

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	CABINET
Report of: Date of Decision:	Strategic Director for Economy 20th September 2016
SUBJECT:	BIRMINGHAM SMITHFIELD MASTERPLAN ADOPTION
Key Decision: No	Relevant Forward Plan Ref: N/A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member:	Councillor John Clancy, Leader
Relevant O&S Chairman:	Councillor Mohammed Aikhlaq, Corporate Resources and Governance
Wards affected:	Nechells

1. Purpose of report:
1.1 To inform Cabinet of the outcome of public consultation on the Birmingham Smithfield Masterplan (the masterplan).
1.2 To seek approval to the masterplan to be adopted as the City Council's vision and framework to guide the future redevelopment of Birmingham Smithfield.

2. Decision(s) recommended:
That Cabinet:-
2.1 Approves the Birmingham Smithfield Masterplan (attached at Appendix 1) as the City Council's vision and framework to guide the future redevelopment of Birmingham Smithfield.

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3. Consultation

3.1 Internal

The Leader, Deputy Leader, Cabinet Member for Clean Streets, Recycling and Environment, Cabinet Member for Value for Money and Efficiency and Chief Executive have been consulted on the masterplan and are supportive of it. The masterplan has been presented for discussion at Economy, Skills and Transport Overview and Scrutiny Committee and Planning Committee. They widely supported the masterplan and emphasised the need for sustainability, heritage and connectivity and where relevant the document has been updated. Officers from Planning and Regeneration, Transportation, Highways, Birmingham Property Services, Markets, Sustainability, Ecology and Public Health have been involved in the production of the masterplan.

3.2 External

The first stage in the masterplan's production was the Visioning Document which started with an 8 week public consultation in March 2015. This consultation commenced the debate on the future of Birmingham Smithfield, enabling ideas to evolve and the masterplan to develop. The resulting masterplan was launched in March 2016 accompanied by another 8 week public consultation. This consultation sought views on the masterplan's vision, development principles and delivery strategy. The masterplan received significant support for its vision and approach, with respondents agreeing with the Big Moves and the inclusion of the markets in a new facility at the heart of the site. The responses received have informed the preparation of the final version of the masterplan. A summary of the consultation and the responses is attached at Appendix 2.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The masterplan has been prepared in the context of the emerging Birmingham Development Plan (BDP), the Big City Plan (BCP), the Council Business Plan and Budget 2016+ specifically Outcome One "an enterprising, innovative and green city" through its promotion of development.

4.2 Financial Implications

The masterplan has been prepared using existing Economy Directorate (Planning and Regeneration) staff resources. The adoption of the masterplan does not make any specific financial commitments for the Council at this stage. Capital projects emerging from the masterplan will be funded through a range of sources and will not necessarily require City Council investment. Where the City Council does propose to implement schemes these will be subject to separate approval through the Council's Gateway process

4.3 Legal Implications

The Council has general power of Competence under Section 1 of the Localism Act 2011 and it is using this to undertake the production of the masterplan. The masterplan will provide further guidance to the BDP which is being prepared under the Planning and Compulsory Purchase Act 2004 and Localism Act 2011, following the detailed requirements and procedures set out in the Town and Country Planning (Local Planning) Regulations 2012. There are no further legal implications of undertaking consultation on the masterplan.

4.4 Public Sector Equality Duty

An Equality Analysis screening assessment has been undertaken and is attached at Appendix 3. The assessment concludes that the masterplan 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 masterplan. Separate Equality Analysis has been undertaken for the decision to relocate the wholesale market use.

5. Relevant background/chronology of key events:

5.1 Birmingham Smithfield covers 14 hectares of land in the heart of the city centre that brings together a comprehensive site including the wholesale markets, the Bull Ring Markets and Moat Lane gyratory. The City Council owns 8 hectares of the site. The wholesale markets will be relocated in April 2017 to new premises within the city at The Hub in Witton. This relocation provides the opportunity to comprehensively plan and redevelop this area and will create a once in a lifetime opportunity to create an exciting new destination for the city. Birmingham Smithfield is on the doorstep of many major assets including the Bullring, New Street Station, Grand Central, Digbeth Creative Quarter, Knowledge Hub, Southside and it is in close proximity to the future location of HS2 at Curzon. Its redevelopment will reconnect the area with its surrounding and create new activities and environments.

5.2 The first stage in realising the development opportunity was the production of the Visioning Document which was approved by the Cabinet Member for Development, Transport and the Economy jointly with the Deputy Chief Executive for consultation on the 17th March 2015. The document presented the development opportunity and set out concepts for how the area could be developed in future. Establishing the “Big Moves” (see para 5.5) and development principles that could be at the heart of any future redevelopment. The document underwent an 8 week public consultation in Spring 2015 which enabled ideas to evolve and develop. There was a positive response to the proposals with the main issues being a call for a park and the secured future of the retail markets. The Visioning Document and public consultation has informed the production of the masterplan.

5.3 The masterplan (Appendix 1) will be used to guide planning and delivery, inform procurement activity and market the site. In order to comprehensively develop the site the masterplan has been supported by a series of baseline and technical studies covering Highways, Infrastructure and market specification. The Masterplan sets out the following: (1) the vision for the area including details of the “Big Moves” to bring about major transformation; (2) principles for redevelopment that will be central to creating a high quality, sustainable place; and (3) a strategy for delivery.

5.4 The vision for Birmingham Smithfield will see the area radically transformed creating a major cultural and leisure destination that extends the city’s existing offer with new vibrant retail markets, family entertainment, museums and galleries. As an exemplar sustainable development it will create a distinctive place with high quality architecture, public spaces and squares and a dynamic mix of uses including a new residential offer. It will reconnect this part of the city centre through new streets, public transport accessibility and pedestrian and cycle priority.

- 5.5 The five “Big Moves” that will realise the vision and maximise the opportunity are: (1) vibrant market and leisure uses; (2) a major new public space; (3) a pedestrian boulevard to reconnect the area; (4) integrated public transport that will bring Metro into the area; and (5) an exemplar residential neighbourhood. The masterplan also highlights the need for sustainable and high quality development which is reflected in its core development principles: (1) connectivity; (2) uses; and (3) design. These core principles will help the area stand the test of time and become a successful place. The site is also one of the World Business Council for Sustainable Development’s Zero Emissions Cities which sets out to create a zero carbon development through the use of smart technology, efficient buildings and integrated waste and energy infrastructure.
- 5.6 The masterplan was launched at MIPIM, an annual international real estate convention held in Cannes, France, and locally in Birmingham. It was approved for consultation by the Cabinet Member for Development, Transport and the Economy jointly with the Strategic Director for Economy on the 17th March 2016. This consultation sought views on the masterplan’s vision, development principles and delivery strategy. The vision for Birmingham Smithfield as a major new sustainable and inclusive place, “Big Moves” and development principles received significant support from respondents. An overview of the consultation is included in section 3.2 of this report and a summary at Appendix 2.
- 5.7 Delivering Birmingham Smithfield will also be central to unlocking a much wider area for transformation along the River Rea corridor. Alongside the activity underway for Birmingham Smithfield, there is work to deliver new residential communities and employment opportunities along the river corridor, with masterplanning work commenced in partnership with the Environment Agency and Severn Trent Water for the 68 hectares termed the, ‘Southern Gateway’.

6. Evaluation of alternative option(s):

- 6.1 Option 1 – Do nothing. Should the Council decide not to adopt the masterplan as the vision and framework to guide the future redevelopment it will result in lack of clarity on how the site can be redeveloped and as a result its potential not being fully realised.
- 6.2 Option 2 – Reliance upon the BDP and BCP. These documents provide a very high level of policy guidance for Birmingham Smithfield and do not deal with the vision, development opportunities and principles for the site that will ultimately be needed to realise its potential. The masterplan provides a greater level of detail including principles to direct decisions and investment that neither the BDP nor the BCP can achieve.

7. Reasons for Decision(s):

- 7.1 To provide a vision and framework to guide the future redevelopment of Birmingham Smithfield.

Signatures	<u>Date</u>
Councillor John Clancy Leader	<u>.....</u>
Waheed Nazir Strategic Director for Economy	<u>.....</u>

List of Background Documents used to compile this Report:
Birmingham Development Plan pre-submission version (December 2013) Big City Plan (July 2011) Birmingham Smithfield Visioning Document Public Consultation – Joint Cabinet Member report dated 17 th March 2015

List of Appendices accompanying this Report (if any):
1. Birmingham Smithfield Masterplan 2. Consultation Summary and Responses 3. Equality Analysis

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation

