

Report to Birmingham City Council and Bromsgrove District Council

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**an Inspector appointed by the Secretary of State
for Communities and Local Government**

Date 10 February 2009

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

1 Introduction and Overall Conclusion

1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:

- a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document;
- b) whether it is sound.

1.2

the document in the light of the legal requirements and/or the tests of soundness in PPS12 (2008). None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.

1.6 My report firstly considers the legal requirements, and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy. My overall conclusion is that the Longbridge Area Action Plan is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:

- Changes to phasin

Options stage onwards (Table 1). It is clear to me that these measures went far beyond the minimum requirements. The Councils described steps taken to target residents of Frankley and engage them in the consultation process. I have seen no substantive evidence that Frankley was disadvantaged or that interested persons were unable to obtain details of the emerging

- 2.8 The LAAP makes a number of cross references to the Community Strategies for Bromsgrove, Worcestershire and Birmingham (eg. Pages 17, 19 and 27) and it is clear that the document has had regard for them (CDs4.10, 4.11, 4.18 & 4.21).
- 2.9 I am satisfied that the LAAP complies with the specific requirements of the 2004 Regulations including the publication of the p0 45 0 0 TmTlcLAon of tnc

Birmingham, Bromsgrove, the region and beyond.....". Theme 3 of the LAAP is to achieve an economic transformation securing economic diversification and business growth which would provide 10,000 jobs and a long-term sustainable environment.

- 3.3 Draft Planning Policy Statement 4: Planning for Sustainable Economic Development (PPS4) states that local planning authorities should plan positively to encourage economic growth. They should aim to secure a good range of sites for economic development and mixed-use development, and a good supply of land and buildings for large and small businesses as well as start-up firms, with high quality and inclusive design. They should avoid or mitigate adverse impacts on the environment, and promote sustainable travel choices. The early construction of the Innovation Centre providing
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- 3.10 The West Midlands Economic Strategy identifies a range of existing business sectors exhibiting strong potential for future growth, advising that these are addressed by the region's "priority business clusters". However, Advantage West Midlands is content that the LAAP has not attached a specific theme or business cluster to the RIS; to have done so might have discouraged some potential investors. It argues that there should be more emphasis on the type and aspiration of the business or investor and less on the products of the company. Experience of delivery at the Major Investment Site in Ansty has shown that securing an anchor tenant in order to give identity, reality and credibility to the site, and not sub-dividing plots for speculative development, were among the factors critical to success. It seems to me that the LAAP would allow a similar approach to be followed at Longbridge.
- 3.11 Proposal RIS1 in the LAAP makes clear that the RIS should offer a prime location for technology led business (use classes B1b and B1c), but should permit some B1a and B2 uses, as well as space for services for staff and business use. I consider that the proposal correctly seeks to limit the amount of non B1b/c floorspace in order to ensure that high quality technology and research and development businesses are pre-eminent. B1a uses should only be supportive of the high technology activities and this is essential, in my view, to avoid conflict with RSS policies which seek to direct office floorspace away from out-of-centre locations and towards town and city centres. I accept that a maximum of 25,000 sqm of such office space, permissible under Proposal RIS1, would be proportionate. I am also content that up to 10,000 sqm of , meeting and conference, hotel, crèche, gym and small scale retail facilities would enhance the character of the Rn8 (i) 4 -5-6 (ld) -5 (r)ahe, hldl

advised that some 30% of Birmingham's resident households do not own cars and in these circumstances the common assumption that "everyone shops by car" has to be questioned. From a journey along the A38 from the city centre to the junction with the M5, it is apparent that the major food retailers in the past have favoured a prominent site beside this main road, and have been less concerned with contributing to good urban design, an attractive streetscene or active frontages for passing pedestrians. The Proposals Map shows an area beside the railway and south of Longbridge Lane as the local centre retail quarter. I see no reason why a superstore of the expected size should not be highly visible in this location to passers-by, whilst achieving good design and complying with Policy DS1.

- 3.25 The employment zone, EZ1, would separate the local centre from the NAC site and provide a buffer to any nuisance from the automotive works. I consider that this, combined with attention to detailed design and layout, should secure a high quality centre. Policy DS1 reflects national policy in PPS1, especially paragraph 36 which exhorts authorities to prepare robust policies on design and access, and Planning for Town Centres: Guidance on Design and Implementation Tools. I consider that the policy requirements in the LAAP, especially for large floorplate buildings, should be kept, although an explanation of 'active frontages' in the glossary could improve the effectiveness of the policy.
- 3.26 The LAAP notes on Page 25 that the local community supports the protection /preservation of existing local centres and neighbourhood parades. One such group of shops exists at Rednal along the Bristol Road South. Permission for a new Aldi foodstore on the north side of this road was refused on appeal in February 2008 (App/P4605/A/07/2047819) (CD7.1). I consider that new retail development should be concentrated in the proposed new centre at Longbridge and fragmentation avoided. I see no need for the LAAP to provide for a new foodstore on this stretch of Bristol Road South.
- 3.27 The Government has signalled that it intends to make changes to PPS6, a consultation document having been published in July 2008. As yet, it is unclear exactly how national policy will be revised, but I have identified no serious conflict with the thrust of emerging changes. I conclude that the LAAP is consistent with national planning policy for town centres.
- 3.28 I conclude that the proposals for a new local centre in the AAP are underpinned by a robust evidence base and are justified. Table 5 presents a Summary Implementation Plan, and the Council advised that this programme for the local centre is being implemented, albeit there has been some slippage with start on site delayed to 2009. With minor changes to the phasing and timetable in Table 5, I am satisfied that the LAAP meets the test for effectiveness. I conclude that the proposed new mixed use local centre is appropriate in terms of the prevailing pattern of retail and district or

local centres in South Birmingham and Bromsgrove, and should provide a new heart for the Longbridge community.

3.29 The LAAP should be changed as follows to make it sound:

Issue 3 – Housing

3.30 Planning Policy Statement 3: Housing (PPS3) seeks a step change in housing delivery, through a new more responsive approach to land supply at the local level. The LAAP seeks to achieve high quality housing and a mixed community. Housing would be provided on previously developed land at a variety of densities, all

3.42 Although the above studies may not have informed early stages of preparation of the LAAP, I consider that their conclusions provide support on grounds of local need for a target of 35% affordable housing at Longbridge.

3.43

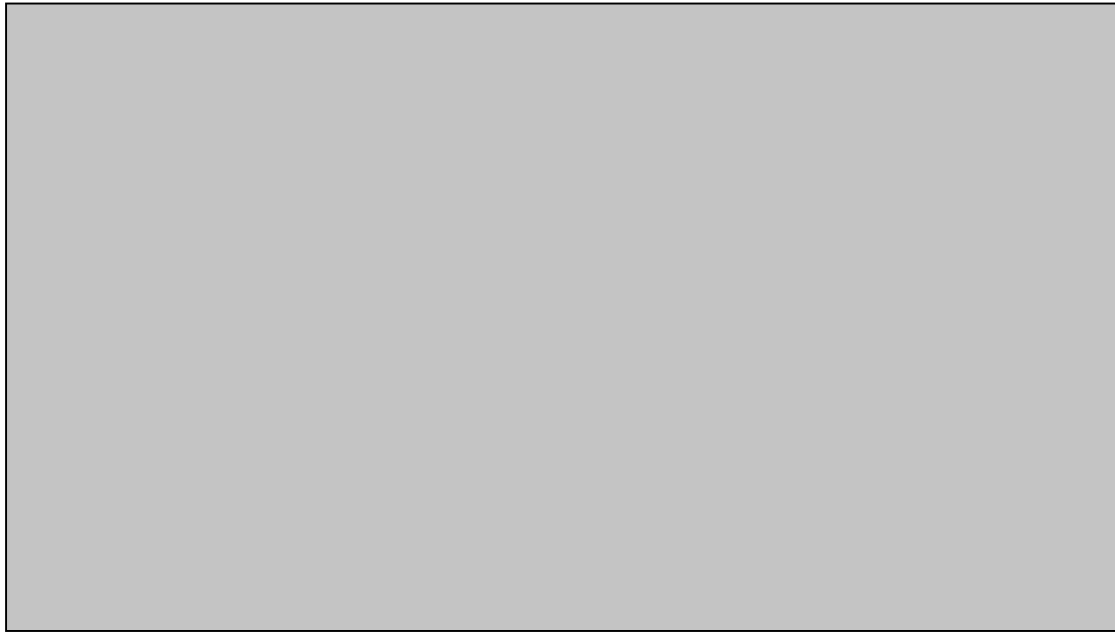
public sector support for key infrastructure proposals such as realignment of the A38 (from the Regional Funding Allocation) may be forthcoming. Following an adjournment of the hearing sessions, more meetings between the Councils, transport agencies and the developer were held, and further work on viability modelling was

bus service to and from Frankley, is not expedient and short-sighted but represents a positive element of the AAP which should improve communications with the Frankley area.

- 3.58 Proposals T5, T6 and T7 promote a new public transport interchange on Longbridge Lane, improvements to Longbridge rail

cycling networks and improved public transport services which the LAAP promotes. In addition, Proposal T11 provides for a package of measures and a Travel Co-ordinator to encourage changed behaviour and more sustainable travel. I am satisfied that regard has been had to experience elsewhere and best practice guidance on Travel Plans in drafting this proposal.

3.62 P5 (pr) 4 (opos) 2 (a) 1 (l)oposal. (.) 5 ((764Tf [(380 0 Tm /TT6 1 Tf [(T Q q 0.2



Issue 5 – Delivery

- 3.66 PPS12 explains that area action plans should deliver planned growth areas, stimulate regeneration and focus the delivery of area based regeneration initiatives, among other things. I consider that the LAAP has an appropriately strong emphasis on implementation and delivering necessary change at Longbridge. Part D of the LAAP is devoted to Delivery and Implementation. As the Councils pointed out, the emphasis on delivery in the plan exceeds that in many AAPs which have been adopted elsewhere. It is clear from the hearing sessions and written evidence that there has been continuing collaboration between the landowner/developers and Councils, as well as with infrastructure providers, directed at delivering the plan. Evidence on the ground, in the form of clearance of the old MG Rover sites and construction of new business premises at the Innovation Centre and Cofton Centre, demonstrate that an “action” plan is intended and not just a paper document.
- 3.67 Paragraph 4.9 of PPS12 describes the components of good infrastructure planning. Although this guidance is intended primarily for core strategies, it seems to me that the principles are equally relevant to the LAAP. Regarding infrastructure needs and costs, the Councils’ Viability and Baseline Study (CD3.20) itemised the infrastructure needs of the plan and attributed costs to them, which were derived from detailed and specialist baseline studies.
- 3.68 Viability work supporting planning applications and carried out by the developers post-dated this early work for the LAAP, took account of some actual costs and reflected more recent market conditions. New viability modelling was undertaken in November

2008 during an adjournment of the hearing sessions which incorporated new findings from the developers. Revised figures for construction works and infrastructure costs were input. The resultant figure for total outgoings was about 2% lower than the original figure in CD3.20, with costs for some elements (eg

supportive of the development proposals which are expected to reduce the flood risk along this watercourse and create a more attractive environment.

- 3.84 For the River Arrow, the Environment Agency's indicative floodplain map showed no flooding through the AAP site. The site was shown within PPS25's flood zone 1 with less than a 1 in 1,000 annual probability of river flooding. A flood risk assessment accompanied the 50p004 cm B'

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would refer to the West Midlands Sustainable Planning Checklist. Changes to Table 6 are also proposed in order to aid future monitoring of sustainability. I consider that these changes would reinforce the strategy, making it more compliant with regional policy, and should be made to improve the LAAP's effectiveness.

Other matters – Policing

- 3.88 West Midlands Police Authority argued that the Area Action Plan's Table 2 should be more specific than merely summarising measures to secure safer communities, and should refer to "the capital costs of policing". At the hearing, the Police Authority sought to go further stating that it sought commitment in the LAAP for the provision of a police base funded by the intended new development. I was advised that the Police Authority had been a statutory consultee for the plan, so that I would have expected it to have made the case for capital funding more precisely and at a much earlier stage in plan preparation.

Minor Changes

- 3.91 The Councils wish to make several minor changes to the submitted DPD in order to clarify, correct and update various parts of the text.

ABBREVIATIONS

AAP	Area action plan
(CD)	Core document – in the examination library
CDT	Community development trust
CTB	Central technology belt
DPD	Development plan document
LAAP	Longbridge Area Action Plan
LDF	Local development framework
LPA	Local planning authority
MUA	Major urban area
NAC	Nanjing Automobile Corporation
NPV	Net Present Value
PPS	Planning policy statement (issued by the Government)
RIS	Regional investment site
RSS	Regional spatial strategy
WMES	West Midlands Economic Strategy

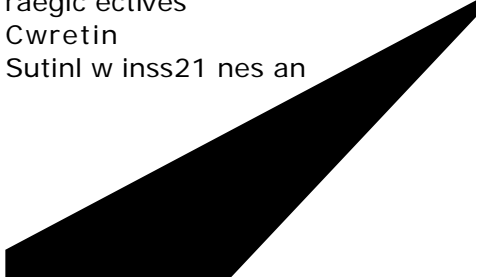
APPENDIX 1

The following changes are required to make the Longbridge Area Action Plan sound.

<p>()</p> <p>Schedule of Minor Changes October 2008 - Additional Supporting Material Advantage West Midlands 24/002</p>	<p>/</p> <p>Foreword section of AAP- Page 1. New sentence to be added to end of the third paragraph</p>		<p>()</p> <p>(New Text is Underlined)</p> <p><u>In the aftermath of the closure,</u> <u>the MG Rover Task Force was set</u> <u>up and allocated a £170m</u> <u>support package targeted at</u> <u>former MG Rover employees,</u> <u>suppliers and dealers and the</u> <u>wider community. The Task Force</u> <u>(a strong partnership of key</u> <u>organisations including</u></p>
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	/		() (New Text is Underlined)
Schedule of Minor Changes October 2008 - Additional Supporting Material Advantage West Midlands 24/001	Objective 9 - Paragraph 2.27 (p.12)	This objective is in line with policy in the Regional Spatial Strategy to provide a RIS in the A38 High Technology Corridor.	This objective is in line with <u>the West Midlands Economic Strategy (WMES) Objectives 2.1 (Birmingham Competing as a Global City) and 2.3 (Sustainable Management and Utilisation of Land and Property Assets) as well as policy in the Regional Spatial Strategy to provide a RIS in the A38 High Technology Corridor.</u>
Schedule of Minor Changes October 2008 - Additional Supporting Material Advantage West Midlands 24/001	Objective 10 – Paragraph 2.31 (p. 13). New sentence to be added to the end of the paragraph.		<u>At a strategic level, this objective is also supported through a number of WMES Strategic Objectives, including 3.3 (Driving up Ambition and Aspiration), 3.4 (Skills for Employment & Enterprise) and 1.6 (Stimulating Employer Investment in Skills & Training).</u>
Schedule of Minor Changes October 2008 - Additional Supporting Material Advantage West Midlands 24/001	Objective 11 – Paragraph 2.34 (p.13). New sentence to be added to end of the paragraph.		<u>This business objective is also</u> sc8WdTc 4(l) 9 ()TTT31 Ts bus th raegic ectives Cwretin Sutinl w inss21 nes an



Schedule of Minor Changes October 2008 -Additional Supporting Material Advantage West Midlands 24/001	Objective 12 – Paragraph 2.36 (p.13). New sentence to be added to the end of the paragraph.		<u>This Objective is also supported through various strategic objectives in the WMES including 2.5 (Developing Sustainable Communities) and 2.6 (Regenerating our Most Deprived Communities).</u>
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(Changes are underlined /
Previous Text Scored Through)

<p>Schedule of Minor Changes October 2008 – Additional Supporting Material Advantage West Midlands 24/004</p>	<p>Proposal DS1 after para 3.15 (p.16) – New Section Heading and Paragraph (Subsequent renumbering of paragraphs also required)</p>		<p><u>3.16 The submission of a sustainability assessment with the first outline planning applications based upon the West Midlands Sustainable Planning Checklist. This on-line tool helps developers and others assess to what extent site proposals will deliver a wide range of economic, social and environmental sustainability priorities. The checklist has been developed by the West Midlands Regional Assembly with a range of regional and national partners (including Advantage West Midlands) and can be accessed at www.checklistwestmidlands.co.uk.</u></p>
<p>Schedule of Minor Changes October 2008 - Representation no 12/006 RPS o.b.o ASDA stores</p>	<p>Policy DS1 Para 3.23 (p.18). 45th to (7) (Mi) v</p>		

Schedule of
Minor Changes
October 2008 -
Representation
no 12/006
RPS o.b.o
ASDA stores

Para 3.52 1st
bullet point
(p.25)

Retail uses including a well
designed supermarket or
superstore and smaller units at
the ground floor suitable for
retail uses

Retail uses including a well
designed ~~supermarket or~~
superstore

Affordable
Housing Minor
Changes Paper

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Additional
Minor Changes
Relating to the
Proposals Map
and Flood Risk
– 2 December
2008

Paragraph
3.172-
Proposal
OS14 (p.44)

Flooding – no development will be permitted on sites LC1-4, RIS1, H1 and EZ1 until measures are in place to prevent flooding associated with the River Rea. No development will be permitted in site H2 until appropriate measures have been put in place for the River Arrow.

Flooding – no development will be permitted on sites LC1-4, RIS1, H1 and EZ1 until measures are in place to prevent flooding associated with the River Rea. No development will be permitted in site H2 until appropriate measures have been put in place for the River Arrow. Flood risk modelling for both rivers indicates that flooding will be contained within the development proposals contained within the AAP to enhance the river corridors based upon a 1 in 100 flood event (plus climate change) scenario. Matters relating to minimising residual risk associated with 1:1000 year events will be addressed fully at the planning application stage.
The Proposals Map shows flood

Table 1: Anticipated s.278 Scheme Requirements

(Source: Schedule of Minor Changes – October 2008)

A38 Road Improvements	Links with River Rea Re-profiling 2009-2011	Links with River Rea Re-profiling 2009 2011

Table 2: Anticipated Community Infrastructure Improvements

(Source: Schedule of Minor Changes October 2008)

Longbridge Railway Station	2010 –2012 Link to Longbridge Lane improvements	2010 – 2012

Enterprise and
Business Support

Spring 2010. Linked to start of works
on mixed use and employment
quarters.

~~Spring 2010~~. Linked to start of works on mixed use and
employment quarters.

A38 Road Improvements and River Rea Profiling 2009 – 2011
River Arrow Profiling Spring 2009 – Spring 2010
other improvements see above tables

A38 Road improvements and River Rea Profiling 2009 – 2011
River Arrow Profiling Spring ~~2009~~2010 – Spring ~~2010~~2011
~~other improvements see above tables~~

West Works Housing – Spring 2010 – Spring 2014	West Works Housing – Spring 2010 <u>2011</u> – Spring 2014 <u>2015</u>
West Works RIS Phase 1 – Spring 2010 – Spring 2012	West Works RIS Phase 1 – Spring 2010 <u>2011</u> – Spring 2012 <u>2013</u>
West Works RIS Phase 2 – Spring 2012 – Spring 2017	West Works RIS Phase 2 – Spring 2012 <u>2013</u> – Spring 2017 <u>2018</u>
West Works RIS Phase 3 – Spring 2018+	West Works RIS Phase 3 – Spring 2018+ <u>2019+</u>
Cofton Park Improvements – 2009- 2011	Cofton Park Improvements – 2009–2011 <u>2011 – 2013</u>
Other Open Space and recreational – Spring 2009- Spring 2012	Other Open Space and recreational – Spring 2009–Spring 2012 <u>2011 – 2014</u>
	<u>Delivery will however be dependent on market conditions at the time of the Development.</u>

Table 4 Longbridge Housing Trajectory (Source: Schedule of Minor Changes October 2008)



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Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.3 (p.45)

Additional
Minor Changes

Additional
Minor Changes

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.7 to be
amended
(p.45)

The local authorities involved in producing the Longbridge AAP have agreed a planning contributions model, which consists of both traditionally negotiated S106 elements, such as affordable housing, and a simple Longbridge Community Infrastructure Levy (CIL) to support the development of the area. This approach has several advantages including:

- Providing clarity and certainty

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.8
amendments
(p.45)

The planning contributions model also sits alongside a package of Section 278 and S38 agreements for the private sector funding of works on local and strategic roads as required by the proposals in the Movement Strategy. The S278 Agreements provide a well tested financial mechanism for ensuring delivery of mitigation works identified and determined as necessary for planning permission to be granted. Table 1 provides information on the key S278 requirements as part of the Longbridge AAP.

The planning contributions model also sits alongside a package of Section 278 and S38 agreements for the private sector and other stakeholder funding of works on localinform

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.10
amendments
(p.47)

The planning contributions associated with the Longbridge AAP are split into traditionally negotiated agreements and a supporting Longbridge Community Infrastructure Levy (CIL), which covers both residential and non-residential elements of the development.

The planning contributions associated with the Longbridge AAP are split into traditionally negotiated agreements under Section 106, and a supporting Longbridge ~~Community~~

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.12 (p.47)

With regard to the CIL, community infrastructure has been defined by the joint charging authorities (Bromsgrove District Council and Birmingham City Council) as 'infrastructure of local and strategic importance to the delivery of sustainable developments'. Table 2 summarises a broad schedule of community infrastructure requirements, required to

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Paragraph
4.13
amendments
(p.51)

A significant number of the Community Infrastructure requirements will need to be delivered upfront and at certain phased intervals in the overall development schedule. This means that the planning contributions model will require a degree of forward funding to support regeneration and development. The role of banker is essential to fund infrastructure and bridge the cash flow gap between scheme expenditure and income. Income from the development will be obtained through the application of a levy

Additional
Minor Changes
to the AAP
Relating to
Delivery and
Implementation
– 26 November
2008

Add new

Para 4.22a New paragraph

It is recognized that market
conditions are subject to

Table 5: Summary Implementation Plan (p.54-56) (Source: Note on Funding - 27th November 2008)

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Table 6: Longbridge AAP Monitoring Requirements (p.57-62) (Source: Schedule of Minor Changes – October 2008 / Additional Supporting Material Advantage West Midlands 24/005)

New Table Entry

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EXISTING APPENDICES

APPENDIX 4 Glossary of Terms (p.66-72)

	/		() (Changes are underlined)
Schedule of Minor Changes October 2008 - Representation no 12/002			

NEW APPENDIX

APPENDIX 5: OTHER SOURCES OF FUNDING (source: Note on Funding – 27th November 2008)

To ensure that all financial opportunities are explored to support the sustainable development of Longbridge, the local authorities are pursuing in conjunction with other key stakeholders, other sources of funding than developer contributions. These monies could be used to bridge any scheme viability gap and part fund community infrastructure projects which may not otherwise be fully delivered following a review of the viability of planning applications and / or b) add additional value to the delivery of community infrastructure projects.

- A project proposal has been submitted under the Regional Funding Advice (RFA) for £50m, which aims to deliver an integrated approach that covers housing and regeneration, economic development and transport activities.
- Discussions are ongoing with English Partnerships element of the new Homes and Communities Agency regarding potentially part funding remediation, site infrastructure and servicing costs to assist in bridging the current scheme viability gap.
- The Housing Corporation (HC) element of the Homes and Communities Agency has also indicated an interest in potentially funding the difference in construction costs between Code for Sustainable Homes Level 3 and Level 4 on affordable housing. HC funding may be available for meeting affordable housing targets beyond 35% depending on circumstances.

APPENDIX 2

The following minor changes have been put forward by the Councils, and should be made in the interests of clarification.

LPAs Information Source	AAP proposal / paragraph	Existing AAP text	Proposed change(s) (Changes are underlined)
Schedule of Minor Changes to the AAP October 2008 (Representation No. 516 / 008 CPRE)	Paragraph 3.52 Proposal LC3 Additional pullet point to be added (p.25)		<u>Services for visiting members of the public (e.g. dentists, launderettes, betting offices) where these do not impinge on the viability of the centre.</u>
Schedule of Minor Changes October 2008 - Representation no 22/001- Sport England	Paragraph 3.48 3rd sentence to be amended (p.24).	It will include facilities accessible to the general/public including a library and recreational/sports facilities/resources	It will include facilities accessible to the general/public including a library and recreational/sports facilities/resources, <u>which will be achieved through appropriate legal agreements.</u>
Schedule of Minor Changes October 2008 - Minor amendments and corrections. Also CPRE Representation 516/014	Paragraph 3.106 second bullet (p.32)	Health centre, day nursery, place of worship	

