

Matter 6 Hearing Statement

Development Management in Birmingham DPD
Examination
Response on Behalf of the Langley Sutton Coldfield
Consortium



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1. Introduction

1.1. Introduction

1.1.1. Savills has been instructed by the Langley Sutton Coldfield Consortium to submit a Hearing Statement in response to Matter 6 (Questions 79, 80, 82, 83, 85, 86, 87, 88, 89 and 90) of the Development Management in Birmingham DPD Examination. The Langley Sutton Coldfield Consortium is promoting development on the site allocated within Policy GA5 of the adopted Birmingham Development Plan for the “Langley Sustainable Urban Extension”.

2. Policy DM14 Highway Safety and Access

2.1. Question 79

“Is the wording of the Policy consistent with national policy? Does the Council’s proposed modification address the shortcomings in this regard?”

2.1.1. The wording of part 1. of the proposed Policy is not considered to be consistent with the National Planning Policy Framework (NPPF). The proposed Policy wording seeks for proposals to not have an “adverse impact” on highway safety. Paragraph 109 of the NPPF requires development proposals to not have an “unacceptable” impact on highway safety. The Council’s proposed modification 19¹, requiring development to not have an “unacceptable adverse impact” on highways safety would therefore address this particular inconsistency with national policy.

2.2. Question 80

“Is the Policy wording effective in promoting sustainable travel?”

2.2.1. The adopted Birmingham Development Plan already includes Policy requirements (Policies TP38-TP41) which are focussed on delivering a sustainable transport network through developing and improving public transport, walking and cycling networks. The wording of proposed Policy DM14 sets out a requirement for development to give consideration to the needs of sustainable transport modes as well as highlighting that development proposals that will generate significant amounts of traffic should be accompanied by both a

¹ CSD4 Schedule of Proposed Minor Changes. Change ref 19.

Transport Assessment and a Travel Plan. It is therefore not considered to be necessary for proposed Policy DM14 to set out further requirements in relation to the promotion of sustainable travel.

2.3. Question 82

“Is it clear what is meant by ‘Birmingham strategic highway network and other principle [sic] distributor routes’? Would the Council’s suggested amendment address the shortcomings in this respect?”

2.3.1. It is not clear what is meant by the *“Birmingham strategic highway network and other principle [sic] and main distributor routes”*.

2.3.2. It is noted that the Birmingham strategic highway network is defined at paragraph 9.50 of the adopted Birmingham Development Plan (BDP) and is shown on the BDP Policies Map. However the principal and main distributor routes are not defined within either the proposed Policy wording or within the supporting text and the consultation document is not accompanied by a plan highlighting all of the routes that this would relate to. This proposed Policy wording is therefore not considered to be effective.

2.3.3. The Council’s proposed modification 20² would remove the more ambiguous and undefined *“and other principle [sic] and main distributor routes”* text, thereby assisting with making the proposed Policy more focussed and effective.

2.4. Question 83

“Is criterion 6.e of the Policy effective? Would the Council’s suggested amendment address the shortcomings in this respect”

2.4.1. Criterion 6.e of proposed Policy DM14 is not currently considered to be effective. It is noted that point 5 of proposed Policy DM14 (as amended in line with the Council’s proposed modification 20³) would allow for the creation of new vehicular accesses onto the strategic highway network where there are *“no practical alternatives”* (including consideration of impacts on public transport, walking and cycling routes and road safety). It would be therefore be inconsistent if the same exception is not also applied within criterion 6.e to

² CSD4 Schedule of Proposed Minor Changes. Change ref20.

³ CSD4 Schedule of Proposed Minor Changes. Change ref20.

allow the creation of new vehicle access points elsewhere on the highway network. The Council's proposed modification 21⁴ would address this shortcoming through adding "*unless there are no practical viable alternatives*" at the end of criterion 6.e.

3. Policy DM15 Parking and Servicing

3.1. Question 85

"Is the Policy consistent with national policy?"

3.1.1. It is contended that proposed Policy DM15 is not consistent with the National Planning Policy Framework (NPPF). Paragraph 106 of the NPPF identifies that maximum parking standards for residential areas should only be set where there is a clear and compelling justification that they are necessary. The approach that the Council has been taking through the emerging Parking Supplementary Planning Document (SPD) is to seek to impose restrictive maximum standards. The Langley Sutton Coldfield Consortium has separately submitted detailed comments to the consultation on the Draft Parking SPD.

3.1.2. Whilst it is recognised that the emerging SPD is a separate document, the concern is that the proposed wording of Policy DM15 attempts to give Development Plan status to the Parking SPD and is not sufficiently flexible to allow legitimate deviation from the guidance on parking standards included in the SPD where appropriate. This would then give rise to a conflict with NPPF paragraphs 105 and 106. Please refer to the response to Question 86 below in this regard.

3.2. Question 86

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

3.2.1. The National Planning Policy Framework (NPPF)⁵ is clear that Supplementary Planning Documents (SPDs) are "*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.*"

⁴ CSD4 Schedule of Proposed Minor Changes. Change ref 21.

⁵ National Planning Policy Framework (February 2019) Annex 2: Glossary.

Supplementary planning documents are capable of being a material consideration, but are not part of the development plan”.

- 3.2.2. The wording of proposed Policy DM15 states that *“New development will be required to ensure that the operational needs of the development are met and that parking provision...is in accordance with the Council’s Parking Supplementary Planning Document”*. It is considered that including this explicit requirement within the Policy wording can be interpreted as seeking to give Development Plan status to the (currently emerging) Parking Supplementary Planning Document (SPD).
- 3.2.3. The intention of the proposed Policy appears to be to ensure that an appropriate and sufficient level of parking is provided. It is also noted that the Council is seeking to introduce guidance on what it considers to be an appropriate level of parking provision, and how this could be achieved, through a separate SPD. However, the current wording of proposed Policy DM15 does not make this distinction clear. The wording therefore needs to make the role of the Parking SPD as a supporting guidance document expressly clear.
- 3.2.4. The Council’s proposed modification 24⁶ for including the revised wording that *“New development will need to ensure that the operational needs of the development are met and that parking provision...aims to meet the guidance contained in the Council’s Parking Supplementary Planning Document”* recognises that the SPD is only guidance and is not an absolute Policy requirement.
- 3.2.5. However it is still considered that the proposed Policy wording should incorporate further emphasis on the flexibility that should be applied in the application of the Parking SPD guidance to take account of the specific nature of an application site and / or development proposal.
- 3.2.6. It is noted that part of the Council’s proposed modification 24⁷ seeks to include additional wording within the supporting text at paragraph 5.13 that *“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”*. This proposed approach is supported, but it is considered that this exception is an important principle that should be reflected within the Policy wording itself.

⁶ CSD4 Schedule of Proposed Minor Changes. Change ref22.

⁷ CSD4 Schedule of Proposed Minor Changes. Change ref24.

- 3.2.7. Furthermore it is considered that the Council should include additional text within Policy DM15 or at paragraph 5.13 which states that “*such circumstances include: the accessibility of the development; the type, mix and use of the development; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles*” in order to reflect paragraph 105 of the NPPF.
- 3.2.8. In addition it should be noted that point 3 of proposed Policy DM15 also requires parking to “*adhere to the principles of relevant Supplementary Planning Documents*”. This statement could be interpreted as seeking to infer Development Plan Policy status to not only the Parking SPD but to a broader unspecified range of SPDs. However this statement is also considered to be ineffective, unnecessary and insufficiently specific and therefore should just be deleted from the Policy wording.

3.3. Question 87

“Is the inclusion of electric vehicle charging points within the Policy justified?”

- 3.3.1. The adopted Birmingham Development Plan (BDP) Policy TP43 already requires new developments to include adequate provision for charging infrastructure for electric vehicles. There is therefore already a Development Plan requirement for the provision of electric vehicle charging points.
- 3.3.2. It is noted⁸ that the Council intends for its approach to electric vehicle charging infrastructure to follow the principles and proposals set out in the Government’s consultation on ‘Electric vehicle charging in residential and non-residential buildings’. It is understood that the intention is for the outcome of this consultation to be brought into the Building Regulations, which will thereby provide a consistent national approach. There is therefore not considered to be a specific need for proposed Policy DM15 to include further reference to, or requirements for, electric vehicle charging infrastructure.
- 3.3.3. The emerging Parking SPD provides an opportunity for the Council to set out further guidance on the provision of electric vehicle charging points in the context of car parking for new and existing development and in line with the requirements of Building Regulations.

⁸ CSD6 Publication Version Representations and Council Responses. Response to ID Ref 14/6.

3.3.4. As a general point, on the basis that the Parking SPD is to be providing further guidance on the interpretation of Policy DM15, it is right that its publication follows the adoption of, and is informed by, the Development Management DPD rather than vice versa.

3.4. Question 88

“Has the impact of electric vehicle charging points on viability been adequately considered?”

3.4.1. It is contended that the Financial Viability Assessment has not fully considered the impact of electric vehicle charging points on viability.

3.4.2. The Government’s ‘Electric vehicle charging in residential and non-residential buildings’ consultation document proposes a chargepoint for each new dwelling rather than for each parking space. The Financial Viability Assessment⁹ identifies that vehicle charging points have been tested for 100% of spaces, which appears to be inconsistent. It is also noted that an assumption of £1,500 per (space) chargepoint has been assumed. The Assessment does not identify that any cost allowances have been made to allow for making upgrades to the local electricity grid.

3.4.3. Electric vehicle charging points increase the electricity demand from new developments. Depending on the size of the development and the existing network capacity there may be a requirement to undertake (significant) costly network capacity reinforcement works. The Assessment does consider a range of different residential development types and sizes. However in considering the cumulative impact of the proposed Policy and anticipated Building Regulation additions, the Assessment does not consider the impact on a sustainable urban extension.

3.4.4. The additional electricity demand created through the delivery of electric vehicle charging points at the Langley Sutton Coldfield Sustainable Urban Extension, and associated infrastructure works, will be considerable. This is on top of the wider strategic infrastructure upgrades and delivery that this urban extension will be required to deliver, which will be in excess of the infrastructure requirement for the largest development size tested within the Financial Viability Assessment. It is therefore not considered to be

⁹EBD71 BNP Paribas Real Estate. Development Management in Birmingham: Development Plan Document – Financial Viability Assessment. Prepared for Birmingham City Council. November 2019. Table 4.5.1. Page 25.

appropriate to state that “*in practice SUEs comprise a number of smaller developments*”¹⁰. Accordingly it is considered that the evidence base does not adequately consider the viability implications of electric vehicle charging points.

3.5. Question 89

“Has the impact of electric vehicle charging points on power supply been adequately considered?”

3.5.1. It is not clear from the material submitted to specifically accompany the production and Examination of the Development Management in Birmingham DPD how the impact of vehicle charging points on the Birmingham power supply has been considered. It is noted that the Council’s comments¹¹ to the representations made includes reference to a wider House of Commons Library Briefing Paper on Electric Vehicles and Infrastructure, but the responses to the consultation do not appear to include either a specific comment from National Grid on this matter or an explanation from the Council on how this might be achieved.

3.6. Question 90

“In paragraph 5.15 of the supporting text is it clear what is meant by ‘adequate functional space’?”

3.6.1. Paragraph 5.15 of the supporting text does not make it clear what is meant by “*adequate functional space*”. It is noted that the Council’s proposed modification 25¹² seeks to clarify this. If the Council is proposing that further guidance on “functional space” will be included within the Parking Supplementary Planning Document (SPD) then it is considered that this should be worded in a manner that clearly acknowledges the role of an SPD as a guidance document and is consistent with the approach discussed in response to Question 86). Therefore the following revised Policy wording is proposed [extra addition shown underlined]:

“Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space as defined within the Parking SPD. Guidance on defining functional space will be included within the Parking SPD.”

¹⁰ CSD6 Publication Version Representations and Council Responses. Response to ID Ref 21/9 Point 4.

¹¹ CSD6 Publication Version Representations and Council Responses. Response to ID Ref 12/2.

¹² CSD4 Schedule of Proposed Minor Changes. Change ref 27.

