

BIRMINGHAM CITY COUNCIL

**HOUSING AND NEIGHBOURHOODS O&S COMMITTEE –
PUBLIC MEETING**

1230 hours on Wednesday 17 May 2023

Committee Room 6, Council House, Victoria Square, Birmingham B1 1BB

Present:

Councillor Mohammed Idrees (Chair)

Councillors: Marje Bridle, Ray Goodwin, Roger Harmer, Saqib Khan, Lauren Rainbow and Ken Wood

Also Present:

Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness

Councillor David Barker

Councillor Lisa Trickett

Colette McCann, Head of Housing Development

Sushil Thobhani, Head of Law – Property, Planning and Regeneration

Jayne Bowles, Scrutiny Officer

Amelia Wiltshire, Overview and Scrutiny Manager

1. NOTICE OF RECORDING/WEBCAST

The Chair advised that this meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. APOLOGIES

Apologies were received from Councillor Kerry Brewer.

3. DECLARATIONS OF INTERESTS

None.

4. REQUEST FOR CALL-IN: DEVELOPMENT OF HOUSING AT DAWBERRY FIELDS ROAD

(See documents 1 to 5)

Cllr Sharon Thompson, Cabinet Member for Housing and Homelessness, Cllr David Barker, Cllr Lisa Trickett, Colette McCann, Head of Housing Development, and Sushil Thobhani, Head of Law – Property, Planning and Regeneration, were in attendance for this item.

The Chair invited Cllrs Barker and Trickett to explain the reasons for their request for this decision to be called in and Cllr Trickett made the following points:

- In the current context of crisis, complexity and uncertainty there has to be a change in the way we invest and sustain our city and communities. There cannot be a one-dimensional approach, eg housing in isolation from understanding a child's life cycle, the needs of older people and the needs of air quality.
- Any policy needs to take account of people, place and planet.
- This development takes no account of the needs and requirements of local people, what is distinct about the place and puts at risk our ability to transition to Route to Zero, and has not got public consent.
- With reference to the criteria for the Request for Call-In, there are three main themes – contradicting existing policies, failing to take matters into account and failure to engage with residents.
- The Green Living Spaces Plan, which was the forerunner to the City of Nature, was about delivering a wide range of environmental and quality of life benefits to secure the betterment of communities.
- The report does not reference those frameworks or understand that previous plans have failed because of badger setts and there has been no engagement with Natural England regarding the protected species (slow worms), having previously told residents things cannot be done due to the nature of the area.
- Dawberry Fields neighbourhood park was the first pilot about connecting children to the nature around them and this proposal will take away public open space so the potential to enhance the environment has been lost.
- In terms of health inequalities, Marmot referred to the importance of integrating planning, transport and housing in the environmental system and this report the Equality Impact Assessment makes no reference to inequalities by this proposal going forward.
- The report also failed to take account of developing mixed communities and connecting people to their neighbourhoods. Allens Croft neighbourhood initiative was probably one of the most successful initiatives the City undertook as it worked with communities and brought through a whole range of provision, including a nursery and a children's centre and was part of a broader regeneration programme.
- The report also does not take account of the 2013 proposals. which suggested 30 new allotments to meet local need; there is no proposal for

allotments in this report. However, planning guidance states that if there is a deficit in allotments, which there is in this area, other open space that could be brought back into use for this purpose should be looked at.

- In putting forward a proposal for a 100% social housing development that does not connect to the existing community, the Council fails on the objectives of the Birmingham Development Plan to develop Birmingham as a city of sustainable neighbourhoods that are safe, diverse and inclusive, with locally distinctive character.
- The Corporate Plan includes three key missions – support, enable and encourage our citizens to fulfil their true potential, to have a voice and be heard, to support our communities to improve the areas in which they live and shape the world around them. The Council has failed on this by not talking to the local community.
- At Cabinet, the suggestion was that the community would be spoken to through the planning process. This is not consultation and engagement, and wider matters are not being taken into account in the planning consideration.
- At a recent Neighbourhood Forum meeting attended by 40 residents, two parent groups with children with SEND were deeply concerned there was not enough support for the existing children in local schools if more need comes into the area. The area has a high concentration of children with SEND because of the past work of the Allens Croft project.
- It was stressed that both Cllrs Trickett and Barker are not anti-development or anti-social housing and have offered to work with the Council to secure the same number of social housing units but in a way that takes account of the voices of the community to ensure the project can be managed and sustained going forward.
- The Council also fails on its mission to level up, as this is the part of the ward below minimum standards regarding access to green space, with two parks having already been lost through development.
- The report refers to community and neighbourhood, but this proposal is about putting 55 Passivhaus units on a piece of land as someone has decided that is what should happen. If we want to build communities and neighbourhoods, we need to engage with people and the failure to engage with ward residents means the development fails before it is started.
- Both Cllr Trickett and Cllr Barker were clear it was a bad idea going straight into a development like this and not looking at a local lettings plan and the needs of Druids Heath, which is an adjacent neighbourhood. This needs to be done in a coherent way.
- There is anger and despair from residents who have already lost choice through the cost of living crisis and the green space they have left, with three goal posts when they used to have three playing fields, is the only provision for young people.
- The local councillors have worked with Neighbourhood Action officers and the grant programme to invest in the skate park left abandoned in Dawberry Fields and have put forward local investment to support the development of better resources and wildlife within Dawberry Fields for local residents and to work with young people as part of this project, drawing on the Dawberry Fields initiative, and indeed have been the first to celebrate the fact that the

Council has said this will be one of the Covid Memorial Parks. This Cabinet report is silent on all of that.

- There is no options appraisal being taken forward and no consideration as to whether Passivhaus is the best option for this site. The nature of Passivhaus requires it to be positioned in a certain way which takes up more of the park than is needed.
- It is also built on mechanical ventilation, which means windows cannot be opened. This shows a lack of understanding within the Council of what Route to Zero means. Additional cost will be incurred to build to Passivhaus standard but then asking tenants to operate it in a way that doesn't give them the benefits.
- In summary, if this development goes ahead, the confidence of the neighbourhood that this is a Council willing to serve, level up and take the public with us, will be lost.
- It was acknowledged housing is needed across the city but it needs to be done in a way that is empathetic and connected to people and the place it is being located in.

Cllr Barker added the following points:

- From the outset, they have been clear they support developing the land but that needs to best serve the community and there are plenty of ways it could be designed to incorporate more green space. The proper process wasn't followed which led to bad design. This has been admitted by officers in separate meetings and the report probably should not have gone to Cabinet in first place.
- They had been told that there had been a bio-diversity study but there was no reference to that in the report.
- Passivhaus is brilliant in certain circumstances but not where there is a park and people will want to open windows.
- This was former allotment land so not considered as green space or parkland but it is not thought anyone local will see that difference.

Following a request from members of the Committee for clarity on a couple of points, the following additional comments were made:

- The key objection is the failure to consult and engage with residents and to understand how the development connects to the existing neighbourhood.
- The fact that there had been no consideration of the transport plan was also an objection.
- Before the local elections, the two councillors had met with an officer, the Future Parks Programme people and a couple of local residents. The parkland is surrounded by social housing, which is being badly managed by the Council at this point in time and residents have very little faith in the management process. They had talked about some kind of co-operative type model and had also discussed keeping residents in the neighbourhood who had been displaced due to tower blocks in Druids Heath coming down. The response from the officer had been that they don't do local lettings plans and that BMHT does not have a model for co-ops.
- There needs to be a new policy for new sustainable communities.

The Cabinet Member was invited to respond and in doing so the following were among the main points raised:

- Referring to the strategic context, one of the key priorities is to increase affordable, safe, green housing across the city.
- Delivery of affordable housing has been low and in the new housing strategy it has been made clear there is a need to increase social housing, with families in temporary accommodation.
- Approximately 600-700 social rent homes are also being lost every year through Right to Buy.
- There is a need for delivery of affordable homes to meet targets. This also stretches across not just housing but other policies as well across the city, and some of that is around the green agenda.
- Passivhaus was included and signed off in the Route to Zero plan.
- With regard to design changes and ward consultation, before the report was due to go to Cabinet, having read the comments from ward councillors, there had been a meeting with officers and a private conversation and all concerns had been noted, including the concerns around housing management. However, those concerns should not be a reason not to build the council properties for people that need them.
- In terms of the development, there have been ongoing conversations over the last 18 months. One concern raised was regarding density and that more people should be living on this particular site. This was looked at and the provision of two apartment blocks was included in the scheme.
- 55 units in comparison with some of the larger sites across the city is considered to be a small site and so 100% council properties didn't seem like the wrong thing to do in that context and there is a need to increase the number of council properties due to losing so many and the number of people on the waiting list with housing need.
- There had been a request to review the mixed tenure and to look at a local lettings plan to include allocation of tenants from Druids Heath and advice had been sought from the City Housing Team.
- With regard to public consultation, governance arrangements in place mean that consultation with residents cannot take place without first seeking approval that funding is available and a plan can be put together. In this case, governance procedures were followed correctly.
- In terms of the key principles of Passivhaus, it is a quality assured standard for low energy construction and with the cost of living crisis that is key in looking at future building.
- This would be the first Passivhaus scheme for BMHT and every attempt is being made within the funding envelope to make developments as green as possible.
- It was taken on board that this is seen as a community space, but it had been signed off as surplus, having previously been allotments, which was why it had been looked at for development.

Colette McCann, Head of Housing Development, made the following additional comments:

- It was important to note that City of Nature colleagues had been involved in the scheme from the outset and have been instrumental in the proposed layout and design and dealing with drainage, ecology and biodiversity proposals. No concerns had been raised by City of Nature in bringing the area forward for development.
- With reference to Birmingham's Transport Strategy, the scheme is compliant with the parking supplementary planning document and in response to the ward members' ask around car parking provision that has been lowered slightly and is still compliant with planning policy.
- The access road is required and there had been discussions with colleagues around parking provision, emergency services, refuse collection, etc about what flexibility there was in terms of design but the advice was that to achieve planning consent that access road was required.
- The site has been earmarked for many years for development and it is important to reference the appropriations report in 2020 where the site was identified and appropriated into the HRA for development purpose.
- Reference was made to the Allens Croft contribution which was made as part of that appropriation. When the site was appropriated, having formerly been an allotment site, a contribution of £412,000 was made to the Flo Pickering Memorial Fund, which re-distributes the money back into allotments across the city. Similarly, just under £0.25m was made available to the former Allens Croft initiative for improvements to the local area and currently the Landscape Practice Group within Park Services are undertaking some work with City of Nature to provide improvements and further enhancements to the neighbourhood park.
- The intention to bring forward a site for Passivhaus development was identified within the Route to Zero Cabinet report and there is no reason why a Passivhaus development would not be suited to a green space or why, because it is Passivhaus, it would be suited to any better location.
- It is important to note that it is not a method of construction but a sustainability standard that guarantees low energy usage. They are not putting green technology in but are developing properties to a standard where energy usage is minimised and there is a significant cost saving to residents, essentially looking at between £700-800 saving per year.
- The site is very well suited to Passivhaus design due to potential heat gains from a southerly orientation.
- Specific architects were engaged who are well known in designing and providing Passivhaus schemes to assist and support in the design of the scheme.
- In terms of the biodiversity, all the necessary ecological assessments and engagement and consultation have been undertaken and specialist consultants, Middlemarch, have been engaged to assess the biodiversity.
- This was done at an early stage and helped inform the design response to dealing with protected species identified on the site.
- Any mitigations needing to be undertaken, including translocation of any protected species, will be undertaken as part of the overall strategy and design of the scheme.

- In terms of climate impact, the development will provide the highest performance homes in the city, with secondary benefits around acoustic performance and mechanical ventilation. The primary function of the design is to reduce energy usage and another secondary benefit that would work well on this site is the pollen filters.

During the discussion, and in response to Members' questions, the following were among the main points raised:

- Members noted that based on what they had heard, the request for call-in is not about not wanting social housing, but about wanting it in a different format and with community consultation at an earlier stage in the process.
- The view was the response had not adequately addressed the issue of lack of consultation with the community and had focussed more on consultation with technical people.
- It was suggested that there should have been earlier localised engagement with the community to discuss the development, which by its nature was bound to raise local controversy and the importance of giving residents the opportunity to have their say was stressed.
- Members were told that the intention was to go out to more formalised consultation with local residents following Cabinet approval, once there is a scheme to consult on.
- The appropriations report stated that consultation would be done through the planning process.
- Members queried what would happen if the consultation feedback was that people wanted a more mixed development, eg 50% BMHT and 50% affordable.
- The response given was that as a result of early engagement with ward councillors and a request to look at the tenure mix, the team did go away and look at that but it was not financially viable to look at a sales model.
- There were concerns about there not being a mixed tenure approach. It was suggested that other sites across the city being developed as affordable housing which are quite similar in size to Dawberry Fields could be married up to provide half and half in terms of tenure.
- It was agreed that in principle that could be explored, but that was not the direction taken with this particular scheme. One of the key drivers to have the site in its entirety retained within the HRA is to understand how those properties perform.
- Value for money is important to get the best outcome and the density could perhaps be increased to allow for better provision of more affordable homes.
- The scope to have mixed schemes with some social housing and some shared ownership was raised and Members were told that currently a shared ownership product is not offered through BMHT, but work is underway to develop and deliver other tenure types. It was also confirmed that financial modelling does show this breaks even over 30 years, which was important to note for affordable housing.
- It was confirmed that the concerns were not about the location but about the lack of an options appraisal. The report recognises this is a site of significant interest with regard to nature and conservation and planning had been

refused in 2013 due to the natural environment. There is a need to look at total place and how it relates to the community.

- In terms of good energy efficiency, there are options to secure that through insulation and the example of Swansea was given as an alternative of equal standard to Passivhaus.
- The request is for the Council to consider different ways of developing and integrating people, place and planet.
- The current development programme looks at a range of different technologies, for example there is some funding through the ERDF to trial some new technology on a site in Glebe Farm and Tile Cross and another scheme using some infra-red technology. A broader approach is being taken by the development team, not just solely focussed on delivering Passivhaus.
- Cllr Trickett stated that the Request for Call-In had highlighted that BCC policy is not to consult in advance of taking a decision and this puts the Council at risk of a judicial review. It is also important to note that local people, including tenants who pay into the HRA, have not been consulted. She also clarified that there were concerns about whether local services can pick up additional demand.

The Cabinet Member and other non-Committee members left the meeting.

During the Committee discussion, the following points were made:

- The Council should have been open and transparent in its consultation with local residents before taking the decision.
- There were concerns that the consultation that had taken place was with technical departments and that consultation with residents would be delivered through Planning. It was highlighted that the Council should be working in co-production, especially as this was controversial.
- There were further concerns that the scheme was for 100% social housing properties and the understanding was that we had moved away from this to missed housing developments, which are the best models.
- The view was that this was an experiment on this community and when asked why it had not been done in a different way, they had just chosen to do it this way and there had been no discussion with tenants.

Following the discussion, the Chair moved to a vote and the Committee agreed unanimously to call in the decision.

RESOLVED: -

- That the decision was called in.

5. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

6. OTHER URGENT BUSINESS

None.

7. AUTHORITY TO CHAIR AND OFFICERS

RESOLVED:

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended at 1405 hours.