

Report to:	CABINET
Report of:	Assistant Director (Development Strategy)
Date of Decision:	27TH FEBRUARY 2006
SUBJECT:	SUPPLEMENTARY PLANNING DOCUMENT – LOSS OF INDUSTRIAL LAND TO ALTERNATIVE USES
Key Decision: No	Relevant Forward Plan Ref: Not applicable
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Ken Hardeman
Relevant O&S Chairman:	Councillor Mark Hill
Wards affected:	ALL

1. Purpose of report:
<p>1.1 To report on the outcome of the recent consultation on the City Council's Draft Supplementary Planning Document (SPD) - Loss of Industrial Land to Alternative Uses.</p> <p>1.2 The report outlines the City Council's response to the consultation exercise and recommends the adoption of the amended SPD. Copies of all the Appendices mentioned in this report will be available in the Group Offices.</p>

2. Decision(s) recommended:
<p>2.1 That Cabinet agrees the City Council's response as set out in Appendix 1, to the representations received during the recent consultation on the Draft Supplementary Planning Document - Loss of Industrial Land to Alternative Uses.</p> <p>2.2 That Cabinet agrees that the amended SPD and Sustainability Appraisal set out in Appendices 2 and 3 to this report be adopted as a Supplementary Planning Document (SPD).</p>

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3. Compliance Issues:

- 3.1 Are Decisions consistent with relevant Council Policies, Plans or Strategies:
The SPD is consistent with policies contained in the Unitary Development Plan, Developing Birmingham – An Economic Strategy for the City and the City Council Plan.
- 3.2 Relevant Ward and other Members /Officers etc. consulted on this matter:
Relevant officers were consulted on the preparation of this report and the Appendices. Councillor Roy (Chairman Planning Committee) was briefed on the results of the consultation exercise and progress with the SPD.
- 3.3 Relevant legal powers, personnel, equalities and other relevant implications (if any):
Under the Planning and Compulsory Purchase Act (2004) the City Council may prepare Supplementary Planning Documents (SPD) that support policies in adopted Plans, such as the UDP Alterations.
- 3.4 Will decision(s) be carried out within existing finances and resources? Yes
There are no direct financial implications arising from the report. The effects of the SPD on the supply and demand for various land uses could impact on Council land disposals.
- 3.5 Main Risk Management and Equality Impact Assessment Issues (if any):
An Equality Impact Assessment (EINA) Initial Screening has been undertaken, a summary of which is included in the sustainability appraisal to the SPD (Appendix 3).

4. Relevant background/chronology of key events:

Background

- 4.1 The SPD builds on the industrial land policies contained in the UDP. These policies permit a range of employment uses on industrial land including manufacturing, light industrial uses, warehousing and distribution, research and development facilities and general industrial uses. The SPD expands on these policies and aims to provide guidance to developers on the information required where a change of use from industrial to an alternative use, such as housing or retail, is being proposed. There is currently a significant shortage of good quality industrial land as compared to UDP targets. Although manufacturing is declining the industrial economy remains strong and is diversifying to other uses like distribution. Completions rates for industrial land have been high in recent years and if the City is to continue to achieve this level of new investment, its needs to defend good quality sites from alternative uses. In contrast, to the shortage of industrial land, housing completions are significantly in excess of the targets contained in the UDP and the minimum targets in the Regional Spatial Strategy (June 2004). The limited supply of industrial land will be illustrated by two plans which will be displayed at the Cabinet meeting. Plan 1 will show all industrial land available for development at April 2005. Plan 2 will show the key industrial areas in the City and future major redevelopment opportunities.
- 4.2 By protecting good quality sites the SPD will help achieve the City's economic aspirations, such as the desire to meet the full range of employment needs and the need to upgrade the quality of industrial land within the urban area in order to reduce the need for greenfield land releases. The SPD also relates to the growth agenda by helping to ensure that there are adequate sites to accommodate the increase in employment levels associated with increased housing provision. The approach advocated in the SPD is intended to achieve a consistent approach towards assessing proposals involving the loss of industrial land and will help in the decision making process on planning applications.

Public Consultation

- 4.3 Preparation of the Draft SPD began in January 2005. In line with the Local Development Scheme (LDS) for Birmingham, a wider public consultation exercise was then undertaken running for 6 weeks from 27th June to 8th August 2005. Copies of the SPD were made available for public inspection in the City Council's reception area in Alpha Tower and on the City Council's website. A press notice was also placed in the Birmingham Post on 24th June 2005. The document was sent directly to over 1489 consultees, including representatives from the business community, MP's, Councillor's, Residents' Associations and statutory consultees such as Government Office for the West Midlands, Advantage West Midlands and the Regional Planning Body.
- 4.4 During the consultation period, 45 responses were received from or on behalf of 48 separate individuals and organisations. Appendix 1 provides an overview of the representations received, together with a suggested response on behalf of the City Council. Cabinet is asked to agree these as the City Council's response to the consultation exercise.

Expressions of Support

- 4.5 The Government Office for the West Midlands (GOWM) considers that the guidance usefully fulfills its purpose and recognises the City Council's good practice in undertaking industrial land reviews. The West Midlands Regional Assembly has issued an informal opinion that the SPD is in conformity with the Regional Spatial Strategy (RSS11 - June 2004). Advantage West Midlands (AWM) has welcomed the tests such as active marketing and the viability of industrial development. Several other developers, planning consultants and other bodies expressed either support for the SPD or support for the principle of preparing the guidance.

Objections – Key Issues

- 4.6 The main areas of objection can be summarised as follows:
- The SPD does not accord with Planning Policy Guidance Note 3 – Housing, and particularly paragraph 42a which concerns the re-use of redundant employment sites for housing.
 - The SPD will constrain the supply of previously developed land for alternative uses.
 - Housing completion targets in the Regional Spatial Strategy (June 2004) are minimum not maximum figures.
 - The marketing period of 2 years is too long and rigid.
 - Non-conforming industrial sites can be greater than 0.4 hectares in size.
 - Further clarity needed on the distinction between good and other urban industrial land.
 - Need for further clarity in relation to change of use proposals involving the loss of offices.
- 4.7 The House Builders Federation (HBF) strongly objected to the SPD on the basis that the marketing requirement will introduce unnecessary delay, that it changes Local Plan policy and is contrary to Government advice. They felt that the document should be abandoned. However, it is recommended that no changes be made to the SPD in response to this objection. The City Council's suggested response to the HBF notes that the SPD does not create a new policy as it is based on the protection of industrial land policy in the UDP. The SPD also accords with government policy as it identifies a shortage of industrial land within the City and consequently a need to retain such land. Failing to protect such sites would undermine regional and local strategies for economic development and regeneration. This is consistent with para. 42a of Planning Policy Guidance Note 3 (Housing). Housing completions are also significantly in excess of the minimum figures contained in the Regional Spatial Strategy and UDP. Cabinet Members should also note the supportive comments received by Government Office and the Regional Planning Body, outlined above.

City Council Response and Adoption of the SPD

4.8 In response to the consultation a number of changes have been made to the SPD. The amended SPD highlighting the suggested changes is included in Appendix 2. Numerous additional changes to the SPD were also suggested. However, these changes are not considered appropriate. Appendix 1 explains why these suggested changes have not been supported. If Cabinet agrees with the suggested responses set out in Appendix 1, the next stage is for the amended SPD to be formally adopted by the City Council. The decision to adopt the SPD should be made by Cabinet.

4.9 The programme contained in the LDS required the SPD to be adopted by December 2005. However, as the SPD supports policies in the UDP it is not appropriate to adopt it until the Unitary Development Plan (UDP) Alterations themselves have been adopted. The UDP Alterations were adopted in October 2005 but this was not confirmed until the statutory period allowed for challenge had expired. As a consequence it has been necessary to delay the adoption of the SPD until early 2006.

5. Evaluation of alternative option(s):

5.1 The SPD builds on policy in the UDP Alterations and needs to be consistent with it. Not producing the SPD would mean a failure to provide additional guidance to developers. Careful consideration of the comments received during the consultation exercise has resulted in a number of changes to the SPD where appropriate.

6. Reasons for Decision(s):

6.1 It is recommended that a number of changes be made to the draft SPD in response to the consultation exercise. Other suggested changes are not appropriate and the reasons for resisting these changes are set out in Appendix 1 to this report.

Signatures (or relevant Cabinet Member(s) approval to adopt the Decisions recommended):

Chief Officer:

Cabinet Member:

Dated:

List of Background Documents used to compile this Report:

- Birmingham Unitary Development Plan Alterations and Environmental Appraisal – Deposit Draft May 2001 and Second Deposit Changes January 2002
- Birmingham UDP Alterations 2002 – Inspector’s Report, August 2003
- Birmingham UDP Alterations (October 2005)
- Draft SPD – Loss of Industrial Land to Alternative Uses (June 2005)
- Report to Cabinet Member for Regeneration on Draft SPD – Loss of Industrial Land to Alternative Uses (14th June 2005)

List of Appendices accompanying this Report (if any):

- 1. Summary of comments received and City Council response
- 2. Amended SPD – Loss of Industrial Land to Alternative Uses
- 3. Amended Sustainability Appraisal Report