

Technical note:

Birmingham City Council – Development Management Development Plan Document – Addendum to the Sustainability Appraisal

1. Background and Purpose of this Note

- 1.1.1 The Birmingham Development Plan (BDP) was adopted by Birmingham City Council (the Council) in 2017. The BDP provides the strategic planning policies for over 51,100 new homes and substantial amounts of employment land, retail and office development to be delivered by 2031. The Council has also been preparing the Development Management Development Plan Document (DM DPD). It will provide detailed planning policies for specific types of development and support the implementation of the BDP.
- 1.1.2 The Council issued an initial draft DM DPD in March 2015. Following an analysis of the consultation responses to the initial draft DPD and the adoption of the BDP, the Council prepared a Draft DM DPD, consulted on as '*Development Management in Birmingham (Development Plan Document) Preferred Options Document*' from the 4th February to the 29th March 2019. Following an analysis of consultation responses and further work, the Council then issued the '*Development Management in Birmingham (Publication Version - Regulation 19) January 2020*' for consultation between 9th January and 21st February 2020.
- 1.1.3 Following receipt and consideration of the consultation responses on the Publication Version of the DM DPD, the Council has identified a number of proposed minor changes to be included as part of the Submission Version of the DM DPD. The Council considers that these changes are minor and do not materially affect the policies or strategic direction of the DM DPD.
- 1.1.4 Wood Environment and Infrastructure Solutions Ltd. (Wood) was commissioned by the Council to undertake a Sustainability Appraisal (SA) of the DM DPD. The SA appraises the environmental, social and economic performance of the DM DPD and any reasonable alternatives. SA Reports of the initial draft, Preferred Options and Publication Version of the DM DPD were completed and published for consultation concurrent with each stage of the draft DPD. For the Publication Version of the DM DPD, one comment was received on the SA.
- 1.1.5 This document is an addendum to the 2019 SA Report (completed for the Publication Version of the DM DPD). It has been prepared in order to update the appraisal where necessary, taking into account the proposed minor modifications. This ensures that all the likely significant effects of the draft DM DPD (as proposed to be modified) have been identified, described and evaluated.
- 1.1.6 In consequence, this addendum to the SA Report:
- summarises the comment received on the SA Report and sets out the Council's response;
 - screens proposed changes to the DM DPD, confirms whether or not they are significant for the SA;
 - updates the SA as necessary, including any amendments to specific policy appraisals to reflect either the consultation response or any screened in modifications; and

- sets out the next steps for the Local Plan and SA.

2. Comments on the SA

Comment on SA of Policy DM10

2.1.1 Comments were received from Pegasus Group (on behalf of Countryside Properties) in relation to the SA and appraisal of Policy DM10 'Standards for residential development.' The representation states (paragraph 7.16):

- *"The evidence base which supports the policy including both the Financial Viability Assessment and Residential Standards Topic Paper fail to provide any justification for the introduction of the 15 dwelling threshold and 30% M4(2) compliant dwelling provision. Paragraph 6.26 of the Topic Paper simply sets out that 'a requirement of 30% new homes to meet the optional building regulation M4(2) for accessible and adaptable homes is considered appropriate', with no justification of where the 30% figure has derived from. The threshold of 15 dwellings has also not been justified within the supporting evidence. Overall the Topic Paper provides very generic statements with very little if anything in the way of robust evidence which adequately justifies the provisions of the policy in the context of local need/demand."*

The representation continues (paragraph 7.17):

- *"It is noted that the accompanying Sustainability Appraisal states 'This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high-quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented'. (page 98). However, the only 'reasonable alternatives' cited relate to firstly retaining the existing UDP policy, which is dismissed as it would need updating, or alternatively having no minimum space standards or policy which is rejected on the grounds of amenity and the impact on quality of life. Furthermore, the introduction of the revised thresholds for M4 (2) dwellings within new developments does not appear to be addressed."*

2.1.2 In conclusion the representation states (paragraph 9.5):

- *Countryside Properties objects to Policy DM11 on the grounds that there is no evidence to adequately justify a requirement for all residential development (including extensions) to meet the minimum Nationally Described Space Standards, nor for introducing a requirement for optional Building Regulation Part M4 (2) to be met on 30% of all properties on residential developments of over 15 dwellings. The Sustainability Appraisal does not adequately assess all 'reasonable alternatives' and the option of not adopting such standards should not have been dismissed as it remains a reasonable alternative.*

2.1.3 It is therefore considered that there are three strands to the representation that are relevant to the SA Report:

- The option of not adopting Nationally Described Space Standards (NDSS) should not have been dismissed as it remains a reasonable alternative;
- The SA did not appraise DM10 on the basis of it applying to 15 or more dwellings and the requirement for such development to provide at least 30% of dwellings as accessible and adaptable unless demonstrated to be financially unviable; and

- The SA should have considered alternatives to the provisions of DM10, i.e. applicability to developments of 15 or more dwellings and the provision of at least 30% of dwellings as accessible and adaptable homes.

Council's Response

Reasons for rejecting not adopting the NDSS

- 2.1.4 The SA Report appraised the option of having no policy (including no reference to the NDSS) as a reasonable alternative at Appendix A of the SA Report. Table 4.2 of the SA Report summarises the results of the SA and provides an outline of the reasons for selecting the preferred option and rejecting the option of having no policy. The SA Report is therefore considered to be compliant with the SEA Directive and associated regulations and guidance.

Appraisal of DM10

- 2.1.5 The Part M4(2) (accessible and adaptable homes) requirement is part of policy DM10 which states:
- "Part 2: "Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable."*
- 2.1.6 Page A38 of the SA does assess Policy DM10 but bullet two refers to:
- "Proposals for major residential development, should seek to include a proportion of OR 7% on new affordable housing should be accessible and adaptable in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable."*
- 2.1.7 The SA refers to an earlier internal draft of the DM DPD provided by officers and the SA should be updated to reflect the wording of DM10 as consulted on in the publication version of the Local Plan. **Appendix A** of this addendum presents an update to page A38 of the SA Report. Instances where text is deleted are presented as ~~strikethrough~~ text and additions are presented as underlined text.
- 2.1.8 From a review of the previous SA of the earlier draft of DM10, whilst it is not considered necessary to amend the appraisal findings (in terms of likely significant effects identified), additional text has been added in the commentary to take account of the DM DPD viability assessment, which confirms that any impact on scheme viability would be de-minimis (see **Appendix A**). The viability assessment provides assurance that the significant positive effects identified for SA Objective SOC3 'To encourage development which promotes health and well-being' would occur (rather than development and the anticipated positive effects being prevented by an unreasonable requirement in the DM DPD which would render development unviable). It is also noted that the requirement for housing developments of 15 or more dwellings, to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) is subject to viability assessment on relevant projects.

Additional alternatives

- 2.1.9 The SA considers three options in relation Policy DM10 – the proposed policy, retaining the existing Unitary Development Plan (UDP) Policy and no policy. Pegasus Group suggest that the SA should have considered alternatives to the requirement for the policy to apply to developments of over 15 or more dwellings, e.g. a higher or lower threshold and alternatives to the requirement for 30% of dwellings to be accessible and adaptable.

- 2.1.10 It is the Council's view that the justification for 30% of homes on developments of 15 or more dwellings to be accessible and adaptable homes is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further justification for the proportion required in proposed policy DM10. Given the evidence available and the additional flexibility provided by the modification, and taking into account the need to take a proportionate approach to the SA (so noting that in reflecting SEA regulations 12 (2) that reasonable alternatives apply at the plan level, taking into account the objectives of the plan and its geographic scope), and the outcome of relevant case law, for this policy no further alternatives have been identified or considered.
- 2.1.11 It is also noted that the Council has proposed a change to part 6 of DM10 to allow for exceptions to the policy, including physical constraints or viability issues in response to this and other representations on the DM DPD.

3. Screening Proposed Changes

Determining the Significance for the SA of the Proposed Changes

- 3.1.1 This section sets out the approach to determining the significance of the proposed changes to the DM DPD. National Planning Practice Guidance states (Strategic Environmental Assessment and Sustainability Appraisal, Paragraph: 021 Reference ID: 11-021-20140306, Revision date: 06 03 2014) states:
- "The sustainability appraisal report will not necessarily have to be amended if the plan is modified following responses to consultations. Modifications to the sustainability appraisal should be considered only where appropriate and proportionate to the level of change being made to the plan. A change is likely to be significant if it substantially alters the plan and/ or is likely to give rise to significant effects.*
- Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects. A further round of consultation on the sustainability appraisal may also be required in such circumstances but this should only be undertaken where necessary. Changes to the plan that are not significant will not require further sustainability appraisal work."*
- 3.1.2 The Council provided a draft version of the changes to the Local Plan to Wood on 6thth May 2020. These were reviewed to determine whether or not they were significant and whether or not there was a need for any consequential changes to the previous appraisal work. The proposed changes to the DM DPD are reviewed in **Appendix B** of this report. The final column of the table indicates, for each modification, whether or not it was considered significant for the purposes of the SA and why.
- 1.1.1.1 There is no detailed guidance on how to determine the significance of changes. The following text sets out how screening of changes was undertaken in the context of the proposed changes to the DM DPD. It draws on an approach and examples of previous work undertaken by Wood. The examples are not necessarily specifically relevant to the DM DPD, rather they are used to illustrate what a significant change might look like.
- 1.1.1.2 The National Planning Policy Framework (NPPF) requires that Local Plans are positively prepared. This means that policies must be positively worded, for example:¹

¹ The NPPF was first published in 2012 and revised in 2019. Paragraph 16 sets out the requirements for a plan. Item (b) states that plans should "be prepared positively, in a way that is aspirational but deliverable".

'Planning permission will be granted provided that...' and *'development will be encouraged where it...'* rather than

'We will not allow development unless...'

- 1.1.1.3 Changes of this nature would not necessarily be considered significant for the purposes of the appraisal because they involve re-wording a policy to ensure that it complies with national planning policy. The intent of policies that are modified in this way remains the same, but they are cast in a positive manner as outlined above. Such changes are therefore not considered to affect the previous results of the appraisal of the policy against the SA objectives and are not considered to be significant for the purposes of the SA. One change to the DM DPD falls into this category.
- 1.1.1.4 Changes may also be required to make a policy compliant with the NPPF and/or associated Planning Guidance. One change to the DM DPD falls into this category.
- 1.1.1.5 Another category of proposed changes are those that make the wording and/or intent of policies clearer. Such changes are often made in response to representations received during the consultation period. Such changes are reviewed to confirm whether or not they affect the appraisal results but relevant text in the SA might also need amending so that the SA uses terminology that is consistent with the DM DPD. This is the most common form of change identified in the review of the DM DPD.
- 1.1.1.6 Changes to supporting text clarifying how policies will be implemented and/or to provide justification for them are not necessarily considered to be significant in terms of the conclusions of the SA but again may mean that the SA needs updating to reflect the wording in the revised DM DPD.
- 1.1.1.7 Where changes involve the deletion of text from a policy, the revised wording is considered to see if it has any implications for the SA, both in terms of the conclusions of the SA or the commentary accompanying relevant parts of the appraisal.
- 1.1.1.8 Where a change to a policy introduces an additional criterion, a judgement is made as to whether or not the change would affect the previous appraisal and/or should be acknowledged in the appraisal. In such instances, significance is determined on a case by case basis and a comment made in the relevant appendix on whether or not the previous appraisal has been amended and which SA objectives are affected. The proposed changes to the DM DPD do not include any changes that fall into this category.

Results of the Screening Exercise

- 3.1.3 The results of the screening exercise are set out at **Appendix B** and changes that are considered significant for the SA from the screening exercise are summarised in **Table 3.1** below. All of the changes identified in the table are significant to the SA because of the need to update the commentary in the SA Report to reflect the revised wording of the DM DPD. However, whilst there is a need to ensure consistency between the SA and the revised policy wording, the screening has not identified any implications for the appraisal (in terms of the identification of effects) of the policies or the conclusions of the SA in relation to them.

Table 3.1 Summary of changes to the DM DPD that are considered significant to the SA

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
8	Para 2.45	"Proposals involving or adjacent to designated and un-designated historic	The SA uses the term 'undesigned' and this should be amended. This is in

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
		assets non-designated heritage assets...	the background text accompanying the SA of the policy at page A21 of the report and does not affect the appraisal of the policy.
11	Para 3.10	"The preferred most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan . These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".	The SA uses the term 'most appropriate locations' in this context – although this is in the background text accompanying the SA of the policy at page A32 of the report and does not affect the appraisal of the policy.
13	Policy DM9	" 1. Except for any specific allocation in the Local Plan , the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will only be considered favourably where..."	Amend summary of the policy to recognise that specific allocations in the local plan and the network of centres are the preferred locations. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
16	DM11	1.d. " ...would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies It does not conflict with any other policies in the Local Plan ".	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
17	DM12	e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies It does not conflict with any other policies in the Local Plan ".	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
19	DM14	"1. Development must ensure that the safety of highway users is properly taken in consideration and that any new development would not have an unacceptable adverse impact on highway safety."	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.

Change Reference	Policy/ Paragraph/Page	Proposed Change	Why this change is considered significant for the SA
20	Policy DM14, Part 5	"5. On Birmingham's strategic highway network, and other principle and main distributor routes , development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety)."	Amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
21	DM14 Part 6 point e)	"e) the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives. "	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.

4. Updates to the SA

- 4.1.1 This section confirms how the SA Report should be updated, based on the information set out in **Table 3.1**. Deleted text is shown as ~~strike through~~ and new text is underlined.

DM5 Light Pollution

- 4.1.2 Consistent with change reference no. 8, replace the term 'undesigned historic assets' with 'non-designated historic assets' in the third paragraph of the commentary at page A21, with the commentary amended to read:

"In applying the policy the Council will seek to limit the impact of artificial lighting on the local amenity and nature conservation (including ecological networks and blue and green infrastructure). Proposals involving or adjacent to designated and ~~undesigned non-designated~~ historic assets, must apply a lighting design appropriate to the asset, considering the architecture of the building to be illuminated and the impact this may have on the character of its surroundings. "

DM8 Places of worship and faith related community uses

- 4.1.3 Consistent with change reference no. 11, the second paragraph of the commentary for the appraisal of Policy DM8 at page A32 of the SA Report should be amended to read:

"The preferred ~~most appropriate~~ locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan. These are the most sustainable locations in terms of transport accessibility and parking. Other locations ~~outside of the network of town centres~~ will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance."

Policy DM9 Day Nurseries and Childcare Provision

- 4.1.4 Consistent with change reference no. 13 amend the summary of the policy content of the SA Report (page A34) to read:

Except for any specific allocation in the Local Plan, ~~the~~ the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of these locations ~~the network of centres~~ will ~~only~~ be considered favourably where:

1. *It is well served by means of walking, cycling and public transport;*
2. *It will not have an unacceptable adverse impact on local amenity, parking public and highway safety;*
3. *The site is appropriate for its purpose in its setting, suitable for the scale of the development and the number of children proposed; and*
4. *Sufficient useable outdoor play space to meet the needs of the children is provided.*

Policy DM11 Houses in multiple occupation (HMO)

- 4.1.5 Consistent with change reference no. 16, amend summary of the policy at page A43 of the SA Report to recognise the change to the policy wording:

Proposals for the conversion of existing dwellinghouses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:

- a. *would not result in this type of accommodation forming over 10% of the number of residential properties* within a 100 metre radius of the application site**; and*
- b. *would not result in a family dwellinghouse being sandwiched between two non-family residential uses***; and*
- c. *would not lead to a continuous frontage of three or more non-family residential uses***; and*
- d. *It does not conflict with any other policies in the Local Plan ~~it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies;.~~*

DM12 Residential conversions and Specialist accommodation

- 4.1.6 Consistent with change reference no. 17, amend summary of the policy at page A49 of the SA Report to reflect the change to the policy wording:

"This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation. Proposals will be supported where:

- a. *It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;*

- b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;*
- c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;*
- d. The scale and intensity of the proposed use is appropriate to the size of the building;*
- e. ~~It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies~~ It does not conflict with any other policies in the Local Plan ."*

Policy DM14 Highway safety and access

4.1.7 Consistent with changes reference nos. 19, 20 and 21, amend summary of the policy at page A55 of the SA Report to reflect the change to the policy wording:

- "1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an unacceptable adverse impact on highway safety.*
- 2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes.*
- 3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured.*
- 4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Development proposals that generate significant amounts of traffic will be required to provide a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel.*
- ~~*5. Vehicle access points (including private driveways) will be supported where it would not result in:*~~
 - ~~*• a reduction in pedestrian or highway safety;*~~
 - ~~*• detrimental impact on public transport, cycling and walking routes;*~~
 - ~~*• adverse impact on the quality of the street scene and local character of the area;*~~
 - ~~*• the loss of important landscape features, including street trees and significant areas of green verge; and*~~
 - ~~*• the prevention or restriction of the implementation of necessary or future transport improvements.*~~ [Note this amendment to the SA is not as a result of a proposed change but to ensure that the SA reflects the content of the policy – the text has moved to criterion 6 below, which includes a proposed change]
- 5. On Birmingham's strategic highway network, ~~and other principle and main distributor routes,~~ development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety). ~~Any new access point must~~*

~~allow for access and egress in a forward gear.~~[note this is not a proposed change to the local plan but an update to the SA to reflect the latest wording in the plan.]

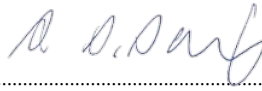
6. All new vehicle access points (including private driveways) will be supported where it would not result in:

- a. reduction in pedestrian or highway safety;
- b. detrimental impact on public transport, cycling and walking routes;
- c. adverse impact on the quality of the street scene and local character of the area;
- d. the loss of important landscape features, including street trees and significant areas of green verge which cannot be appropriately replaced, or their loss mitigated; and
- e. the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives."

5. Conclusions and next steps

- 5.1.1 This SA Addendum has considered the representation made on the SA Report accompanying the Publication Version of the DM DPD and provides a response that updates the relevant text of the SA accordingly. This Addendum has also considered proposed changes made by the Council to the DM DPD following consultation on the Publication version. The SA Report has been updated to reflect the changes but there are no impacts on the findings of the SA.
- 5.1.2 The Publication Version of the DM DPD and the proposed changes will be submitted, alongside the consultation responses received, directly to the Minister of Housing Communities and Local Government who will appoint a Planning Inspector to carry out a public examination to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. The SA Report and this addendum will also be submitted as part of the evidence base for the DM DPD.
- 5.1.3 As part of the examination the Inspector(s) may identify any main modifications that they consider necessary to make the plan sound. These will be screened as part of the SA process (in the same way that the proposed changes have been) and the SA updated as appropriate. If necessary, the main modifications and revised SA will be consulted on.

Following adoption of the DM DPD, the Council will issue a Post Adoption Statement (PAS) as soon as reasonably practicable. The PAS will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DM DPD.

Issued by**Sean Nicholson****Approved by****Pete Davis****Copyright and non-disclosure notice**

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Appendix A: Update to SA of Policy DM10

Policy DM10 Standards for Residential Development

Policy Content	Options Considered
<ul style="list-style-type: none"> All residential development will be required to meet the minimum Nationally Described Space Standards (Appendix 1). Proposals for major residential development, should seek to include a proportion of OR 7% on new affordable housing should be accessible and adaptable dwellings in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable. <u>Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulations Part M4(2) unless demonstrated to be financially unviable</u> Separation distances* between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance. All new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development and adequate provision for recycling/ refuse storage and collection*. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected. Exceptions to the above will only be considered in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy
<p>* Standards are set out in the Birmingham Design Guide SPD.</p>	

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
1. ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~	No clear relationship
2. ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++	-?	+++	Clear policies for residential design will help to ensure a consistent and progressive approach across the City.
3. ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~	No clear relationship
4. ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	~	No clear relationship
5. ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	No clear relationship
6. ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	No clear relationship
7. ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	++	-?	+++	A clear policy for residential amenity and design will help to ensure a consistent and progressive approach across the City, contributing to its economic success through the provision of high quality development.
8. ECON2 To help promote the vitality of local centres	++	-?	+++	Where residential development is encouraged in local centres, clear policy will help to ensure that it is part of good quality mixed uses.

SA Objective	Retain UDP Policy	No policy	New Policy	Commentary
9. ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	No clear relationship
10. ECON4 To encourage investment in learning and skills development	~	~	~	No clear relationship
11. SOC1 To help ensure equitable access to community services and facilities	~	~	~	No clear relationship
12. SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~	No clear relationship
13. SOC3 To encourage development which promotes health and well-being	++	-?	+++	The policy will help to ensure that residential development of whatever kind is well-designed and constructed.
14. SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~	No clear relationship
15. SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~	No clear relationship

Commentary

This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented. The cumulative and temporal effects of the policy are likely to be City-wide and be determined over the short, medium and longer term, reflecting the consistent and early application of the policy.

Policy DM10 seeks to apply MHCLG 's Nationally Described Space Standards, which are reflective of typical sizes of units built in the City. In most cases, these standards are already being applied by developers to meet market demand. The accessibility requirements in policy DM10 are applied 'subject to viability' and the viability assessment of the DM DPD indicates that the impact on viability is typically deminimis.

BCC Background - DM10 Standards for Residential Development:

The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

All new development, including extensions of properties within residential areas, has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities. The size and layout of windows in new residential development should be maximised and the layout and design of development must consider levels of sunlight reaching residential properties and take opportunities to benefit from passive solar gain whilst preventing overheating of indoor spaces.

The '45 Degree Code' is a well-established approach in Birmingham to protect daylight levels and outlook for occupiers, particularly for existing houses. In applying the code the main considerations include:

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension. • If the neighbouring property has an extension which is made mainly of glass, the policy is applied to the original window opening in the wall where the extension has been added.

Outdoor private space is highly valued and it is important for both children and adults to have access to some private outdoor space for play and relaxation. The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing. Existing guidance on outdoor amenity space and separation distances is set out in Places for Living SPD, which will be updated through the forthcoming Birmingham Design Guide SPD.

Across the UK as a whole, more people are living longer. Birmingham is following that national trend, and it is predicted that the percentage of those aged over 65 within the Birmingham will increase from 12.9% (145,865 people) to 16% (210,906 people) of the population. This represents a 58% increase to 2031 and a 45% increase to 2041 of people within this group. Despite increasing life expectancy, there remains a gap in healthy life expectancy. This in turn

presents series of health and care challenges for older people and people with mobility impairments as it means they will be living longer with impairments and life-limiting conditions.

There will be a larger elderly population who will living longer and are likely to be living with disabilities in their later years. A requirement of 30% of new homes to meet the optional building regulation for accessible and adaptable homes is considered appropriate.

- Birmingham's older population makes up 12.9% of the total Birmingham population. Population forecasts show that this will increase to 16% in 2041. (ONS 2016 sub national population projections).
- The number of households headed by those aged 65+ has been increasing in Birmingham and is projected to increase to 28% of total households in the city.
- The Census 2011 shows that 18.4% of people currently report themselves as having a long term health problem or disability (being limited a little and a lot).
- Healthy life expectancy of men and women in Birmingham is much lower than the national average. The gap between healthy life expectancy and life expectancy indicates that the older population will therefore spend more years in poor health.
- In terms of those 65+, there is predicted to be 30.6% increase in people with a limiting long term illness whose day-to-day activities will be limited a little and 31.8% increase in people whose day-to-day activities will be limited a lot by 2035.

Birmingham City Council; 45 Degree Code for Residential Extensions (March 2006):

https://www.birmingham.gov.uk/directory_record/669/45_degree_code_for_residential_extensions

Department for Communities and Local Government; Technical Housing Standards – Nationally Described Space Standard (March 2015):

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Ministry of Housing, Communities and Local Government; Access to and use of buildings: Approved Document M (2016):

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Strategic Housing Land Availability Assessment (SHLAA) (2018)

Birmingham City Council, Standards for Residential Development Topic Paper (September 2019):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

BNP Parabis Real Estate for Birmingham City Council Development Management in Birmingham: Development Plan Document - Financial Viability Assessment (November 2019):

https://www.birminghambeheard.org.uk/economy/dmb/supporting_documents/Birmingham%20DMB%20Viability%20Assessment.pdf

Appendix B Screening of Proposed Changes

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
Policy DM1 Air quality				
1	Para. 2.8	'Unacceptable deterioration' and 'unacceptable levels' is are defined as where the development in isolation or cumulatively , would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and/ or other relevant receptors, and where development would result in further exceedances where pollutant concentrations are already over the limit values.'	Clarification in response to representors	No - this is a change to supporting text explaining how Policy DM1 will be implemented.
2	Policy DM1, Part 1	1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for nitrogen dioxide and particulate matter . Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter , or increase exposure at the development site or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
Policy DM3 Land affected by contamination, instability and hazardous substances				
3	Policy DM3, Part 2	"2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to minimise and mitigate remove unacceptable risks to both the development and the surrounding area and/ or groundwater."	Consistency in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
Policy DM4 Landscaping and Trees				

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
4	Policy DM4, Part 3	“Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality , woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland or Ancient/Veteran Trees. Where trees and/or woodlands are proposed to be lost as a part of development, this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.”	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
5	Para 2.37	“Trees classified in line with BS5837 as being of categories A or B in value quality and woodland and/ or hedgerows of visual or nature conservation value should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.”	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM4 will be implemented.
6	Policy DM4, last sentence Part 5	“Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. The method of calculating these contributions will be contained within the city’s Tree Strategy. ”	Clarification in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
7	Para. 2.39	“Where development would result in the loss of a tree(s) and/ or other landscaping , adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). pre-development canopy cover and biodiversity considerations. ”	Correction	No - this is a change to supporting text explaining how Policy DM4 will be implemented.
Policy DM5 Light pollution				
8	Para 2.45	“Proposals involving or adjacent to designated and un-designated historic assets non-designated heritage assets... ”	Correction in response to representor	Yes – the SA uses the term ‘undesigned’ and this should be amended. This is in the background text accompanying the SA of the policy at page A21 of the report and

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
				does not affect the appraisal of the policy.
Policy DM6 Noise and vibration				
9	Para. 2.52	"In all cases, the assessment will be based on an understanding of the existing and predicted planned levels of environmental noise at both the development site and nearby receptors and the measures needed to bring noise down to acceptable levels for the existing or proposed noise- sensitive development."	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM6 will be implemented.
Policy DM8 Places of worship and faith related community uses				
10	Policy DM8	"1. Except for any specific allocation in the Local Plan , the Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will be considered favourably where..."	Consistency in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA.
11	Para. 3.10	"The preferred most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan . These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".	Consistency in response to representor	Yes – the SA uses the term 'most appropriate locations' in this context – although this is in the background text accompanying the SA of the policy at page A32 of the report and does not affect the appraisal of the policy.
Policy DM9 Day nurseries and early years provision				
12	Para 3.20	"...sufficient safe parking is provided, following the guidance set out in the council's Parking Guidelines and Car Park Design Guide Supplementary Planning Documents and any subsequent revision in a location that will not endanger other road users or pedestrians. "	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM9 will be implemented.

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
13	Policy DM9	“1. Except for any specific allocation in the Local Plan , the Council’s preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will only be considered favourably where...”	Consistency in response to representor	Yes – amend summary of the policy to recognise that specific allocations in the local plan and the network of centres are the preferred locations. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy. The removal of ‘only’ from the last part of the policy is an example of a change to make the plan positively prepared.
14	Para. 3.19	“...The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific allocations in the Local Plan are is considered the most appropriate preferred locations for such uses , but other locations outside of centres will be considered appropriate where the policy criteria are met...”	Consistency in response to representor	See comment above. No additional implications associated with this change to the supporting text.
Policy DM10 Standards for residential development				
15	Policy DM10, Part 6	“6. Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished. ”	Clarification in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A38 of the SA report provides a high level summary of the policy that references part 6 of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.
Policy DM11 Houses in multiple occupation				

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
16	Policy DM11, point 1.d.	1.d. “... would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies ” It does not conflict with any other policies in the Local Plan ”.	Clarification in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM12 Residential conversions and specialist accommodation				
17	Policy DM12, point 1.e.	e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies It does not conflict with any other policies in the Local Plan ”.	Clarification in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM13 Self and custom build housing				
18	Policy DM13, Part 3	“3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement mix provided on larger sites (200 dwellings) where it is demonstrated to meet an identified need and is not substituted for needed social rented and affordable rented housing. ”	Clarification in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A52 of the SA report provides a high level summary of the policy that references part 3 of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.
Policy DM14 Highway safety and access				
19	Policy DM14, Part 1	“1. Development must ensure that the safety of highway users is properly taken in consideration and that any new development would not have an unacceptable adverse impact on highway safety.”	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy. The introduction of the term ‘unacceptable’ reflects Planning

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
				Guidance which identifies the need for Transport Assessments or Transport Statements to propose mitigation measures where these are necessary to avoid unacceptable or severe impacts. ²
20	Policy DM14, Part 5	"5. On Birmingham's strategic highway network, and other principle and main distributor routes , development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety).	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
21	DM14, Part 6, point e)	"e) the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical viable alternatives. "	Consistency in response to representor	Yes - amend summary of the policy to recognise the change to the wording. This does not affect the assessment of the policy as the SA presents a high-level appraisal of the policy.
Policy DM15 Parking and servicing				
22	Policy DM15, Part 2	"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document. "	Clarification and consistency in response to representors	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A60 of the SA report provides a high level summary of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.

² <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

Ref	Policy/ para	Proposed change Deleted text is struck through ; new text is in bold .	Reason	Are there implications for the SA arising from the proposed change?
23	Para 5.14	"The Council will support and promote the provision of on-street and off-street charging point for ultra-low emission vehicles and car clubs."	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
23	Para. 5.13	"The Council's parking standards currently set out in the is currently consulting on a new Parking Supplementary Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document and elements of the Birmingham Parking Policy (2010). It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking provision. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city."	Clarification and consistency in response to representors	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
24	Para 5.15	"Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space as defined within the Parking SPD. "	Clarification in response to representor	No - this is a change to supporting text explaining how Policy DM15 will be implemented.
25	Policy DM15, Part 3	"3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking and servicing should be designed to be secure and fully accessible to its all-users and adhere to the principles of relevant Supplementary Planning Documents."	Consistency in response to representor	No - the SA provides a high-level appraisal of the policy and the proposed change is not considered significant for the purposes of the SA. Page A60 of the SA report provides a high level summary of the policy, it is considered that the summary as presented in the SA Report stands and there is no need to amend this to reflect the proposed changes to the policy.

