

Birmingham City Council

Cabinet Report

6th September 2022



Subject: **ADOPTION OF THE BIRMINGHAM DESIGN GUIDE
SUPPLEMENTARY PLANNING DOCUMENT**

Report of: **Paul Kitson, Strategic Director – Place, Prosperity and
Sustainability**

**Relevant Cabinet
Member:** **Councillor Ian Ward – Leader of the Council**

Relevant O&S Chair(s): **Councillor Chaman Lal – Sustainability and Transport
Overview and Scrutiny Committee**

Report author: Stuart Wiltshire, Principal City Designer
Telephone: 07912 451 401
Email Address: stuart.wiltshire@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 010100/2022		
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
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 To seek Cabinet approval to adopt the Birmingham Design Guide as a Supplementary Planning Document (SPD), following its 10 week period of public consultation and subsequent revisions.

2 Recommendations

- 2.1 Approve the adoption of the Birmingham Design Guide Supplementary Planning Document (SPD) attached as Appendix 1 to 6.
- 2.2 Approve the withdrawal of 14 superseded Supplementary Planning Documents and Supplementary Planning Guidance to be replaced by the Design Guide, as referenced at Appendix 8.
- 2.3 Delegate authority to the Director of Planning, Transport and Sustainability in consultation with the Leader to make any typographical, grammatical, graphical, and presentational changes to the final Birmingham Design Guide prior to adoption.

3 Background

- 3.1 As Birmingham continues to grow and evolve into a low carbon, economically inclusive city for its citizens; its progression must be underpinned by well-designed, people focused buildings and spaces. This will be led by the Birmingham Design Guide (Design Guide), ensuring the highest standards of design are achieved by all developments across the city.
- 3.2 The Design Guide builds on the strategic policies of the Birmingham Development Plan (BDP) and relevant policies in the Development Management in Birmingham Development Plan Document (DMB), providing detailed design guidance to aid decision making and help applicants in the design of their proposal. It replaces 14 out of date supplementary planning documents and guidance (as detailed at Appendix 8).
- 3.3 The guidance is consistent with national policy and guidance presented in the National Planning Policy Framework (NPPF), National Design Guide (NDG), National Model Design Code and National Planning Practice Guidance.
- 3.4 The Design Guide is made up of a suite of documents, all of which carry equal weight in the planning process. The primary document is the Design Principles Document (at Appendix 1), which contains design principles covering a wide range of issues and considerations that development must effectively align with and/or respond to. This document and its principles are structured around five themes:
 - The Birmingham ID
 - Streets & Spaces
 - Landscape & GI (Green Infrastructure)
 - Healthy Living & Working Places
 - Efficient & Future-ready
- 3.5 Supplementing the Design Principles Document are five City Manuals (at Appendices 2-6), which provide more detailed guidance for applicants, developers and Planning Officers on how to achieve the criteria and requirements in the design principles. These City Manuals follow the structure of the Design Principles Documents, with a City Manual for each of the five themes.

The additional guidance in the City Manuals is contained in a number of City Notes, which correlate back the relevant Design Principle.

The Five Themes

Birmingham ID

- 3.6 The Birmingham ID section seeks to ensure development positively adds to the existing diverse character of Birmingham and its communities. It requires proposals to establish a clear understanding of the physical and social context of their surroundings via a character assessment; and create designs that respond and enhance this.

Streets and Spaces

- 3.7 This element of the Design Guide focuses on the dual function of the city's streets and public spaces (as active, inviting pieces of public realm and key elements of the city's transport network). It requires development to positively engage and enhance the surrounding public realm and create new routes that effectively link with the existing network. There is a focus on creating environments for pedestrians and cyclists, with vehicle movement and parking integrated, but not dominating.

Landscape and Green Infrastructure

- 3.8 Birmingham's green assets are intrinsic elements of a sustainable and human focused city, which must enhance and grow with it. As such, the Design Guide requires development to create landscaped focused development that aids the health and well-being of users, contribute to climate change mitigation, increases tree coverage, supports wildlife, and contributes to cleaning the air.

Healthy Living & Working Places

- 3.9 This element of the Design Guide outlines principles related to the design of buildings and their occupants, uses and surroundings.
- 3.10 There are specific design principles related to residential development (including residential extensions) and the quality of internal and external environments created; allied with the protection of residential amenity via the 45 Degree Code and minimum privacy distances.
- 3.11 There is specific guidance related to the design and siting of tall buildings, including the consideration of potential impacts on the surrounding environment.
- 3.12 Guidance is provided on the design of commercial, industrial, community and education buildings, highlighting the need for all buildings to deliver good design. Guidance on the design of signage, advertising and telecommunications infrastructure is also encompassed within this section of the design guide.

Efficient and Future-ready

- 3.13 As the city transitions into a low and zero carbon economy, it is important that development creates low carbon, efficient buildings and places for its occupants and the wider environment. The efficient and future-ready section of the Design Guide highlights how development should create flexible buildings and integrate technologies and measures that aid efficiency and creates resilience to climate change.

Fulfilling Design Quality

- 3.14 Whilst not a 'design theme', the final element of the document and its associated design principle requires development to be delivered as approved. In this respect, it highlights the need to create viable, developable proposals that are submitted for approval. It stresses, the City Council will not support the lowering of design quality via amendment applications post-approval.

Final Design Guide Document

- 3.15 The final suite of Design Guide documents have been created following the 10 week period of public consultation, as detailed below. Representations received during this period have helped create a robust Design Guide that will provide Birmingham with up to date design guidance to steer every scale of development across the city.

Summary of main issues raised by external consultation respondents

- 3.16 There was general support for the Design Guide, with a number of respondents acknowledging the need to create up to date guidance to help the city continue to prosper and grow.
- 3.17 The majority of respondents sought to ensure their specific interests or function were appropriately represented or supported by the Design Guide. Where the City Council believed appropriate revisions would aid the robustness of the guidance, a number of minor amendments to the text were applied. Such revisions made up the bulk of the revisions. Beyond these minor amendments, there were some sections where the guidance was enhanced and/or changed to reflect comments made. These amendments are briefly outlined below.
- 3.18 Requests for more guidance on assessing and mitigating the wind impact of tall buildings on the surrounding environment was requested. The City Council acknowledged the need to provide more guidance on this issue, with more detailed guidance on potential mitigation methods included within the Healthy Living & Working City Manual. The City Council's use of the City of London Lawson Criteria as a baseline assessment for considering wind speeds was also reiterated.
- 3.19 There was general support for the promotion of sustainable and active modes of travel, with request for increased support for the reallocation of road space and existing surface parking. In line with the adopted Parking SPD, the Design Guide

was revised to reflect in-principle support for measures to aid the reduction in non-private vehicle based travel and ensure alignment with the Parking SPD and Birmingham Transport Plan.

- 3.20 A number of respondents highlighted errors in the heritage guidance provided within the Design Guide in relation to alignment with the NPPF. These errors were acknowledged by the City Council, with all the heritage content removed from the Design Guide. This content will be superseded by the emerging Historic Environment SPD.
- 3.21 The Canal and River Trust requested wider acknowledgement of the important role the canals and their surrounding environment play in the character of Birmingham. The City Council acknowledges this asset and where appropriate, revised the text to further emphasis the need for development to effectively utilise and enhance this important asset.
- 3.22 The Environment Agency and Lead Flood Risk Authority requested Design Principle 4 have a specific requirement to integrate green infrastructure into the design of public realm to aid water management. These requests were supported by the City Council, with appropriate revisions integrated into Design Principle 4, with enhanced guidance provided in the Landscape and GI City Manual.
- 3.23 In response to policy compliant concerns from Historic England, the guidance on the siting of tall buildings within the city has been revised. This has removed the spatial approach (designated specific areas, which is beyond the scope of an SPD) and moved to a site specific assessment, aided by a Townscape Visual Impact Assessment (TVIA). This will enable each site and proposal to be considered within its context and assessed on its merits.
- 3.24 In addition to comments accepted by the City Council, there were requests to reduce or remove the minimum separation distances between residential developments. But the City Council believes these remain a robust tool for helping to retain high levels of residential amenity (as required by the NPPF). As such, have been retained. However, the Design Guide does allow exceptions where it can be demonstrated a high level of amenity is retained and/or provided.

4 Options Considered and Recommended Proposal

- 4.1 **Option 1 - Do Nothing:** the City Council currently has design guidance contained within 14 city-wide supplementary planning documents, the majority of which pre-date the National Planning Policy Framework, the National Planning Practice Guidance and National Design Guide. They also pre-date the BDP and the DMB. Without an up to date supplementary planning document that aligns with current national and local planning policy, the City Council's ability to challenge poorly designed proposals and effectively guide the future development of Birmingham will be diminished.
- 4.2 **Option 2 – Adopt the Birmingham Design Guide SPD:** Adoption of the Design Guide SPD would consolidate the design guidance into a single up to date

supplementary planning document that aligns with current national and local planning policy. This will provide the City Council with the ability to challenge poorly designed proposals and effectively guide the future development of Birmingham. This is the recommended proposal.

5 Consultation

- 5.1 The draft Design Guide was subject to a 10 (working) week period of public consultation between Tuesday 24th November 2020 and 5th February 2021, in accordance with the adopted Statement of Community Involvement (SCI) (as temporary amended in September 2020 to reflect necessary changes in procedures and activities due to Covid), which aligns with the procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.2 This 10 week period enabled members of the public to submit comments on the draft documents and attend live webinars hosted by the City Council, which provided an overview of the different design themes and an opportunity to ask questions directly to City Council officers. As detailed within the Consultation Statement (at Appendix 7) the City Council received 54 external representations via BeHeard (37 responses) and the dedicated design guide email address (17 responses) created. Whilst this is not a substantial number of representations, the majority were very detailed and informative, helping the City Council refine the documents where appropriate. In addition to the external representation received, refinements have also been made to the Design Guide in response to continued engagement with City Council Officers from a range of departments.
- 5.3 The City Council's response to all external representations are presented in the Consultation Statement, together with the relevant text revisions where appropriate.

6 Risk Management

- 6.1 The main risk associated with failure to adopt the Birmingham Design Guide is the absence of up to date design guidance to aid development management decisions.

7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
- 7.1.1 The Birmingham Design Guide SPD is consistent with the Council Plan 2018-2022 (as updated in 2019) and, in particular:
- Outcome 1: *'Birmingham is an entrepreneurial city to learn, work and invest in'*; particularly Priority 4: *'We will develop our transport infrastructure, keeping the city moving through walking, cycling and improved public transport'*.
 - Outcome 4: Birmingham is a great, clean and green city to live in; Priority 2 *'We will have the appropriate housing to meet the needs of*

our citizens'; Priority 4 'We will improve the environment and tackle air pollution'.

7.1.2 The Birmingham Design Guide SPD will help support the city's 'route to zero' (R2O) and Outcome 6 of the Council Plan: *'Birmingham will be a city that takes a leading role in tackling climate change'*.

7.1.3 The Birmingham Design Guide SPD will aid the delivering of the Birmingham Transport Plan's vision and its four principles, particular the promotion of active travel and the reallocation of road space.

7.2 Legal Implications

7.2.1 The relevant legal powers for adopting the SPD are set out in Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended), with detailed requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This includes a requirement for a Consultation Statement (Appendix 7) and an Adoption Statement (Appendix 11). The SPD also needs to be consistent with the National Planning Policy Framework, Birmingham's Local Plan and prepared in accordance with Birmingham's Statement of Community Involvement (2020).

7.2.2 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) (which is "retained EU Law" following the exit of the United Kingdom from the European Union on 31 December 2020 as the directive was given effect to by domestic legislation) and Environmental Assessment of Plans and Programmes Regulations (2004), specific types of plan that set the framework for the future development consent of projects must be subject to an environmental assessment, unless they fall within one of the exceptions to this requirement. Regulation 9 requires that the authority should make a formal determination as to whether or not the plan is likely to have significant environmental effects and therefore requires an SEA.

7.2.3 The City Council carried out a screening assessment of the SPD (Appendix 10), under these Regulations, and concluded that a SEA is not required as:

- The documents do not set the framework for future consents under the Environmental Impact Assessment Directive;
- and Appropriate Assessment under the Habitats Directive is not required; and
- There is no pathway or mechanism for significant environmental effects to arise as the SPD is for guidance purposes, being an elaboration of existing policies in the BDP and DMB.

7.2.4 Comments received from the relevant statutory consultees for this process (Natural England, the Environment Agency and Historic England) supported the City Council's opinion.

7.3 Financial Implications

7.3.1 The report seeks approval to adopt the Birmingham Design Guide Supplementary Planning Document which will replace the existing guidance. There are no direct financial implications arising from the recommendation in this report.

7.3.2 Preparation of the Supplementary Planning Document has been carried out using existing Planning and Development staff resources. These costs have been funded from the Places, Prosperity and Sustainability Directorate's approved revenue budgets.

7.4 Procurement Implications (if required)

7.4.1 No implications

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 An Equalities Impact Assessment has been undertaken and has been updated following public consultation (Appendix 9). The Equalities Analysis has not identified any specific impacts the SPDs will have on the protected characteristics. The developments will lead to improvements for the local population in terms of providing good quality accommodation and protecting amenity.

8 Appendices

- Appendix 1 – Birmingham Design Guide: Principles Document (July 2022)
- Appendix 2 – Birmingham Design Guide: Birmingham ID City Manual (July 2022)
- Appendix 3 – Birmingham Design Guide: Streets & Spaces City Manual (July 2022)
- Appendix 4 – Birmingham Design Guide: Landscape & GI City Manual (July 2022)
- Appendix 5 – Birmingham Design Guide: Healthy, Living & Working Places City Manual (July 2022)
- Appendix 6 – Birmingham Design Guide: Efficient & Future-ready City Manual (July 2022)
- Appendix 7 – Consultation Statement
- Appendix 8 – list of Supplementary Planning Documents to be replaced by the Birmingham Design Guide SPD

- Appendix 9 – Birmingham Design Guide Equality Impact Assessment (EIA)
- Appendix 10 – Statement of Reasons - SEA Screening for Design Guide SPD
- Appendix 11 – Adoption Statement
- Appendix 12 – Environment and Sustainability Assessment

9 Background Documents

- 9.1 The Birmingham Development Plan (BDP)
https://www.birmingham.gov.uk/info/20054/planning_strategies_and_policies/78/birmingham_development_plan
- 9.2 The Development Management in Birmingham (DMB) DPD
https://www.birmingham.gov.uk/downloads/file/21273/development_management_in_birmingham_dpd
- 9.3 The Statement of Community Involvement
<https://www.birmingham.gov.uk/SCI>