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COMMERCIAL PROPERTY ADVICE



DEVELOPMENT MANAGEMENT IN BIRMINGHAM DPD
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011

Matter 6: Connectivity Policies Hearing Statement

On Behalf Of:

Bloor Homes

Prepared By:

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CONTENTS

- 1.0 Matter 6: Connectivity Policies**
- Q85 – Q90

Appendices:

- 1 – HLPC BCC Parking SPD Representations**

1.0 MATTER 6: CONNECTIVITY POLICIES

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Policy DM15 Parking and Servicing

Q85. *Is the Policy consistent with national policy?*

Q86. *Does the wording of the Policy attempt to give Development Plan Document status to the Parking Supplementary Planning document? Would the Council's proposed modifications address the shortcomings in this regard?*

1.1 We have three main concerns with Policy DM15:

- 1) The policy wording could be interpreted as elevating the status of the draft Parking SPD beyond that of SPD.
- 2) The Parking SPD is in draft form and therefore subject to change; its requirements are uncertain
- 3) The emerging Parking SPD includes a level of detail that should be addressed in Development Plan policy. As drafted the parking requirements that DM15 seeks to secure are deferred to an SPD that is not subject to the same level of testing and scrutiny as Development Plan policy. We have considerable concerns with the provisions and level of detail within the draft SPD.

1.2 It is our view that the wording of the policy, including in its revised form, could be interpreted as elevating the requirements of the emerging draft Parking SPD to Development Plan status.

1.3 The policy as amended requires new development to 'aim' (i.e. have the intention of achieving) to meet the requirements of the Council's Parking SPD. The references to the SPD in the policy could be interpreted in such a way that it elevates its status beyond that of an SPD. It is our view that the use of policy text that places a clear presumption in favour of the application of the requirements of the SPD does elevate its status. This approach is inappropriate.

- 1.4 If it is the intention that the Policy DM15 should be read in such way that it does not add greater weight to the SPD there is no need for the SPD to be referenced in the policy itself. The SPD can continue to be referred to in the supporting text.
- 1.5 Paragraph 16d of the Framework requires policies to be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. This is not the case in this instance. It is not clear how the policy should be interpreted.
- 1.6 The Framework's Glossary defines SPD as:
- “Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”***
- 1.7 The PPG expands upon this requirement (Paragraph: 008 Reference ID: 61-008-20190315) and confirms that SPD ‘cannot introduce new planning policies into the development plan’.
- 1.8 The relationship between Policy DM15 and the Parking SPD does not meet this requirement. The SPD is not being used to add further detail to policy DM15. It is being referred to in the context of providing the actual requirements of the policy. It is the SPD that sets the standards that the policy expects to be met.
- 1.9 As noted by the policy's supporting text, the Council is currently consulting on the Parking SPD which will replace the existing Car Parking Guidelines SPD and elements of the Birmingham Parking Policy document. It is not adopted policy. As the SPD is in draft form its emerging policies and requirements could change. That being the case as drafted Policy DM15 is

requiring developments to aim to meet standards that are currently in draft and could be amended. It is inappropriate for the Policy to require developments to aim to meet a set of currently unknown standards.

- 1.10 Bloor Homes, amongst others, have expressed considerable concern with the requirements of the emerging Car Parking Guidelines SPD. SPD is not subject to the same level of scrutiny as Development Plan policy. The emerging SPD will not be subject to any form of independent examination. We would have considerable concerns with the SPD if it is adopted as drafted. The reference to developments aiming to meet the requirements of the SPD in policy text could readily be interpreted as adding more weight to a document that is currently the subject of considerable objection and which does not allow objectors the same opportunity to present their views in the same way as to Examination of a Development Plan document for example.
- 1.11 This raises a wider point in respect of the SPD. Policy DM15 does not make any specific reference to the car parking standards that are expected to be applied. These are identified in the emerging SPD. Paragraph 28 of the Framework advises that non-strategic policies should be used by local planning authorities to set out more detailed policies for specific areas. This includes, amongst other matters, establishing design principles and setting out other development management policies. It is our view that the level of detail provided within the SPD is akin to the detail that should be included within development management policies. It will directly shape development, in terms of the maximum and minimum standards proposed and provision of electric vehicle charging points. The SPD's parking standards should have been included within the Development Management DPD and tested accordingly.
- 1.12 It is appreciated that the requirements of the Parking SPD are not subject to this Examination. However, for reference, Harris Lamb's representations to the Parking SPD on behalf of Bloor Homes are provided at Appendix 1. These representations highlight our concerns with the emerging SPD. Our concerns included:

- A lack of flexibility with residential car parking standards in terms of the maximum and minimum range
- The standards not using whole car parking spaces per dwelling. For example, the proposed maximum car parking standards for two bed properties in Zone C is 1.4 spaces. That being the case, if a scheme of 2 two bedroom properties were brought forward one would benefit from 2 car parking spaces and the second a single space, despite potentially having the same occupancy and car use requirements. The use of fractions of a car park space makes the policy difficult to implement. Two bedroom properties should have 2 spaces.
- The maximum car parking space figures are too low. For example, the maximum number of car parking spaces for a 3 bed property is 2.5 spaces, and for a 4 bedroom + property 3 spaces. Table 4 – Summary of Dwellings Permitted by Number of Bedrooms and NDSS compliance, of the Standards for Residential Development Topic Paper, advises that of the 54 schemes sample the City Council have granted planning permission:
 - 174 3 bedroom 4 person properties
 - 278 3 bedroom 5 person properties
 - 305 three bedroom 6 person properties
 - 106 4 bedroom 6 person properties
 - 236 4 bedroom 7 person properties
 - 254 4 bedroom 8 person properties
 - 262 5 bedroom 8 person properties

Given the number of people who could occupy the larger dwellings it is unlikely that the maximum standards in the Parking SPD would provide a sufficient number of car parking spaces for the level of car ownership. Rather than be set maximums, the car parking standards should be indicative. For a number of reasons, including the affordability of houses, it is not unusual to have parents with older

children living at home all of whom have a car. The car parking standards proposed do not account for this. The level of provision proposed will, in all likelihood, increase on street parking.

- There is a highly limited allowance for visitor parking.
- Paragraph 105 of the Framework requires local parking standards to take account of;
 - the accessibility of the development,
 - the type, mix and use of development,
 - the availability of public transport,
 - car ownership levels, and
 - the need to ensure adequate provision of spaces for charging electric vehicles.

Maximum car parking standards should only be used where there is clear and competing evidence for doing so. There is no robust justification for the standards proposed in the draft Parking SPD.

- The guidance on the use of suitable transport measures, such as the use of car clubs, is supported. However, it is unclear how it would work in practice.

1.13 The provisions of the SPD could potentially restrict the number of car parking spaces to such a point it would result in on road parking and create unattractive urban environments. The parking standards should be progressed through a Development Plan Document and tested at examination. They should not be left to SPD.

Q87. *Is the inclusion of electric vehicle parking charging points within the Policy justified?*

1.14 Policy DM15 does not make any reference to electric vehicle parking standards. It is the emerging Parking SPD that sets requirements of electric vehicle charging points. The standards for the provision of electric vehicle charging points should, in our view, be addressed in the Development Plan

as opposed to being left to SPD. As drafted, Policy DM15 relies upon EVPC criteria set out in a draft unadopted document, that's provision could change, for decision making purposes. This approach provides very little certainty to applicants as to what is actually expected in terms of EVCP provision whilst the policy remains in draft.

- 1.15 The draft SPD requires every residential property with an associated car parking space to provide at least once EVCP. Off street parking of 5 spaces or more is expected have 20% EVCP provision with passive capacity for all spaces. It is not appropriate for the SPD to introduce this requirement. The proposed policy requirements are based upon the draft Department for Transport technical guidance on Electric Vehicle Charing. As this guidance is in draft it should not be used as the basis for establishing planning policy. The guidance could change. It should not be carried forward into the SPD.
- 1.16 The proposed requirement for 'one Active EVCP charging per dwelling with an associated parking space' needs further clarification. It is appropriate to require infrastructure to be made available for EVCPs to be installed i.e. appropriate cabling and a socket (be it within a garage or externally within a weatherproof box). It should not, however, be mandatory that the EVCP unit itself is installed; this is a matter for individual choice according to need. Whilst electric car ownership is rising ownership levels are still relatively small. As they increase over time residents of properties should have the option to install equipment that best meets their requirements based upon the electric vehicle they purchase. This will vary depending upon the nature of the vehicle and over time as technology improves. It is, therefore, prescriptive and unnecessary to require active EVCP units. It is more appropriate to ensure that the infrastructure is in place to enable an occupier to install an EV charging unit which meets their requirements in future.
- 1.17 Furthermore, it is the Government's preferred approach to introduce EVCP into the Building Regulations. As a national standard it will be brought into place through Building Regulations and as such there is no need for it to be included within the SPD. Indeed, including standards within the SPD that

could soon be rendered out of date by the Building Regulations could cause confusion.

Q88. *Has the impact of electric vehicle charging points on viability been adequately considered?*

1.18 Paragraph 3.16 of the Financial Viability Appraisal (EBD71) advises that it costs £1,500 per space per residential electric charging point. This figure is based upon 'recent residential projects. Footnote 7 advises that this cost includes 'the charging point and necessary infrastructure in the development'. It does not, therefore, appear that any allowance has been made for network upgrades. The level and type of upgrade need will be dependent upon the capacity of the local network, and the electrical requirements of a development including EVCP. The capacity of the network and any requirements for necessary upgrades does not appear to have been considered in the viability assessment.

Q89. *Has the impact on electric charging points on power supply been adequately considered?*

1.19 No. It is not clear how this matter has been considered in the SPD. The introduction of vehicle charging points requires a significant amount of power and there does not appear to be any assessment of whether this is achievable and what impact it would have on deliverability.

Q90. *In paragraph 5.15 of the supporting text is it clear what is meant by 'adequate functional space'?*

1.20 No, the term 'adequate function space' should be defined by reference to a minimum size.

APPENDIX 1
HLPC BCC PARKING SPD REPRESENTATIONS



Our Ref: P1636/SH/mt
Date: 3 February 2020

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Dear Sir/Madam,

Parking Supplementary Document Representations on Behalf Of Bloor Homes

Harris Lamb Planning Consultancy ("**HLPC**") are instructed by Bloor Homes to make representations to the Parking Supplementary Planning Document. We have a number of significant concerns with the consultation draft parking SPD, as detailed within this letter. It is our view that revisions are required to the SPD in order to avoid undesirable design and layout implications for new residential developments and to ensure adequate levels of car parking are available. In addition, a number of the required file documents need clarifying.

We set out our concerns below in chronological order reflecting the structure of the consultation draft SPD.

Vision of Principles

The Vision of Principles section of the document advises that parking will be given high priority in predominantly residential areas, but this may not be justifiable in the city centre and urban areas. Whilst we support residential parking being given a "high priority" in predominantly residential areas this does not mean that parking opportunities elsewhere should be unnecessarily restricted. The owners of cars at new and existing properties will be driving across the City to various locations including the City Centre and places of work. The quantum for car parking available in residential development must correlate with the provision of car parking at destinations.

The use of non car modes of transport must clearly be encouraged. However, in certain areas access to public transport is problematic for a variety of different reasons. Bus and train services may not be easily accessible or provide suitable connections. Car parking must, therefore, be made available in order to allow people to commute efficiently throughout the city. This is a part of making Birmingham an attractive, desirable and prosperous place to live and work.

City Centre Car Parking

The SPD advises that car parking in the City Centre will be restricted and controlled, including the removal of no fee street car parking, restricting off street car parking generally and the use of workplace parking levy charges. We are concerned that this approach is not underpinned by appropriate evidence. As detailed in the SPD the number of houses and population in the City is

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growing. If restrictions are placed on parking provision in the City it must be ensured this does not adversely affect the prosperity of the City. There must, therefore, be clear evidence to demonstrate that alternative access options to the City Centre are available and achievable across the City. This includes the capacity of bus routes and the train system into the City's principal stations. There does not appear to be any work undertaken on the impact of such restrictive car parking measures. It is not clear if public transport infrastructure is capable of accommodating the additional public transport movements this strategy could create. There is also no information available on the impact such restrictions is likely to have upon businesses within the City Centre. This could put businesses in a position where they look to locate to other areas, either outside of the City Centre, or outside of Birmingham altogether if they are not served by adequate car parking or public transport connections.

Residential Parking

We support the recognition in the SPD that sufficient car parking should be provided for residential properties to maintain residential amenity and to prevent inappropriate on-street parking. In this respect we acknowledge and support the principle of Paragraph 5.15 of the City Council's emerging Draft Development Management in Birmingham DPD (October 2019) which provides for garages to count towards parking spaces, stating that *"garages will only be accepted as contributing towards parking provision for development if they have adequate functional space. This will help ensure that parking of cars in garages contributes to parking needs and residential amenity by creating a more secure environment, and reducing the potential for unsocial parking and visual impacts"*.

The proposed approach will allow for a greater quantum of car parking provision in areas which are less accessible to public transport is also supported. We do, however, have concerns with the C3 – Dwelling House Residential Car Parking Standards set out in the Appendix A of the SPD.

Firstly, we are concerned that in certain circumstances the standards refer to fractions of a car parking space in seeking to combine allocated and unallocated parking. For example, the proposed maximum car parking standards for two bed properties in Zone C is 1.4 spaces. That being the case, if a scheme of 2 two bedroom properties were brought forward one would benefit from 2 car parking spaces and the second a single space. This would create unnecessary disparity of car parking provision and dedication issues between individual properties. This section of the standards also needs to distinguish between apartments and houses and should be rounded up to the nearest whole dwelling space. Put simply, a 2-bed house in Zone 3 should provide 2 car parking spaces dedicated to that property.

As identified above, the 'unallocated' car parking requirements should be separate and in addition to the maximum car parking standards. The current maximum standards would prevent any visitor parking for one bedroom properties. There is a highly limited allowance for visitor parking in larger properties. Unless specific unallocated car parking provision is made for visitors on new residential developments this will result in on-road car parking. This will adversely affect residential amenity and potentially have highway safety implications. It is unreasonable to expect people visiting properties not to do so by the private car in some circumstances, particularly in less accessible residential areas. Appropriate provision should be made for visitor parking and new residential schemes.

As presented, the matrix combination of allocated and un-allocated parking within different zones and the introduction of fractions of car parking spaces is overly complicated, impractical and unnecessary. The standards should be simplified to specify allocated parking requirements per property (i.e. dedicated) and specify the required amount of unallocated spaces within development

schemes as a %. It should also acknowledge that apartments and houses may present different parking requirements depending on factors such as location.

We are also unclear how the "car club" car parking spaces would be used in practice. It is suggested that residential developments of over 100 units should provide car club spaces. It is unclear how this would be controlled. For example, could a car club space be used by someone who lives in a new build estate who picks up a passenger on the way to work? If so, how would this be monitored? It is unreasonable to assume that 2 people living on the same development would car share to the same place of work. Whilst we have no objection to car club car parking spaces, these should be rolled into general visitor provision.

The proposed requirement for 'one Active EVCP charging per dwelling with an associated parking space' needs further clarification. It is appropriate to require infrastructure to be made available for EVCPs to be installed i.e appropriate cabling and a socket (be it within a garage or externally within a weatherproof box). It should not, however, be mandatory that the EVCP Unit itself is installed; this is a matter for individual choice according to need. Whilst electric car ownership is rising ownership levels are still relatively small. As they increase over time residents of properties should have the option to install equipment that best meets their requirements based upon the electric vehicle they purchase. This will vary depending upon the nature of the vehicle and over time as technology improves. It is, therefore, prescriptive and unnecessary to require active EVCP units. It is more appropriate to ensure that the infrastructure is in place to enable an occupier to install an EV charging unit which meets their requirements in future.

It is also our view that it is excessive for 20% electric vehicle charging provision in the areas of off street car parking where there are five spaces or more. Whilst electric car ownership is rising, it is far from one in five. It is agreed it is necessary to futureproof offsite parking provision, however, this level of provision cannot be supported. Instead infrastructure should be made available for additional charging points to be installed in the future, but on-street EVCP parking spaces should not be sought at the present time.

It is noted that the SPD refers to the July 2019 Department for Transport consultation on electric vehicle charge points. The standards set out in the SPD seek to assure that developments align, or exceed, these requirements. This is inappropriate, the Department for Transport document is simply a consultation document. It is not adopted policy and can be afforded no weight in the decision-making process. The standards within it could change, and there is no justification with SPD seeking any level of provision over and above that contained in the consultation document.

Controlled Parking

Whilst we support the regularisation of car parking in principle, it must be ensured that any parking controls are not so restrictive to cause wider problems. For example, the introduction of car parking controls in one area could simply displace the car parking issues to surrounding streets. If it is the Council intention to place greater restrictions on on-street car parking we must be assured that sufficient car parking provision is made available with developments in appropriate locations to ensure that properties are adequately serviced by car parking levels.

School Parking

It is noted that the school parking policy makes reference to the use of measures such as traffic regulation orders and parking enforcement controls on roads and around schools. These are not matters that can be controlled by a developer. This falls outside the planning system. If the Council wishes to pursue such restrictions they clearly have the ability to do so. This does not need to be enshrined in SPD policy.

I trust you have found these representations useful, if you have any queries, please do not hesitate to contact me.

Kind regards



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