

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Corporate Director, Economy</b>
<b>Date of Decision:</b>	<b>13<sup>th</sup> September 2017</b>
<b>SUBJECT:</b>	<b>VISION DOCUMENT FOR BIRMINGHAM DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT AND BIRMINGHAM DESIGN &amp; CONSERVATION REVIEW PANEL</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 003888/2017</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chair approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member:</b>	<b>Councillor Ian Ward, Deputy Leader</b>
<b>Relevant O&amp;S Chair:</b>	<b>Councillor Zafar Iqbal, Economy, Skills and Transport</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
1.1 To seek approval for public consultation on the Birmingham Design Guide Vision Document attached at Appendix 1.
1.2 To seek approval to create the Birmingham Design and Conservation Review Panel (BDCRP) and commence the process to seek expressions of interest to become a member of the BDCRP.
1.3 To advise on the proposed timetable for producing the Birmingham Design Guide Supplementary Planning Document (SPD).

<b>2. Decision(s) recommended:</b>
That the Cabinet:-
2.1 Approves the Vision Document for Birmingham Design Guide, attached at Appendix 1, for public consultation for a period of 6 weeks commencing 25 <sup>th</sup> September 2017.
2.2 Approve the creation of the Birmingham Design and Conservation Review Panel (BDCRP) to help guide and steer good design across the city and the request for expressions of interest to become a member of the panel.
2.3 Approve the Corporate Director, Economy, in consultation with the Deputy Leader, to agree the members and chair of the Birmingham Design and Conservation Review Panel.
2.4 Note the proposed timetable for producing the Birmingham Design Guide SPD in paragraph 5.6.

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### **3. Consultation**

#### **3.1 Internal**

During the preparation of the Vision Document, consultation has been undertaken with the Leader; and Cabinet Members for Clean Streets, Recycling and Environment; Jobs and Skills; Housing and Homes; Value for Money and Efficiency; and Transport and Roads. Planning Committee were informed of proposals of the Design Guide and Birmingham Design and Conservation Review Panel on 31<sup>st</sup> August 2017; and the Chairman for Planning Committee was independently briefed, who requested: a Member representative, selected by Planning Committee, be included within the Birmingham Design and Conservation Review Panel; and that the final Design Guide be legally 'checked' by an independent source, to assess its potential robustness against legal challenge.

Engagement also took place with senior officers from Public Health. All internal consultees were supportive of the document. Officers from City Finance and Legal and Governance have been involved in the preparation of this report.

#### **3.2 External**

The launch of the Vision Document will be the start of external consultation. The document will set out the City Council's ambitions, emphasising the importance of design and stimulating a debate on the approach. The launch will also be used to announce the creation of a BDCRP, with the City Council seeking expressions of interest to become a panel member. Once established it will support the production of the detailed Design Guide through to adoption and then on an ongoing basis provide the formal mechanism as the single point of review for all large scale planning applications and developments involving heritage assets. The draft Design Guide SPD will be subject to a period of statutory public consultation. Following the outcome of this, it will be adopted by the City Council as a SPD.

### **4. Compliance Issues:**

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

The Design Guide is being prepared in the context of the adopted Birmingham Development Plan (BDP), providing detailed design guidance to support strategic planning policies, including Policy PG3: Place Making. It will also help deliver the priorities of the Council's Vision and Forward Plan (May 2017), promoting Connected, Inclusive and Sustainable development that will provide housing; help enhance jobs and skills; create healthy environments; and support the city's young citizens.

#### **4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)**

- 4.2.1 The Design Guide is being prepared using existing Economy Directorate staff resources. The launch of the Vision Document (attached at Appendix 1) and the following 6 week period of public consultation, commencing 25<sup>th</sup> September 2017, will be funded through the existing Directorate revenue budgets. Beyond the launch and consultation the guide does not entail any specific financial commitments for the Council at this stage.

4.2.2 External members of the Birmingham Design and Conservation Review Panel (BDCRP) will be volunteers, but able to claim travel expenses and subsistence (where appropriate), in line with Council policy.

#### 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 Design Guide. The guide will provide further guidance to the BDP, prepared under the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, following the detailed requirements and procedures set out in the Town and Country Planning (Local Planning) Regulations 2012. Once adopted the guide will become a material consideration in the assessment of planning applications received by the Local Planning Authority. There are no further legal implications of undertaking public consultation on the guide.

#### 4.4 Public Sector Equality Duty (see separate guidance note)

An Equality Analysis has been undertaken and is attached at Appendix 2. The screening concludes that the framework will not disproportionately affect one protected group over another. Equality analysis will continue through successive stages of the SPD's production, taking into account responses to public consultations.

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

#### Birmingham Design Guide

- 5.1 As Birmingham continues to experience strong growth, the creation of an economically successful, inclusive and sustainable city, where people choose to live and work, will need to be underpinned by the delivery of well-designed buildings, streets and spaces. The Birmingham Design Guide will be the platform for the City Council's approach to promoting and securing the highest standards of design in all development.
- 5.2 The Design Guide will build from the strategic policies of the BDP and provide clear guidance to aid decision making. It will streamline all existing design guidance into a single document replacing over 800 pages across 25 separate documents, some dating back to the 1990s.
- 5.3 The Design Guide will be adopted as a SPD and provide a more user-friendly and accessible tool that gives a clear focus on the types of places the city wants to see delivered. The scope of the document will cover the interfaces with other service areas of the City Council such as Highways, Public Health, Environmental Regulation and Building Control.

- 5.4 The Design Guide will specifically:
- establish the importance of good design and promote the City Council's position on requiring good design in new development;
  - provide a tool with clear guidance for negotiating and decision making;
  - provide a single, clear design basis for future masterplans, development frameworks, and Conservation Area Management Plans (including place specific design guidance), thereby avoiding repetition, and ensuring consistency and efficiency across documents;
  - provide design principles for future projects such as public realm enhancements and open space layouts; and
  - provide clearer and more accessible design guidance to developers, investors and Birmingham's citizens.
- 5.5 The Design Guide is structured around five "Big Design Themes" with detailed guidance on the breadth of subjects relevant to creating inclusive and sustainable places. These themes are based upon consideration of existing policy documents and how they could be logically grouped together to create clear guidance. The five "Big Design Themes" are:
- The Birmingham ID
  - Living and Working Places
  - Connectivity
  - Green Environment and Infrastructure
  - Efficient and Future Ready

Appendix 3 sets out the proposed structure for the Birmingham Design Guide SPD.

#### Development Stages

- 5.6 The Birmingham Design Guide will be brought forward in the following stages:
- **Stage One** – detailed audit of the existing planning guidance (as listed at Appendix 4). *Now complete*
  - **Stage Two (Part A)** – launch of the **Vision Document**. This document will set out the City Council's design ambitions and seek views on the content and form of the future design guide. *Current Stage*
  - **Stage Two (Part B)** – seek approval to the creation of the **Birmingham Design and Conservation Review Panel (BDCRP)** that will be announced alongside the Vision Document. *Current Stage*
- Expressions of interest will be sought from a broad range of professions, to create a diverse pool of expertise that can help ensure future development delivers high quality architecture and places. *Current Stage*
- **Stage Three** – publication of the **draft Birmingham Design Guide SPD**, developed from engagement with the Council's own professional expertise; and appropriate representations received during consultation on the Vision document.

The Design Guide will be subject to a statutory period of public consultation. It is anticipated this document will be launched in Winter 2017/18.

- **Stage Four** – following the outcome of statutory period of public consultation the Birmingham Design Guide will be **adopted** by the City Council as a **Supplementary Planning Document**. Adoption is anticipated to be in Summer 2018.

The BDCRP will commence its formal role in Summer 2018.

#### Birmingham Design Guide Vision Document

- 5.7 The Birmingham Design Guide Vision Document (at Appendix 1) will publicly present the Council's intention to produce the Birmingham Design Guide. It gives a broad overview of the five Big Design Themes; and enables individuals and organisations to submit comments and ideas on the content and structure of the Guide that will follow.

#### Birmingham Design and Conservation Review Panel (BDCRP)

- 5.8 To support the effective delivery of the Design Guide, a new BDCRP will be created to objectively assess development proposals against the Guide's Design Themes and their components. The Panel will comprise a single member representative selected by Birmingham Planning Committee, appropriate Council Officers and a diverse pool of external professionals, who can bring different expertise and perspectives to the review process.
- 5.9 In creating this multi-disciplinary Panel, the existing Conservation Heritage Panel will be merged into the new BDCRP, adding their heritage expertise, whilst broadening the scope of experience assessing proposals involving heritage assets.
- 5.10 Allied with the launch of the Design Guide Vision Document, the Council will seek expressions of interest from individuals and organisations who wish to become BDCRP members. Expressions received will be assessed and shortlisted by officers within Planning and Development, with the Corporate Director for Economy, in consultation with the Deputy Leader of the Council, agreeing the panel members and independent BDCRP Chair.
- 5.11 The design review process will form part of the Council's formal pre-application procedure, assisting in the delivery of high quality design. The BDCRP observations will be used in an advisory capacity to assist Planning Committee and planning officers in formulating their decisions and recommendations.
- 5.12 The BDCRP will review development proposals and infrastructure projects deemed sensitive (by the Corporate Director of Economy and Assistant Directors of Planning and Development) in terms of design, public interest, locality or size. This may include the following developments and projects:
- Residential developments over 150 residential units,
  - Non-residential developments over 10,000 m<sup>2</sup>
  - Tall buildings (in city centre and wider city context)
  - Major planning applications affecting Listed Buildings and Conservation Areas (1,000 m<sup>2</sup> / 10+ residential units)
  - Major infrastructure projects
  - City centre and local centre public realm works
  - Council produced Masterplans, development briefs and design guidance
- 5.13 Developers may request their scheme be considered for review by the design review panel, but the agenda will be set by the Council.

- 5.14 Observations and comments made by the BDCRP will be fed back to the applicant for consideration before they submit a planning application.
- 5.15 Proposals which proceed to a planning application with a scheme that has responded positively to the design review comments will have a brief statement in their Planning Committee report. This will detail that a design review has taken place and the applicant has responded positively to comments revised, resulting in the scheme presented to Planning Committee for consideration.
- 5.16 Proposals that fail to appropriately respond to the comments will have them attached to their Committee report (with additional officer commentary if required) for assessment by Planning Committee.
- 5.17 It is anticipated a BDCRP will take place on a monthly basis, with some panel members only asked to attend where their specific expertise can be best utilised. In certain scenarios, it may be necessary to hold special meetings to respond to specific proposals received.

## **6. Evaluation of alternative option(s):**

- 6.1 Option 1 – Do nothing and keep the existing guidance. Should the Council decide not to bring forward the Birmingham Design Guide as the framework to guide the design of new developments, it will have to update existing guidance and produce new where gaps exist. This will create significant resource pressure and will not achieve a concise and coherent approach to design guidance.
- 6.2 Option 2 – Reliance upon the BDP and Big City Plan. These documents provide a very high level of policy guidance for Birmingham however do not deal with specific design guidance. The Birmingham Design Guide will provide the required level of detail to promote and secure the highest standards of design in all development.

## **7. Reasons for Decision(s):**

- 7.1 To provide clear design guidance that will promote and secure the creation of high quality places; in turn delivering economic, social, physical, health and environmental benefits to Birmingham and its citizens.

## **Signatures**

## **Date**

Deputy Leader  
Cllr Ian Ward

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Corporate Director, Economy  
Waheed Nazir

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<b>List of Background Documents used to compile this Report:</b>
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Relevant Officer's File(s) on the matter, save for confidential documents.
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<b>List of Appendices accompanying this Report (if any):</b>
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| <ol style="list-style-type: none"><li>1. Birmingham Design Guide Vision Document</li><li>2. Equality Analysis</li><li>3. Birmingham Design Guide proposed structure</li><li>4. Existing planning guidance audit list</li></ol> |
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<b>Report Version</b>	<b>1.0</b>	<b>Dated</b>	<b>21<sup>st</sup> July 2017</b>
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## **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"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
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"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(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;</li><li>(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.</li></ul>
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"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) Marriage &amp; civil partnership</li><li>(b) Age</li><li>(c) Disability</li><li>(d) Gender reassignment</li><li>(e) Pregnancy and maternity</li><li>(f) Race</li><li>(g) Religion or belief</li><li>(h) Sex</li><li>(i) Sexual orientation</li></ul>



## **Appendix 3 – Birmingham Design Guide proposed structure**

### **The Importance of Good Design** (Introduction)

- Inclusive Economic Growth - needs and benefits
- Environmental benefits
- Health and social wellbeing benefits

### **The Big Design Themes** (High-level statements)

- The Birmingham ID
- Living & Working Places
- Connectivity
- Green Infrastructure & Environment
- Efficient & Future Ready

### **The Big Design Themes** (Detailed guidance)

#### **1) The Birmingham ID**

- Character & Distinctiveness
- Heritage
- Public Art

#### **2) Living & Working Places**

##### **Neighbourhoods:**

- Density (Mature Suburbs, city centre)
- Balanced Communities / House Types
- Custom-/Self-Building
- Urban centres

##### **Homes & Buildings:**

- Residential Design Guidelines
- Non-residential buildings
- Amenity Space
- Housing Standards (internal / external)
- Tall Buildings

#### **3) Connectivity**

##### **Getting around the City:**

- Access to different modes (walking, cycling, public transport)
- Street Hierarchy and Legibility
- Parking

##### **Great Streets:**

- Mix of uses, activity, shop front design,
- Advertising control
- Public Realm – (materials, street furniture)
- Needs of people with restricted mobility
- Lighting

#### **4) Green Environment & Infrastructure**

- Public Open Spaces
- Rivers & Canals
- Trees
- Biodiversity
- SUDs

#### **5) Efficient & Future-ready**

- Water Management
- Energy Efficiency, Heat & Power
- Air Quality
- Waste Reduction & Recycling
- Digital & Communications Infrastructure
- Maintenance /Robustness

### **Delivering Design Quality**

- Design & Access Statements, Heritage, Habitat Statements, Health Impact Assessments etc.
- Development Frameworks, Masterplans for large sites, development Briefs;
- Conservation Area Management Plans (including specific design guidance) as SPD.
- Projects & Programmes (Public realm, Metro, Highways etc.)

#### **Appendix 4 - existing planning guidance audit list**

The following list of existing planning guidance documents has been assessed to establish which areas of guidance should be taken forward into the Design Guide.

45 Degree Code for Residential Extensions	To be included in the Development Management DPD
Access for People with Disabilities: Supplementary Planning Document	Relevant design content to be included & updated in Design Guide.
Archaeology Strategy: Building the future, protecting the past	Relevant design content to be included & updated in Design Guide.
Affordable housing SPD	Planning policy document – not to be included in Design Guide.
Car Park Design Guide	Design Guide to include car parking design guidance.
Car Parking Guidelines: Supplementary Planning Document	Transport Strategy are developing a new Parking SPD
Development on or Near Landfill Sites Supplementary Planning Guidance	Planning policy document – not to be included in Design Guide.
Extending your home: Home extensions design guide	Relevant design content to be included & updated in Design Guide.
Floodlighting of Sports Facilities Car Parks and Secure Areas	Relevant design content to be included & updated in Design Guide.
Green Living Spaces Plan	An aspirational strategy. Design Guide will include a Green Infrastructure Theme that will provide guidance on related issues.
High Places: A planning policy framework for tall buildings	Relevant design content to be updated in Design Guide.
Large format banner advertisements: Supplementary Planning Document	Relevant design content to be updated in Design Guide.
Lighting Places: A lighting strategy for the city centre and local centres of Birmingham	Relevant design content to be updated in Design Guide.
Location of Advertisement Hoardings	Relevant design content to be updated in Design Guide.
loss of industrial land to alternative uses SPD	Planning policy document – not to be included in Design Guide.
Mature suburbs: Guidelines to control residential intensification	Relevant design content to be updated in Design Guide.
Nature Conservation Strategy for Birmingham	An aspirational strategy. Design Guide will include a Green Infrastructure Theme that will provide guidance on related issues.
Parking of Vehicles at Commercial and Industrial Premises Adjacent to Residential Property	Transport Strategy are developing a new Parking SPD. Relevant design content will also be included within the Design Guide.
Parks and Open Space Strategy	Relevant design content to be updated in Design Guide.
Places for All	Relevant design content to be updated in Design Guide.
Places for Living	Relevant design content to be updated in Design Guide.
Public open space in new residential development: Supplementary Planning Document	Relevant design content to be updated in Design Guide.
Regeneration through Conservation: Birmingham Conservation Strategy	Relevant design content to be updated in Design Guide.
Shopfronts Design Guide	Relevant design content to be updated in Design Guide.
Specific Needs Residential Uses: Supplementary Planning Guidance	Relevant design content to be updated in Design Guide.
Sustainable management of urban rivers and floodplains: Supplementary Planning Document	Relevant design content to be updated in Design Guide.
Telecommunications development: mobile phone infrastructure: Supplementary Planning Document	Relevant design content to be updated in Design Guide.