

# Birmingham City Council

## Report to Cabinet

13<sup>th</sup> October 2020



**Subject:** REA VALLEY URBAN QUARTER SUPPLEMENTARY PLANNING DOCUMENT ADOPTION

**Report of:** Acting Director, Inclusive Growth

**Relevant Cabinet Member:** Councillor Ian Ward, Leader

**Relevant O &S Chair(s):** Councillor Lou Robson, Economy and Skills

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Bordesley and Highgate Ward		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### 1 Executive Summary

- 1.1 To seek approval for the masterplan to be adopted as the City Council's vision and framework to guide the future redevelopment of the Rea Valley Urban Quarter. The adopted Supplementary Planning Document (SPD) will be a material consideration in the determination of planning applications.
- 1.2 To inform Cabinet of the outcome of the public consultation on the Draft Rea Valley SPD (May – July 2019).

## **2 Recommendations**

- 2.1 That Cabinet adopts the Rea Valley Urban Quarter Supplementary Planning Document (attached in Appendix 1) as the Council's vision and planning framework against which planning applications will be assessed.

## **3 Background**

- 3.1 The Rea Valley Urban Quarter covers one of Birmingham's oldest neighbourhoods comprising parts of Digbeth, Southside, Cheapside and Highgate, renamed given the focus of the SPD, on the transformation of the River Rea to create a unique waterside development. The wider Southern Gateway area is identified within the Birmingham Development Plan (BDP) (2017) as the largest 'Area of Transformation' within Birmingham city centre which includes Birmingham Smithfield and the area around the River Rea.
- 3.2 The Rea Valley Urban Quarter SPD boundary area extends from the Bull Ring and city centre retail core in the north-west. It is bounded by Digbeth High Street to the north-east, the B4100 Camp Hill to the south-east and Gooch Street to the south-west. The designation of the Smithfield site, Enterprise Zone sites, and several other sites on the periphery of the SPD boundary will bring added impetus to regenerating the area, boosting economic activity and supporting the delivery of the area's evolution.
- 3.3 The SPD provides a vision for developing and delivering a sustainable mixed-use neighbourhood, focused around an improved River Rea corridor that will offer new waterside development opportunities within the city centre. The River Rea sits deep below street level behind industrial buildings and derelict sites in a modest brick lined channel. The Council has been working with the Environment Agency and other relevant public sector agencies to develop deliverable proposals for the river channel to address flood risk and the future of the existing Victorian structures. Proposals to remodel the river channel, both within the SPD area and upstream, once complete will allow development opportunities to come forward in areas currently restricted by the risk of flooding.
- 3.4 The Rea Valley Urban Quarter area will offer an attractive, vibrant and well-connected place in the city centre. A place to live, work and invest. The vision for the SPD will be secured through the delivery of five Big Moves;
1. *Transformation of the River Rea* – opening up the watercourse to address flood risk, provide new green spaces and opportunities to increase biodiversity alongside sustainable development opportunities fronting the river;
  2. *Park Link* – forming part of a network of green routes and spaces, the Park Link will become a major pedestrian route linking Smithfield to Highgate Park;
  3. *St David's Place* – a vibrant mixed use area providing workspace and living in a high quality environment around the regenerated River Rea;

4. *Cheapside* – local employment uses will be integrated alongside city centre living, making use of the wealth of industrial buildings and heritage in the area; and
5. *Highgate Park Neighbourhood* – creation of an improved, sustainable and connected neighbourhood, centred on a refurbished and extended Highgate Park.

3.5 The Big Moves are underpinned by three key development principles, these are central to the SPD in informing the creation of a distinctive, high quality urban environment that addresses climate change and supports the city's 'route to zero' (R20);

- *Connectivity* – the SPD will provide a focus on improving the quality of the built environment and promoting travel by sustainable modes (walking / cycling / public transport). This will include the enhancement of existing streets and connections, the introduction of new links and legible routes, the introduction of new public transport services, and the reduction of parking and servicing that dominates the area;
- *Resilience* – the SPD sets out the need to cultivate a sustainable neighbourhood that is resilient to socio-economic and environmental challenges. This includes a water sensitive design approach to the existing flooding issues in the area, a focus on well-designed sustainable buildings, and green infrastructure across the area;
- *Design* – the SPD takes a place-making approach that focuses on delivering distinctive environments, health and wellbeing. This will be delivered through urban design that sets out desired building heights, street patterns and building design.

3.6 In order to enhance the character of the area, the SPD has identified several distinctive neighbourhoods that have a unique character, topography, natural features, street pattern and heritage assets. They are:

- Digbeth High Street Frontage;
- Cheapside;
- St David's Place;
- Highgate Park; and
- Moseley Road.

3.7 The SPD concludes by setting out the anticipated model of delivery for the Rea Valley Urban Quarter, including land acquisition, phasing, transport and a delivery plan.

## 4 Options Considered and Recommended Proposal

- 4.1 **Option 1 – Do Nothing:** Should the Council decide not to adopt the Rea Valley Urban Quarter SPD there will be a lack of strategic policy for comprehensive development of the area which would limit the effectiveness of partnership working, for example with the Environment Agency on transforming the River Rea within the SPD boundary. This will limit the Council's ability to address challenges, benefit from potential capital investment and deliver on the Council's Big City Plan agenda for growth.
- 4.2 **Option 2 – Rely on BDP Policies:** The SPD would give greater clarity and assurances for delivery of development within the Rea Valley Urban Quarter area. Without this, there will be a lack of direction for comprehensive development and planning decisions within the area.
- 4.3 **Option 3 – Adoption of the Rea Valley Urban Quarter SPD and associated evidence base:** This is the preferred option

## 5 Consultation

- 5.1 A public consultation was undertaken on the draft SPD over an 8-week period from the 17<sup>th</sup> May until 12<sup>th</sup> July 2019. Consultation was advertised via the following means:

<b>Community Newsletter</b>	Disseminated via Stanhope Community Centre officials to local residents
<b>Email</b>	To the BCC consultation database members – including known community groups, professionals and statutory consultees
<b>Letter Drop</b>	To all businesses within the area (300+)
<b>Online</b>	Via the Birmingham website
<b>Press Release</b>	Via local news outlets
<b>Social Media</b>	Via Birmingham City Council Twitter and Facebook

- 5.2 Public events were held across the Rea Valley Urban Quarter at a number of different venues detailed below. It is estimated that approximately 250 individuals attended public consultation events and over 100 people attended the Eden Bar event.

<b>Custard Factory, Digbeth</b>	14 <sup>th</sup> June – 10:00 to 13:00 (Drop-in) 21 <sup>st</sup> June – 10:00 to 13:00 (Drop-in) 5 <sup>th</sup> July – 10:00 to 13:00 (Drop-in)
<b>Stanhope Wellbeing Centre, Highgate</b>	20 <sup>th</sup> June – 11:00 to 14:00 (Community Lunch) 27 <sup>th</sup> June – 11:00 to 14:00 (Community Lunch)
<b>St Martin's Youth Centre, Southside</b>	22 <sup>nd</sup> June – 11:00 to 15:00 (Drop-in) 26 <sup>th</sup> June – 10:00 to 15:00 (Drop-in)
<b>Eden Bar, Sherlock Street</b>	29 <sup>th</sup> June – 14:30 to 17.30 (Drop-in)

- 5.3 Schools and colleges were visited during the consultation period, with over 100 pupils addressed in total. A drop-in session for Year 12 / 13 students was undertaken at South and City College, Digbeth (25<sup>th</sup> of July – 09:30 to 11:30) and a meeting was carried out with Year 12 / 13 students at Ark of St Albans School, Highgate (5<sup>th</sup> of July – 09:30 to 10:30) to discuss the SPD.
- 5.4 Workshops were also carried out with years 9 and 10 at the Ark of St Albans School (27<sup>th</sup> of June – 08:00 to 10:00 & 5<sup>th</sup> of July – 10:30 to 12:30). This involved a brief presentation on the function of the City Council's planning department, and pupil-led exercises to determine their preferred location for social infrastructure across the Rea Valley area.
- 5.5 The Council's BeHeard system was the primary source for online representations. The Draft SPD and associated documents (Equality Analysis / SEA Screening Opinion) were made available for the community to access, and responses were gathered via an online questionnaire. Respondents were required to fill out an open-ended questionnaire to provide opinion on the SPD document and recommendations for amendments. In total, 291 representations were received.
- 5.6 Representations via email generally provided a greater level of detail than those received via BeHeard, the majority of these covering multiple themes, as well as the overall vision of the document. All comments made by community, professional, internal and statutory groups have been rigorously assessed.
- 5.7 The Consultation Statement, (Appendix 2) contains further details on the engagement that was carried out, the main issues raised and how they have been addressed in the final SPD. There have been no material changes in national planning policy/legislation or local circumstances since the consultation that have any direct bearing on the SPD. The key issues raised were:

- The City Council has committed to being Carbon Neutral by 2030 and further references have been made in the document to strengthen its position on climate change, the Clean Air Zone and provision of green infrastructure.
- The majority of representations received on the Draft Rea Valley SPD were comments on the future of the Gay Village and the key issues of landownership, safeguarding community venues and 'agent of change principle.' We are currently reviewing how the Council can best produce a plan for the various communities and meet the future aspirations of Southside. This could be a specific Southside SPD with a focus on the cultural and night-time economy or the land-use issues could be incorporated into a wider strategic City Centre Plan and future BDP Review.
- The Gay Village references have been strengthened in the final SPD given the focus of the village around the lower parts of Hurst Street, Kent Street and Lower Essex Street. The adopted Birmingham Development Plan (2017) Policy TP25 'Tourism and Cultural Facilities,' recognises the importance of cultural facilities and venues as key destinations for creating a diverse offer in the city.' The introduction of the "agent of change" principle to national planning policy (NPPF 2019 Para 182) provides protection for existing LGBT+ business and community facilities from proposed residential development. Where development is proposed that could be noise-sensitive, and potentially adversely affected by nearby sources of noise such as music venues, community and sports clubs, then the developer of the new use bears the responsibility of protecting both the existing business and the new development.
- Further clarity has been provided on how the River Rea will be broken out of its narrow channel, restored, realigned and allowed to flow naturally within a blue and green corridor of 35 metres in width subject to detailed site specific assessment and development proposals. A 35m green and blue corridor will allow sufficient space for flood risk to be safely managed and support the delivery of development in line with the SPD's vision and principles.
- The text and plan on heights in the SPD boundary area has been updated in response to the representations received. Future applications will be assessed on their individual merits to demonstrate high quality design can be achieved by addressing key considerations such as scale, massing, amenity, privacy, against the SPD development principles and distinctive neighbourhood character of the site.
- A new heritage plan has been produced to identify the heritage buildings within the Rea Valley Urban Quarter. The opportunity to retain and refurbish a number of attractive heritage buildings and frontages (statutorily listed, locally listed and non-designated heritage assets) which provide an authentic link to the past will be encouraged. The city's historic environment local list buildings document will be maintained and developed so it is a tool for planning decision-making. The Plan -- identifies the heritage buildings within the Rea Valley Urban Quarter. Existing

buildings which detract from the quality of the place should be replaced with high quality architecture fit for purpose and fit for the future.

- The St David's Distinctive Neighbourhood text has been amended to encourage a diverse mix of housing types and a variety of appropriate ground floor uses to create a balanced community. Family housing will be focused within the Highgate Park neighbourhood where a further development strategy with a delivery partner will be developed.
- As a key part of the subsequent delivery plan process working groups will be set up to engage with and support businesses in the area. These will support businesses including their relocation and where possible assist with their integration into any future development in the area. A specific Property Acquisitions and Employment Relocation Strategy will be prioritised.

### **Strategic Environmental Assessment (SEA) Screening Report**

- 5.8 A screening report was drafted to consider whether the Draft SPD (May 2019) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) and is attached at Appendix 3. The report recommended that under the SEA directive there will not be any significant detrimental environmental impacts as a result of the SPD. The place making principles will support the delivery of significant environmental infrastructure, to improve the existing urban form, and support connectivity to other areas of the city.
- 5.9 The three statutory environmental bodies: The Environment Agency, Historic England and Natural England were consulted in order to confirm if a full SEA was required or not for the Rea Valley Urban Quarter SPD. This was done in February to March 2019 and none of the statutory environmental bodies challenged the SEA screening conclusion. No further comments were made on the screening report during the formal Draft SPD consultation.

## **6 Risk Management**

- 6.1 The key risk is that the adopted SPD will not have an achievable vision in a twenty year timeframe. In order to mitigate this, the SPD has been produced in collaboration with key external public sector agencies/partners, landowners/developers, and relevant departments within the Council to ensure the vision is deliverable. Due to the SPD's boundary size a phased approach to development is anticipated and an appropriate delivery model is being developed.
- 6.2 To support the adopted SPD a comprehensive Delivery Plan will be produced and focus on the steps to implement the strategy including: flood risk mitigation, business relocations/investment strategy, utilities coordination and physical/social infrastructure. Working groups have already been established to identify potential funding streams and progress key Rea Valley Urban Quarter delivery projects.

## **7 Compliance Issues:**

### **7.1 Are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The SPD will contribute towards the vision set out in the Council's Plan 2018 to 2022 (as updated in 2019). It enables the delivery of Outcome 1, 'Birmingham is an entrepreneurial city to learn, work and invest in' by opening up the River Rea to a mixture of uses and investment opportunities. The creation of a new sustainable neighbourhood contributes to Outcomes 3 and 4 to ensure that 'Birmingham is a fulfilling city to age well in' and 'a great city to live in' that is well-connected and supported by infrastructure.

7.1.2 As the predominant statutory planning document in Birmingham within the BDP the Southern Gateway forms a key 'Area of Transformation' within the city. It has therefore been prepared in context of the adopted policies within the BDP, complementing and expanding upon such.

### **7.2 Financial Implications**

7.2.1 Development and adoption of the SPD utilises existing Inclusive Growth staff resources including Planning, Urban Designer, Conservation, Housing, Transport and Regeneration Officers. This will be funded through existing approved Inclusive Growth revenue budgets.

7.2.2 Costs from undertaking the public consultation of the draft SPD were met from approved revenue budgets within the Inclusive Growth Directorate.

7.2.3 The SPD itself does not set out any financial commitments for the Council.

All future programmes/projects/schemes resulting from the adoption of the SPD will be progressed in accordance with the Council's Gateway and Related Financial Approval Framework, which will include the identification of financial implications and associated resources.

### **7.3 Legal Implications**

7.3.1 The Council has general power of competency under Section 1 of the Localism Act 2011. Section 19 of the Planning and Compulsory Purchase Act 2004 authorises the preparation of the SPDs which must be in accordance with Section 19. Section 19 enables the Council to produce and adopt the SPD. The preparation of the SPD has been in line with the more detailed requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and the Birmingham Statement of Community Involvement. The document will become a Supplementary Planning Document providing further detail and guidance to the statutory BDP; therefore, it will be used to make planning decisions and guide future comprehensive development in the Rea Valley Urban Quarter.



## **7.4 Procurement Implications**

7.4.1 N/A

## **7.5 Human Resources Implications**

7.5.1 N/A

## **7.6 Public Sector Equality Duty**

7.6.1 An Equality Impact Assessment has been undertaken and is attached at Appendix 4. The initial assessment did not identify any specific impacts the SPD could have on protected characteristics. A final Equality Impact Analysis (2020) has been updated following a review of the draft SPD consultation representations to inform the preparation of the adopted version of the Rea Valley Urban Quarter SPD.

7.6.2 The assessment concludes that the SPD will not disproportionately affect one protected group over another and it will contribute to equality of opportunity by providing a framework for growth and investment. Equality analysis will continue through successive stages of implementation and delivery of the SPD through the future detailed planning application process.

## **8 Appendices**

8.1 Appendices accompanying this report:

1. Rea Valley Urban Quarter SPD ( 2020)
2. Rea Valley SPD Consultation Statement ( 2020)
3. SEA Screening Document Update (August 2019)
4. Equality Impact Analysis (2020)
5. Rea Valley SPD Adoption Statement (2020)

## **9 Background Documents**

9.1 Draft Rea Valley Urban Quarter SPD (May 2019)