnastics to a new centre at the Alexander Stadium. The completion of the new JCC and sports facilities delivered significant education, sports, employment and regenerative benefits. Those were important considerations but the overall conclusion of the Secretary of State in granting permission was that the retail development was justified on its own merits. Market conditions changed so that SLA was unable to secure tenants and construct the retail park before the consent expired. As a consequence BCC granted permission in 2011 to extend the period for implementation for a further 3 years. During 2014 SLA has discharged all pre-commencement conditions attached to the consent, and has implemented the permission.</p> <p>Previous Consultation Responses At p.27 the Consultation Statement reproduces GVA's comments at the Pre-Submission Consultation. The first two paras confirmed our client's interest in the site and the position in relation to the 2011 consent. The third concluded that the NDP appeared to meet the Basic Conditions and follow relevant strategic content in the UDP, and that it presented a positive approach to development. The reference to the site's redevelopment being a priority was supported. The acknowledgement that a mix/variety of uses could be incorporated was noted, in the context of the extant consent for retail development. The Forum's comment (p.23) that SLA supported the mixed use strategy for the site must be read in this context. Similarly, the record of SLA's objection to earlier versions of the NDP should be read in the context of the Forum promoting development that was not in accordance with the extant permission.</p> <p>Sustainability Appraisal The Sustainability Appraisal assumes that ‘business’ development will take place on the site. We presume this refers more to ‘economic development’ than to Class B1 development. We note also an assumption that <i>“approx 200 houses”</i> will be built on the site although have seen no assessment of site capacity. Lepus' conclusion that BH15 is a positive policy may be robust although it should be noted that the 2006/11 retail applications were approved following EIA and were found to represent a sustainable option</p>

for redevelopment.

Basic Conditions Statement

The Basic Conditions Statement says in relation to Principle 3 that the NDP site allocations are for “housing led development” and characterises BH15/16 as promoting “(New Housing Developments)”. This does not accurately reflect the policy and supporting text, nor does it acknowledge that the 2011 consent has been implemented. It is also at odds with the statement in relation to Principle 9 that BH15 and BH16 promote “mixed use developments”. Whilst we do not suggest these matters mean the Basic Conditions are not met, we are not certain they reflect the content of policy and the supporting text.

Comments on the NDP Submission Version

1. SLA remains supportive of the generally positive approach to development that is evident in the NDP

and, in relation to the JCC site, notes that the final para on p.3 says that a “mixed use approach

could be used, incorporating a substantial number of new dwellings but also such uses as a hotel, shops and offices”. This advocates a mixed use approach, but does not require that (and could not given the implementation of the 2011 consent). The suggested mix is neither exhaustive nor prescriptive. Similarly, 2.4.6 refers to the ‘potential’ housing capacity of the site but is not prescriptive. Moreover, neither 5C.6.1 nor 5C.6.2 are prescriptive in terms of the scale/proportion of uses.

2. Para 2.3.9 should be updated to acknowledge that all conditions on the 2011 consent have been discharged and material operations have been carried out. This would provide the correct context for other references to the former JCC site.

3. Paras 2.4.9 to 2.4.11 relate to Economic and Social Issues but make no reference to the economic and employment benefits arising from the site’s development, either in the context of development for retail use, or as a consequence of any commercial element in a mixed use scheme (which the NDP explicitly promotes at, amongst other places, para 2.4.6).

4. Policy BH3 sets out the approach to shopping and local centres. The final bullet says that outside centres retail and other main town centre uses will only be supported where the policy tests within the NPPF and BDP are satisfied. This ought to be extended to refer also to where such proposals are in accordance with the objectives and policies of the NDP, not least given the support for retail development on the former JCC site in policy BH15 and its supporting text.

5. Para 5C.6.1: In the event that SLA choose to review the site’s development they welcome the positive approach set out in the supporting text (although the explanation of the site’s planning status needs to be updated). SLA continues to acknowledge the positive tone of the NDP, and welcomes the confirmation that convenience retail would be acceptable (and whilst not stated in the NDP, that would be consistent with the BDP and evidence base), as would residential, should SLA wish to review the site’s development.

6. Policy BH15 is not consistent with the supporting text (or the site’s planning status) in that it says only that retail development “may” be appropriate. The policy should be clear that any development other than that permitted in 2011 is expected to be retail-led (rather than housing-led, as the appendices suggest) although the incorporation of other uses will be encouraged.

7. Page 50: We question the merit of the diagrammatic plan on p.50, albeit its status is ‘indicative’. We are not aware that the plan has been tested in

	<p>terms of its design approach, or ability to deliver a viable scheme. Moreover, it has not previously been shared with the site owner.</p> <p>8. BH15: Finally we do not understand what is meant by the reference to mixed-use development of the site being progressed “<i>in partnership</i>” with the owners of the site”. In summary, SLA would like to see the final version of the NDP amended to (i) reflect the position that now exists on the site; and (ii) so that the policy statements are consistent with the more positive.</p>
<p>4. Police and Crime Commissioner West midlands (Tyler Parkes)</p>	<p>The PCCWM welcome the reference within the ‘Vision Statement’ to the need for transport infrastructure to enable the effective and safe movement of people and goods. However, the PCCWM formally request that the Vision Statement be amended to include reference to the need for measures to improve community safety and promote safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or social cohesion. They believe the NP is unsound without an overarching crime prevention aim for the NP.</p> <p>Proposed Policy BH1 ‘A Sustainable Community’ seeks to give direction, purpose and justification to the other policies in the Plan. Therefore the PCCWM consider it is important for this policy to make reference to the need to encourage measures to promote community safety and ‘design out crime’ and ‘design in’ community safety and social cohesion. The PCCWM are concerned, not only about the initial planning application and development phase, but also about the need for effective long-term measures and management to be in place in the short, medium and longer-term.</p> <p>It is important that new developments should include a comprehensive maintenance programme to offer sustainability for buildings once they have been constructed, this might include for example: The regular pruning and trimming of trees and bushes to encourage surveillance and prevent concealment; The removal of graffiti and signs of vandalism and regular litter and waste patrols.</p> <p>The PCCWM formally request that the Sustainable Community Policy includes the following wording:</p> <p>Encouraging measures to create and maintain environments that design out crime and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The need to design out crime and ensure its continued maintenance in all new developments and redevelopments is a cornerstone to successful sustainable communities.</p> <p>Proposed Policy BH2 ‘Design and Conservation of the Built Environment’ seeks to enhance the quality of life for residents and visitors. The PCCWM welcome at parts a) and c) the desire to ensure new built development achieves high standards of design and there are improvements to the physical environment and ‘street scene’ through the area, including the creation of a safe and pleasant pedestrian network.</p>

However, the PCCWM formally requests that the policy is strengthened. The PCCWM seeks the inclusion of references to the need to create safe environments that design out crime through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance. They formally request introduction of a requirement for all developments to meet 'Secured by Design' standards and a requirement for consultation with the PCCWM at the pre-application and planning application stage. The PCCWM is keen to be involved in all development proposals at the design stage including; residential, commercial, retail, educational, and community schemes with the aim of encouraging developers to build to 'Secured by Design' standards and to ensure that issues of crime prevention and designing out crime are taken into account at the earliest opportunity.

The PCCWM therefore formally request that there is early consultation with the Crime Prevention Design Officer on planning applications to ensure the timely and effective engagement of the police and other emergency services: in the processes likely to affect crime and the fear of crime; in relation to Counter-Terrorism matters

There have been at least six independent evaluations of Secured by Design and they all have found greatly reduced crime levels. A policy which supports the need for development to be SBD would accord with the requirements of the Framework and ensure that policy is sound.

The following wording is suggested:

Ensuring high quality design in all developments which will positively contribute towards the regeneration of the environment and feeling safer with crime reduction and access to services. Developments should meet 'Secured by Design' standards and might include measures to improve natural surveillance and create active street frontages.

Promoting crime reduction including through the creation of safe environments for movement within and beyond the area and measures such as, improving lighting and CCTV coverage where appropriate.

It is noted at paragraph 2.4.13, that about 70 unmaintained 'orphan' spaces attract crime. The PCCWM therefore recommends that **Policy BH4 'Environment and Open/Green Space'** bullet point b) is expanded as follows (additions shown in bold text):

'ensure that appropriate uses and management programmes are in place for **open and green spaces, such as** the many small 'orphan' spaces to ensure that **management and development proposals promote the creation and maintenance of safe and accessible environments where crime, anti-social behaviour, disorder and the fear of crime, do not undermine quality of life or community cohesion.**'

The PCCWM consider it is essential that consideration of crime prevention is also given prominence in **Policy BH5 Parks**. As with Policy BH4, the PCCWM recommend the following additional wording:

Opportunities should be taken to improve the design, management and maintenance of parks to reduce crime, anti-social behaviour, disorder and the fear of crime.

The PCCWM welcomes Policy **BH6 'Connectivity and Movement'** which seeks to enhance connectivity within and outside the area through various

	<p>measures, including improvements to cyclist and pedestrian safety. The PCCWM consider that it is important to ensure that the future operational requirements for policing are not adversely affected by any future development proposals near to premises or land in their ownership or operation.</p> <p>It is imperative that proposals within the NP designed to regenerate, protect, enhance and promote the areas do not prevent the PCCWM undertaking their statutory obligations in respect of community safety and security. It is important to ensure that the PCCWM are able to undertake any works at their sites deemed necessary to meet evolving operational requirements. It is therefore requested that policies are flexible in this regard.</p> <p>The PCCWM formally request introduction of a separate section within the NP to address community safety issues and the need to consider crime prevention.</p> <p>The PCCWM has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties under the terms of national planning policy.</p> <p>The PCCWM formally request that the theme of community safety be given greater prominence in the NP. They consider that the NP has missed the opportunity to highlight the importance of improving community safety, reducing crime, fear of crime and anti-social behaviour. The PCCWM contend that without the changes proposed in this letter, the NP will be unsound as it will not fully meet the requirements of the Framework.</p>
<p>5.Equality and Human Rights Commission</p>	<p>No comments</p>

Please note for further information on the Balsall Heath Neighbourhood Development Plan and it's consultation, please visit:

<http://www.birmingham.gov.uk/balsallheathndp>