



Driving Housing Growth: Land Appropriations

Call In by the Resources O&S Committee

1 Request for “Call-In”

- 1.1 On 26 March 2019 Cabinet took a decision to:
- 2.1 Subject to the Secretary of State consent where required pursuant to paragraphs 7.2.3 to 7.2.5 in this report, approves the appropriation of approximately 30.27 hectares (74.79 acres) of General Fund land held for the current functions as shown at appendix 1 (Schedule of sites) and the plans at appendix 2 (Site plans) into the Housing Revenue Account for the purpose of housing development under the Housing Act 1985; with the Council being satisfied that the land is no longer required for its current function, with an estimated market value of £45.88m as shown at appendix 1 (Schedule of sites).
 - 2.2 Notes that the appropriation of the sites will be phased over a period of three financial years, 2018-2019, 2019-2020, and 2020-2021 as shown at appendix 1 (Schedule of sites).
 - 2.3 Notes that the appropriation of the sites will be subject to technical appraisal, financial viability, and planning approval.
 - 2.4 Notes that some of the sites identified for appropriation in this report will be subject to a re-provision of public open space of a higher quality as part of any future development proposals.
 - 2.5 Delegates to the Director, Inclusive Growth in consultation with Leader, the power to vary the boundaries of the sites identified within appendix 1 and their relevant site plans identified within appendix 2 by up to 10% of the total area of the site.
 - 2.6 Authorises the Director, Inclusive Growth to advertise any loss of public open space and determine objections, once the sites are brought forward for development.
 - 2.7 Notes that the maintenance responsibility for all land appropriated will transfer to the receiving Directorate as applicable under existing budgets.
 - 2.8 Authorises the City Solicitor to negotiate, execute, and complete all necessary documentation to give effect to the above recommendations.
- 1.2 A request for Call-In was made to the Resources Overview and Scrutiny (O&S) Committee by Councillors Robert Alden and Gary Sambrook on 26 March 2019.



- 1.3 The Resources O&S Committee considered the request for call-in at its meeting on 8 April 2019. At the meeting the Committee heard from Councillor Ian Ward (Leader), Councillor Sharon Thompson (Cabinet Member for Homes and Neighbourhoods), Andrew Hood (Development Manager), Collette McCann (Head of Housing Development), Guy Chaundy (Senior Service Manager, Housing), Phil Andrews (Head of Operational Property Management), Julie Griffin (Acting Assistant Director, Housing Services).

2 Request for Call-In

- 2.1 Councillor Robert Alden set out the reasons for the request for Call-In, and that the issues related mostly to the Wyrley Birch allotments, Burford Road playing field and Short Heath playing field. He proposed that the following call-in criteria applied:

2 – the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees – there were a number of inconsistencies with policy set out by Councillor Alden:

- It is Council policy to build on brownfield sites before greenfield sites not identified within the Birmingham Development Plan (BDP) and these sites are not listed for building on in the BDP. As the sites do not form part of the Council's published five year housing land supply, they are not needed to meet the housing need of the City and so do not have to be built on for the City to be able to meet its housing need;
- None of the sites mentioned are identified as needed to meet housing needs of the city (SHLAA 2018 version);
- The Birmingham Development Plan (BDP) contains a number of policies, including those relating to green corridors, flood alleviation and minimum requirements for open spaces that are contradicted by this decision. The proposals remove green sites from neighbourhoods with low amounts of green spaces per head, and one site (Short Heath playing field) is used for flood alleviation.
- Building on playing fields is contrary to the Playing Pitch Strategy – which states that such fields should be protected, even if they are in a poor state.

4 – the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision – Perry Common councillors were not consulted on the Short Heath site, despite it bordering that ward and a number of the users coming from that ward. There has been no consultation with Education officers to determine if the land is needed for the increase in school places (in relation to the magnet site, Stockland Green). There also appears to have been an inconsistent approach as consultation was undertaken differently at different sites. Details of meetings with residents are not given.



- 5 – *the Executive appears to have overlooked some relevant consideration in arriving at its decision* – this relates back to criteria two and considerations around green corridors, flood alleviation and minimum requirements for open spaces.
- 6 – *the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do* – this relates to the fact that a number of sites have been previously proposed and then withdrawn. Also there are particular issues around the Wyrley Birch allotment site and engagement with the Witton Lodge Community Association (WLCA), which is set out in more detail below.
- 8 – *there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council* – the risk register does not list each risk separately with mitigations for each, and other mitigations are not adequately addressed. There were different figures for numbers on the housing waiting list and the number of houses to be built presented at the public meeting from those in the Cabinet report.

3 Executive Response

3.1 In response to the points made the Leader responded that:

- It is incorrect to say only brownfield sites should be developed ahead of greenfield sites.
- When the BDP was published, the city's housing need was assessed at 89,000 units; that number has been going up ever since. The BDP said Birmingham could accommodate 59,000 units within the city boundary, and the rest outside through duty to co-operate. If only brownfield sites were considered for development, the City Council would not be demonstrating a five year land supply, so would be susceptible to developers putting proposals in for other areas.
- Currently, the city was achieving 24% social housing, the aspiration in the BDP is 35% hence bringing forward these sites which include 1200 new units, 65% of which could be for social rent. There are currently 12,500 people on the council's housing waiting list.
- Many of the sites included are not public open space but unattached playing fields; though the distinction is not always clear to the public. The Burford Road development would create public open space. All unattached playing field sites are subject to Secretary of State approval before development can take place, as are allotment sites.
- The Education department have determined that the unattached playing field sites are surplus to requirements.
- The sites are all subject to planning permission, which would consider the issues such as green corridors, flood alleviation and minimum requirements for open spaces. There would also be further detailed consultation as part of that process.



- The policy is to consult with ward councillors but the Leader is content for neighbouring ward councillors to be consulted in parallel as the developments are taken forward.
- 3.2 Members queried if the council was setting a precedent that developers could then exploit to develop on green belt, as it had broken its own rules on this. The Leader denied that rules would be broken and said that all processes would be followed for each site.
- 3.3 Clarification was requested in appropriations for development by Birmingham Municipal Housing Trust (BMHT) or other purposes. Andrew Hood confirmed that the sites are for BMHT, with one exception: the Wyrley Birch allotment site, where the City Council will continue to have discussions with the WLCA.

Wyrley Birch Allotments Site

- 3.4 Before the start of the formal meeting, the committee heard from members of the Witton Lodge Community Association (WLCA) about their on-going dialogue with the City Council. Councillor Bore summarised the discussion in the meeting: that discussions had been on-going since 2016, that WLCA put forward a request for Community Asset Transfer but no formal response had been received. WLCA had agreed to further develop ideas to take forward the proposal to expand the housing offer following discussions with Cabinet Members and officers. A Memorandum of Understanding had been drafted but in October 2018 there seemed to be a change in attitude as to the end use of that site. The Cabinet report then put forward the site for development for BMHT, including a site plan put forward by the WLCA (commissioned at their expense).
- 3.5 The matter of the land valuation was also raised, and why that was so high.
- 3.6 Councillor Sharon Thompson outlined the discussions, stating that they had been awaiting a robust plan from the WLCA to take matters forward. If that was still the intention, then discussions would continue. The land value will be the subject of an independent assessment
- 3.7 Members noted that there had clearly been a breakdown in communication on this matter, and that the City Council needed to be better at engaging with partners.
- 3.8 The difference in land values between the Short Heath site and Wyrley Birch, of £1m despite being around about the same size, needed to be explained (e.g. it may be due to flood issues but this should be identified in the report).

4 The Committee Resolution

- 4.1 The Committee resolved to call-in the decision for reconsideration by Cabinet, by a vote of four members to three. The concerns of the committee members were around the following criteria 4, 6 and 8, rather than 2, as set out below:

4 – the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision – the lack of, or inconsistency in, consultation applied to



a few of the sites, but in particular there were clearly issues with engaging with the Witton Lodge Community Association on the Wyrley Birch site;

6 – the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do – this relates to the fact that a number of sites have been previously proposed and then withdrawn. Also the difference in land values between the two sites needed further explanation, especially as the City Council was responsible for both putting the land forward for development and for valuing it. As much transparency as possible is needed.

8 – there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council – the risk register does not list each risk separately with mitigations for each, and other mitigations are not adequately addressed. There were different figures for numbers on the housing waiting list and the number of houses to be built presented at the public meeting from those in the Cabinet report.

- 4.2 I therefore formally ask the Cabinet to reconsider its decision as outlined above; in particular ensuring that the lessons are learned regarding consultation, that greater clarity is given on the figures and risks, and that the process for valuing the land is clear and transparent.

Councillor Sir Albert Bore

Chair, Resources Overview and Scrutiny Committee