

**BIRMINGHAM CITY COUNCIL
PUBLIC**

Report to:

CABINET

Report of:

Corporate Director, Economy

Date of Decision:

31 July 2018

SUBJECT:

**BORDESLEY PARK AREA ACTION PLAN - PROPOSED
SUBMISSION TO THE SECRETARY OF STATE.**

Key Decision: Yes

Relevant Forward Plan Ref: 005201/2018

**If not in the Forward Plan:
(please "X" box)**

Chief Executive approved

☐

O&S Chairman approved

☐

Relevant Cabinet Member:

Councillor Ian Ward, Leader of the Council

Relevant O&S Chairman:

Councillor Tahir Ali Economy and Skills

Wards affected:

**Nechells, Alum Rock, Bordesley and Highgate, Bordesley
Green and Small Heath**

1. Purpose of report:

- 1.1 To note the Bordesley Park Area Action Plan (BPAAP) Submission Report and accompanying appendices and refer the BPAAP to full Council for approval prior to submission of the plan to the Secretary of State.
- 1.3 The BPAAP will help guide future development and regeneration within parts of Nechells, Alum Rock, Bordesley and Highgate, Bordesley Green and Small Heath wards across a significant area to the east of the city centre. It will set out a detailed framework for the delivery of new homes and jobs, as well as promoting development opportunities for retail, community facilities, an improved environment and new transport infrastructure, including Metro.
- 1.4 The BPAAP, once adopted, will be a Development Plan Document forming part of the Council's Local Development Framework.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Notes the Bordesley Park Area Action Plan (BPAAP) proposed Submission Documents attached as Appendices 1 to 3
- 2.2 Refers the Bordesley Park Area Action Plan to Full Council for approval prior to submission to the Secretary of State.

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3. Consultation:

3.1 Internal

Consultation has taken place internally with Transportation Policy, Housing Investment, Property Services and Development and Planning within the Economy Directorate; as well as with Education and Skills Infrastructure (because of the growing school population in the area); Legal, and Finance. Ward members for Nechells, Alum Rock, Bordesley and Highgate, Bordesley Green and Small Heath, have been briefed on the issues included in this report and there have been previous briefings for the local Members of Parliament.

3.2 External

A wide range of organisations, stakeholders (e.g. Transport for West Midlands, the Environment Agency, West Midlands Police), local residents, businesses, landowners and community groups have been involved in the preparation of the emerging Area Action Plan (AAP) and have provided comments on the original Options Report, the Preferred Options Report and most recently on the Pre-Submission Report.

4. Compliance Issues:

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

The submission document has been prepared within the context of the former Birmingham Unitary Development Plan; the adopted Birmingham Development Plan (BDP) (the city-wide statutory plan that itself has also been subject to extensive consultation and Examination in Public); and the Local Development Framework (LDF). It is consistent with the overarching vision set out in the Council Plan and Budget 2018+; particularly in relation to housing, jobs and skills, health and children. The AAP's focus on housing contributes to the making of a great city to live in with the provision of a range of house types and tenures. Through delivery of employment opportunities, it will contribute to creating a great city to succeed in.

4.2 Financial Implications.

Public consultation on the BPAAP has been carried out by existing Planning and Development staff. The costs and expenses associated with the Examination in Public, including those of Queen's Counsel and examination/Inspector's fees, will be accommodated within existing Planning and Development revenue budgets. Capital projects emerging from the AAP 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. Additional funding has also been secured from the Homes England's Assets Accelerator Programme which is assisting the funding of site remediation, infrastructure and delivery strategies which are particularly focussing on the Wheels site and environs.

4.3 Legal Implications

Under the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, the City Council is required to prepare a Local Development Framework (LDF) to guide planning and regeneration within its area. The LDF consists of a range of documents including the Birmingham Development Plan and more detailed Area Action Plans for specific areas, such as Bordesley Park. The detailed requirements and procedures which must be followed in preparing such AAPs are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework.

4.4 Public Sector Equality Duty

The Bordesley Park AAP will help create a framework that will impact positively on the quality of life of the area's diverse community. An Equality Analysis is attached as Appendix 4 to this report. The various stages of public consultation have provided opportunities to consider the potential impact of the proposals and policies within the emerging AAP.

5. **Relevant background/chronology of key events:**

- 5.1 The Bordesley Park AAP is being prepared to guide development and regeneration across a significant area to the east of Birmingham City Centre, including parts of the Nechells, Alum Rock, Bordesley and Highgate, Bordesley Green and Small Heath Wards. The AAP will cover the period up to 2031 and will complement and support policies and proposals within the BDP which identifies Bordesley Park as one of several key areas for growth. Policy GA7 "Bordesley Park" of the BDP – sets out the key aims of delivering 750 new homes and up to 3,000 new jobs within the area.
- 5.2 Production of the AAP has included the following:
Stage 1 - approval of an **Issues and Options Report** by the Cabinet Member for Transport, Environment and Regeneration dated 3 August 2011, which set out the vision for Bordesley Park as a revitalised neighbourhood, delivering growth in a high quality urban environment and a range of possible options for a number of key areas of potential change. Wide ranging public and stakeholder consultation between August and October 2011 generated significant interest and comments, broad support for the plan making process and raised additional issues which were taken forward into the Preferred Options stage.
- 5.3 Stage 2 – approval of the **Preferred Options Report** by the Cabinet Member for Development, Jobs and Skills dated 29 July 2013, set out proposals for the development of the Wheels site as a major new employment area, the promotion of a new residential neighbourhood at Cherrywood Road, the extension of both the Alum Rock and Coventry Road local centres and promotion of development opportunities in each.
The Preferred Options Report was subject to additional public and stakeholder consultation between July and October 2013 which also generated a large number of comments. Many of these raised the need for further discussions with a number of landowners and businesses within the area and these have been taking place.
- 5.4 The **Pre-Submission Report**, approved by the Deputy Leader and the Corporate Director of Economy was subject to a final round of consultation between March and May 2017 and a number of additional minor amendments have been included in this Submission Report.
- 5.5 The **Submission Report** of the BPAAP is attached at Appendix 1. It continues to emphasise the vision for a revitalised neighbourhood, and sets out four overarching development principles which will guide new development across the area. These comprise:
- **Growth** – accommodating demand for new housing with a target of 750 homes and community and education facilities to meet the requirements of the growing population. Attracting and retaining high quality local employment opportunities with a target of 3,000 new jobs and apprenticeships across a range of skills and types.
 - **Connectivity** – improving linkages across the area and with the city centre and other centres of activity including the promotion of Metro between the city centre and the Airport/NEC/HS2 Interchange, other public transport initiatives and 'walkability'.
 - **Local Character** – Enhancing environmental quality within the area including making the most of existing assets; promoting high quality design and community safety in new development; and developing a network of green infrastructure.
 - **Sustainability** – creating a low carbon green economy as part of Birmingham's overall ambition for a 60% reduction in carbon emissions by 2027.

- 5.6 A set of preferred land use options has been developed for the areas which present the greatest opportunity for change. These are outlined below and covered in more detail in the plan.
- **The Wheels Site & Environs** - the promotion of new industrial and employment opportunities, creating a high quality employment site of up to 24 hectares in an improved environment. Proposals will be subject to significant land remediation works and the successful relocation of a number of existing occupiers. Adjoining industrial areas provide significant opportunities for improvement or further employment – led redevelopment linked to the proposed Metro route through the area.
 - **Cherrywood Road** – the creation of a new residential environment with improved community facilities and local environment, with opportunity for an improved local centre and transport infrastructure including the proposed Metro route.
 - **Adderley Park** - an improved residential environment and supporting employment and community uses focussed around the park.
 - **Alum Rock Road Local Centre** - investment encouraged within the centre and expansion to accommodate the growth of local centre uses to the east.
 - **Small Heath Local Centre** - support for investment in the centre, and the creation of a gateway including new development to define the western end of the centre.
- 5.7 The Neighbourhoods section of the document (page 48 onwards) divides the area into six neighbourhoods and considers the opportunity for smaller scale changes including the development of smaller sites (particularly for housing), public realm enhancements, extensions to school sites and connectivity improvements.
- 5.8 A number of transportation improvements are proposed across and adjacent to the area including improvements to local rail services, stations and the Camp Hill Chords, improved walking and cycling routes, works to enhance ring road junctions and the implementation of HS2. In particular, a Metro route is proposed between the City Centre and the Airport/NEC/HS2 Interchange Station, which would pass through the area and which would have a significant role in helping to unlock development opportunities. As the AAP is progressed there will be issues with the relocation of existing occupiers and operators that will need to be satisfactorily addressed to enable proposals to be taken forward.
- 5.9 The Pre-Submission version of the BPAAP was published for an 8 week period of public consultation in 2017 to allow for formal representations to be made. This version (with minor amendments) will now be submitted to the Secretary of State for Housing, Communities and Local Government who will appoint an Inspector to hold an Examination in Public on the plan. The final AAP will be reported back to Full Council for Adoption. The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations made under that Act provides that the preparation of Local Development Documents - such as the AAP- is a non-executive function and therefore has to be adopted by the Full Council.
- 5.10 Details of the Council's approaches to consultation and responses received are summarised in the Consultation Statement attached as Appendix 3. The last stage of consultation was that on the Pre-Submission Report, with the current Submission Report being reviewed in response to the comments received. A wide range of submissions were received from both statutory and general consultation bodies, and organisations and individuals from within and beyond the plan area.
- 5.11 Highways England, Transport for West Midlands, the Environment Agency and West Midlands Police made a number of supportive comments, whilst Sport England referred to the need for further assessment of the plan's proposals for the Wheels site within the context of the National Planning Policy Framework. A number of additional comments, including objections, related to the Wheels site – including from the Licensees and a number of occupiers and site users. The AAP continues to propose employment development of this site and refers to the land being

designated as Core Employment Area and the replacement provision elsewhere and/or consolidation of facilities which mirrors the policies of the adopted BDP. A large number of comments were received from the general public – mainly through the consultation exhibitions. These included general support for the plan, job creation and delivery of new housing, although the resolution of traffic and environmental issues and the safeguarding of existing businesses were also raised.

6. Evaluation of alternative option(s):

- 6.1 If a statutory plan is not prepared a number of opportunities for growth within the AAP boundary may be lost or overlooked, and the potential to address high levels of deprivation and worklessness within the area could be reduced.
- 6.2 The alternative option of relying solely upon the strategic allocations within the Birmingham Development Plan was considered. However this approach would lack the detail and clarity provided by the AAP which will help provide greater certainty for landowners, developers and investors in a difficult economic market.

7. Reasons for Decision(s):

- 7.1 The objective of the AAP is for Bordesley Park to become a revitalised neighbourhood delivering growth in a high quality urban environment. A statutory plan is required to help unlock the potential of the area, including sites which have proved very difficult to advance in the past. The AAP will also promote the area to potential developers and investors and will be used to encourage new resources into the area.

Signatures

Date

Councillor Ian Ward
Leader of Birmingham City Council

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Waheed Nazir
Corporate Director, Economy

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List of Background Documents used to compile this Report:

1. National Planning Policy Framework, 2012
2. The Birmingham Development Plan 2017
3. Public Consultation on the Options Stage for the Bordesley Park Area Action Plan: Cabinet Member for Transport, Environment and Regeneration report dated 3 August 2011
4. Public Consultation on the Preferred Options Stage for the Bordesley Park Area Action Plan: Joint Cabinet Member for Development, Jobs and Skills report dated 29 July 2013
5. Bordesley Park Area Action Plan Pre - Submission Document – report of the Assistant Director Regeneration to Deputy Leader and Strategic Director of Economy February 2017

List of Appendices accompanying this Report (if any):

1. Bordesley Park Area Action Submission Report July 2018
- 2A Bordesley Park Area Action Plan Sustainability Appraisal
- 2B Bordesley Park Area Action Plan Sustainability Appraisal Addendum
3. BPAAP Consultation Statement
4. Bordesley Park Area Action Plan 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 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 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 (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 The Council must, in the exercise of its functions, have due regard to the need to:
 - (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 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:
 - (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 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.
- 4 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:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation