

**Birmingham City Council
Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development) (England) Regulations 2004
(as amended)**

Shopping and Local Centres Supplementary Planning Document

Consultation Statement

1. Introduction

This statement has been prepared in accordance with Regulation 18 (4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). It explains how the Council consulted on the Draft Shopping and Local Centres Supplementary Planning Document (SPD), describes the level and type of responses received, and the main issues raised. It also sets out the consequent changes made to the SPD prior to its adoption.

2. Purpose of the SPD

This is a city-wide policy document. Its main purpose is to define the extent of Birmingham's local centres, and their primary shopping areas, in accordance with PPS4 and the emerging National Planning Policy Framework. It also provides additional guidance on the council's approach to retail and non-retail uses in centres.

The SPD supplements the adopted Birmingham Plan (UDP, 2005) policies in paras 7.21-7.26, and the detailed development control policies for hot food shops in paras 8.6-8.7. It is also consistent with the emerging Core Strategy, providing additional guidance and detail to the strategic policies for the network and hierarchy of centres, and promotion of diversity of uses in those centres.

3. Preparation of the SPD

The City Council published the Draft Shopping and Local Centres SPD for consultation on 7th November 2011, in accordance with Regulation 17 of the above Regulations and the Council's adopted Statement of Community Involvement (SCI). The six week period consultation period ended on 19th December 2011.

3.1 Evidence Gathering and Preliminary Consultation

The relevant background documents and studies considered include:

- Birmingham Local Centres Strategy, 2006
- Emerging Birmingham Core Strategy 2010 and supporting documents.

In addition surveys of centres and uses within them were undertaken during 2010/2011 and other relevant information reviewed e.g. existing plans and policies, planning consents.

Internal consultations at officer level were undertaken in June 2011, which provided valuable assistance as the draft SPD was prepared.

Town centre managers (see annex 1 for details) made a number of suggestions on the boundaries for centres and primary shopping areas and raised a number of issues. In response the majority of suggestions related to centre boundaries and these were taken on board, and the wording of policies clarified.

Planning Committee members considered a progress report on 23rd June 2011, and offered their views including concerns about the proliferation of hot food takeaways. These have been reflected in the SPD.

3.2 Formal Consultation Period

The draft Shopping and Local Centres SPD was published for consultation on 7th November, in accordance with Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). A consultation period of six weeks was allowed in accordance with the standards set out in the Councils adopted Statement of Community Involvement (SCI). The deadline for receipt of responses was 19th December 2011.

Around 2000 organisations and consultation bodies were notified, inviting them to comment on the draft SPD. These organisations are broadly categorised as follows:

- Specific Consultation Bodies (as set out in the SCI))
- General Consultation Bodies (as set out in the SCI)
- Traders associations
- Residents Associations, Community Groups and Neighbourhood Forums
- Educational establishments including secondary schools
- Planning Agents/Consultants, Surveyors and developers – over 500
- Neighbouring Local Authorities
- Parish Councils.
- Voluntary Organisations
- Health bodies including Primary Care Trusts
- Religious Organisations
- Women's Groups
- Ethnic Minority Organisations
- Disability Organisations
- Housing Associations

In accordance with Regulation 17, the following items were published:

- the SPD document
- the Sustainability Appraisal
- the Statement of SPD Matters
- the Consultation Statement
- the statement setting out the fact that the SPD documents are available for inspection and the places and times at which they can be inspected.

These were available to inspect at the following locations:

- City Council's Planning and Regeneration Reception Area on the ground floor at: 1 Lancaster Circus Queensway, Birmingham B4 7DJ.
- All local libraries across the city.
- The council's website at www.birmingham.gov.uk/spdlocalcentres. This webpage also included a link to an online consultation questionnaire.

A notice was also published in the local press setting out the proposals matters, together with details of inspection locations and how to submit responses. The draft SPD was also offered in alternative formats including large print, audio cassette or Braille or in another language if required.

During the consultation period, the draft SPD was presented at the Council's Constituency Committees and Planning Committee.

3.3 Summary of consultation responses, and main issues identified

A total of 72 individuals and organizations responded to the consultation. A list setting out details of each respondent is set out in Annex 3. All comments received have been carefully considered.

- A summary of the main responses to the consultations is set out below.
- A fuller response to the main issues raised by each respondent is set out in Annex 4 (also available as a separate document).
- The original responses can all be viewed on the council's website.
- Presentations were made to Constituency Committees, and their responses are attached at Annex 5.

The main issues arising from the consultation and the council's responses are set out below.

3.3.1 The need for the SPD

There was strong support (94% of those that completed the questionnaire and responded to this question) for the need for the SPD to help protect the long term viability of shopping centres, to encourage a mix of uses and help prevent the over concentration of hot food take away shops.

Question 1



Do you support the need for the Shopping and Local Centres SPD?

Question Responses: 49 (74.24%)



	% Total	% Answer	Count
Yes	69.70%	93.88%	46
No	4.55%	6.12%	3
[No Response]	25.76%	--	17
Total	100.00%	100.00%	66

KFC and Pegasus Planning felt that a Development Plan Document would provide a more appropriate vehicle as it would allow for public examination.

Several respondents including the Harvest Partnership, Sainsbury’s, and KFC wanted the council to publish more evidence/justification for the extent of centre boundaries and primary shopping area boundaries and to justify the percentage thresholds for A1 and A5 uses in policy 1 and policies 4 and 6 and assist with the application of the policies in each centre.

Council’s response:

The strong support for the SPD is welcomed. In line with PPS12 the purpose of the SPD is to provide detailed interpretation of adopted development plan policy (Birmingham Unitary Development Plan) and the emerging Core Strategy. It is in line with emerging Core strategy policies SP17, 20 and 21 and generally conforms to the UDP. There is a pressing need to provide detail as many existing policies including primary frontage policies are out of date. The SPD is an appropriate approach and a number of other councils have used this approach.

The council will publish the survey information on its website to help developers when applying for planning permission.

3.3.2 Centre Boundaries

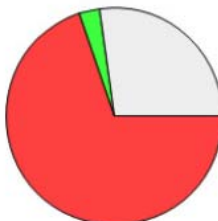
96% supported the principle of identifying centre boundaries. This was seen as important in assisting developers consider appropriate locations for town centre uses.

Question 2



Do you agree with the principle of identifying a Centre Boundary for each Centre?

Question Responses: 48 (72.73%)



	% Total	% Answer	Count
Agree	69.70%	95.83%	46
Disagree	3.03%	4.17%	2
[No Response]	27.27%	--	18
Total	100.00%	100.00%	66

A number of respondents suggested changes to boundaries of 10 centres. These included;

- Sutton Coldfield - One resident wanted the Old Town area to be excluded from the centre boundary.
- Harborne - the Harborne Society wanted to see minor changes to include some additional premises.
- Longbridge - St Modwen wanted the centre boundary to be shown as indicative only to allow for changes as the proposals for the new centre are worked up.
- Selly Oak - Weoley Hill Village council wanted the centre to be extended to include the area between Bristol Road and Selly Oak hospital. The Harvest Partnership and Sainsbury's wanted the centre boundary extended to include the whole of the Birmingham Battery site.
- Erdington - Sainsbury's wanted the centre to be extended to include the Colliers site
- Hay Mills - KFC wanted the centre boundary extended to include the Heybarnes Retail Park.
- Edgbaston/Five Ways - Calthorpe Estates wanted the centre to be extended to include the area between Hagley Road, Highfield Road and Calthorpe Road. They also suggested that the centre be split into 2 entities - Edgbaston and Five Ways.
- Witton - Tesco wanted the centre to be extended to include the whole of the Tesco store site.
- The Swan - Tesco wanted the centre to be extended to include the proposed petrol filling station to the west of Church Road.
- Ivy Bush - Calthorpe Estates wanted the centre to be extended to include the new shops on the opposite side of Hagley Road.

Council's response:

The strong support for the centre boundaries is welcomed. The council recommends that changes be made to the boundaries for Harborne, Witton, The Swan and Ivy Bush. A minor change is also proposed at the Birmingham Battery site, but this does not reflect the extent of site requested by the respondents. Justification for this is set out in Annex 4. A number of other changes are not accepted and the reasons for these are set out in Annex 4.

3.3.3 Primary Shopping Areas

Nearly all respondents (92%) agreed with the principle of identifying a Primary Shopping Area (PSA) and some said it will assist in applying the sequential test in PPS4.

Question 4

Do you agree with the principle of identifying a Primary Shopping Area for each Centre?



Question Responses: 49 (74.24%)



	% Total	% Answer	Count
Agree	68.18%	91.84%	45
Disagree	6.06%	8.16%	4
[No Response]	25.76%	--	17
Total	100.00%	100.00%	66

There were a number of requests to extend the PSA. These include:

- Edgbaston/Five Ways - Tesco wanted the PSA to be extended to include the whole of the Tesco store site.

- Witton - Tesco wanted the PSA to be extended to include the whole of the Tesco store site.
- The Swan - Tesco wanted the PSA to be extended to include the proposed petrol filling station to the west of Church road.
- Stirchley - Tesco considers the PSA extends too far south and goes beyond the retail core established in the Stirchley Framework. They suggest that the PSA terminates north of Hazelwell Road.
- Selly Oak - the Harvest Partnership and Sainsbury's wanted the PSA extended to include the whole of the Birmingham Battery site.
- Hay Mills - KFC wanted the PSA extended to include the Heybarnes Retail Park.

A few respondents (e.g. Threadneedle Investments and Legal and General Property) wanted the SPD to contain more explicit policies supporting new retail floorspace in the PSA.

Council's response:

The strong support for the PSA's is welcomed. The council recommends that changes be made to the PSA boundaries for, Witton, and Edgbaston. A number of changes are however not accepted and the reasons for these are set out in Annex 4.

3.3.4 Thresholds for retail uses – Policy 1

90% supported the 50% threshold in neighbourhood centres and 55% thresholds in district and town centres for A1 retail uses.

Question 6

Do you support policy 1?



Question Responses: 46 (69.70%)

	% Total	% Answer	Count
Yes	62.12%	89.13%	41
No	7.58%	10.87%	5
[No Response]	30.30%	--	20
Total	100.00%	100.00%	66

A few residents and residents associations wanted to see higher thresholds – ranging from 55% for neighbourhood centres to 70% for larger centres.

Some developers/agents (including Legal and General, St Modwen, Barclays Bank, Pegasus Planning) were concerned that setting a threshold could stifle opportunities for investment. They wanted greater flexibility, some suggesting that Policy 1 be deleted and applications be considered on their merits and on the basis of Policies 2 and 3 in the SPD.

There were a couple of comments on the method of calculation of thresholds. St Modwen suggested calculation of the basis of floorspace and Legal and General suggested calculation on the basis of each frontage.

Council's response:

The strong support for the thresholds is welcomed. The thresholds selected are based on survey evidence and appropriate in Birmingham they provide good scope for additional

non retail uses in nearly every centre in the city. The council does not agree that the SPD could stifle investment. The council also considers that clear guidance should be provided to assist developers and does not support deletion of Policy 1. Various methods of calculating the percentages have been considered but the approach detailed in the SPD is the easiest to apply. Further comments are set out in Annex 4.

3.3.5 Detailed criteria for assessing planning applications and dealing with exceptional circumstances - Policies 2 and 3

The issue of how long vacant shops should be marketed for attracted some comments. The Harborne Society felt that 18 months is insufficient and questioned whether some marketing is genuine. However several developers consider that 18 months is excessive and could undermine the council’s aspiration of reducing vacancy and creating vibrant centres and suggested that 12 months is more appropriate.

Council’s response:

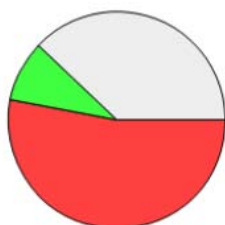
The council considers that the SPD should be amended to state that evidence will be required of at least 12 months marketing at a realistic market valuation.

3.3.6 Hot food takeaways – Policies 4, 5, and 6

86% supported the 10% limit on hot food takeaways. Some respondents (mainly residents) feel that this level is too high and Birmingham Public Health wanted to see a cap on further hot food takeaways and to not want to encourage growth of these uses.

Question 9

Do you support policy 4?



Question Responses: 41 (62.12%)

	% Total	% Answer	Count
<input checked="" type="checkbox"/> Yes	53.03%	85.37%	35
<input checked="" type="checkbox"/> No	9.09%	14.63%	6
<input type="checkbox"/> [No Response]	37.88%	--	25
Total	100.00%	100.00%	66

Some others (mainly commercial organisations e.g. St Modwen, KFC, Brophy Riaz, Pegasus Planning, Domino Pizza) feel it is too low. Most of these did not support any percentage restriction on hot food takeaways and consider this is contrary to principles in PPS4 and the NPPF, which seek to promote economic growth.

Council’s response:

The strong support for the 10% limit is welcomed. The limit is based on survey evidence and appropriate in Birmingham they provides scope for additional hot food take away shops in around half of the centres in the city. The council does not agree that the SPD could stifle investment. The council also considers that clear guidance should be provided to assist developer. Further comments are set out in Annex 4.

3.3.7 Other comments

Birmingham Public Health (the PCT) has suggested a 400m exclusion zone around primary and secondary schools.

There were also requests to identify new centres in the SPD including:

- a) Spring Hill,
- b) Pershore Road/Sir Harry's Road
- c) The area around the Edgbaston Mill Development.
- d) Hagley Road/Fountain Road
- e) Chad Square/Hawthorne Road

Calthorpe Estates have asked that the area around Edgbaston Mill be designated a District Centre and the other centres in the Calthorpe estate be designated Neighbourhood Centres. St Modwen wanted to see Longbridge designated a District Centre.

Council's response:

Careful consideration has been given to the PCT's suggestions however given the large number of schools in the city an exclusion zone would prevent new hot food shops over the majority of the city and would neither be workable and not capable of justification at appeal. The requests to designate new District and Neighbourhood Centres in the SPD are noted, but this is a matter for the Core Strategy.

3.4 Changes Made to the Draft SPD in Response to the Consultations

A number of changes have been made to the SPD. These include:

- A number of changes to centre boundaries and primary shopping areas.
- A minor change has been made to clarify Policy 3 which deals with the length of time vacant units must be marketed.
- Other minor changes have been made to clarify the supporting text for the policies.
- It is proposed to publish relevant background/survey information.

Further information is given in Annex 4.

3.5 Sustainability Appraisal

The Sustainability Appraisal Scoping Report contained information about Birmingham's local centres and the purpose of the SPD. Natural England, the Environment Agency and English Heritage were consulted on the Scoping Report in August 2011, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (see appendix 1 for details). The outcome of that consultation process was:

- Key documents recommended for acknowledgement by Environment Agency have been referenced in the SA Report.
- Indicators iii) to vii), as recommended by Natural England, were added to the monitoring for Objective SA5 (Biodiversity) in Table 6 of the SA Report.
- English Heritage's supporting response is acknowledged.

3.6 Equalities Assessment

An Equalities Assessment (EqA) screening has been undertaken to meet the requirements of the Equality Act 2010. No significant adverse effects on equalities issues have been identified. A specific question was asked during the consultations (see annex 3, question 12), which did not raise any significant issues.

4. Conclusion

Consultation on the **Draft Shopping and Local Centres SPD** resulted in extensive participation and responses. The Council has responded by making the appropriate changes to the document and considering other issues raised.

Annex 1: Town Centre Managers Consulted in August 2011

Town Centre Manager	Centre (s)	Method of consultation	Main issues raised
Melinda Brown	Acocks Green	Email	<ul style="list-style-type: none"> -this SPD is an excellent step in the right direction for local centres. - the 10% limit in on hot food take aways is incredibly high for centres like Acocks Green Village where even the existing 4.7% is locally considered very high. - Yardley Road centre is experiencing high vacancy rate and is in need of additional regeneration activity - Suggests minor/detailed changes to centre boundary.
Matthew Powell	Cotteridge/Selly Oak/Stirchley	Email	<ul style="list-style-type: none"> -Suggests minor/detailed changes to centre and primary shopping area boundaries. - points out areas that need clarification
Craig Buckby	Erdington	Email	No response
Andy Munro	Jewellery Quarter	Email	No response
Nikki Carr	Kings Heath/Moseley	Email	No objection
Liz Newton	Northfield	Email	No response
Tabriz Hussain	Small Heath	Email	No response
Richard Welch	Sparkbrook/Springfield	Email	No response
Mike Bushell	Sutton Coldfield	Email	No response
Mushtaq Hussain	Washwood Heath	Email	No response

Annex 2: Statutory Organisations Consulted in August 2011

Statutory Organisation	Method of consultation	Main issues raised
Environment Agency	Email	<ul style="list-style-type: none"> - draw the city council's attention to information available within the Humber RBMP and the Birmingham Brooks Report. - is applied when allocating sites for Development. This is something that the SA should apply the Sequential Approach (PPS25) when evidence base indicates that the proposed Local Centres are affected by Flood Zone 2 or 3. - It may be appropriate to use the classification status information from the most recently published Humber RBMP as an indicator for water quality elements, and ask whether WFD targets could be incorporated into the targets for the SA.
Natural England	Email	<p>Supports the Biodiversity (SA5) sustainability indicator and recommend that the following could be added to strengthen it:</p> <ul style="list-style-type: none"> - iii) net loss/gain in area of SINC/SLINC/1RIGs (Local Sites) - iv) net loss/gain in area of environmental infrastructure (green infrastructure) - v) Number of LNRs designated - vi) Net loss/gain in amount of Local Biodiversity Action Plan habitat - vii) Positive/negative impact on Local Biodiversity Action Plan species
English Heritage	Email	Support the draft Sustainability Appraisal Scoping Report

Annex 3: List of Consultation Respondents

<i>Ref No:</i>	<i>Name</i>	<i>Organisation</i>	<i>Agent</i>
LCSPD01	Mr Zero Green		
LCSPD02	Dr Ashok Takhar	Kingstanding Traders Association	
LCSPD03	Mr Keith Hill		
LCSPD04	Mr Keith Hill		
LCSPD05	Mrs Claire Skinner	CSV Environment	
LCSPD06	Mr Howard Selwyn		
LCSPD07	Mr Samuel Sperrin		
LCSPD09	Mr Douglas Andrews	Dads Lane Community Centre	
LCSPD10	C J Hutchings		
LCSPD11	Mr Peter Baker		
LCSPD12	Mr Nigel Barnacle		
LCSPD13	F. Brophy	Brophy Riaz & Partners	
LCSPD14	Unknown	Small Heath Park Housing Co-operative	
LCSPD15	Ms Shirley Varlow	Mere Green Neighbourhood Forum	
LCSPD16	Ms S. Hale	Wilkes Green Residents Association	
LCSPD17	Ms Diane Clarke	Network Rail	
LCSPD18	Cllr Shafique Shah	Birmingham City Council	
LCSPD19	Mrs Barbara Easton	Bournville School & Sixth Form Centre	
LCSPD20	Mr Warren Jukes	Associated Architects	
LCSPD21	Cllr John Cotton	Birmingham City Council	
LCSPD22	Mr Michael H. Gee		
LCSPD23	Mr & Mrs Doherty		
LCSPD24	Mr S.D. Wheatley	North Moseley Residents Association	
LCSPD25	Mr Robert Grosvenor	Headmasters (CTA)	
LCSPD26	Cllr Graham Green	Birmingham City Council	
LCSPD27	Jack Dromey, M.P.		
LCSPD28	Mr Zualfqr Hussain	Small Heath Community Forum	
LCSPD29		Joseph Chamberlain Sixth Form College	
LCSPD30	Anonymous		
LCSPD31	Mr Phil Stokes	The Harborne Society	
LCSPD32	Ms Josephine Smith	Hall Green Churches Together	

<i>Ref No:</i>	<i>Name</i>	<i>Organisation</i>	<i>Agent</i>	
LCSPD33	Mr L Thurstan	Elms Farm Residents Association		
LCSPD34	Mr David Caro	Federation of Small Businesses		
LCSPD35		Barclays Bank	Mr Michael Fearn	Shire Consulting
LCSPD36	Dr Richard Hammersley			
LCSPD38	Kerrie Harris	Wythall Parish Council		
LCSPD39	Claire Streather	THE COAL AUTHORITY		
LCSPD40	Ms Diane Clarke	Network Rail		
LCSPD41	Mr Tim Turner	Grove Residents Association		
LCSPD42	Dr Della Hooke			
LCSPD43	Mr Stuart Wells	Pegasus Planning Group		
LCSPD44	Ms Rose Freeman	The Theatres Trust		
LCSPD45	Mr Robert Barnes	St Modwen Developments	Mr Robert Barnes	Planning Prospects Ltd
LCSPD46	Mr Tony Thapar	Moseley Regeneration Group		
LCSPD47	Mr John Dann			
LCSPD48	Professor Jean Gilkison	The Moseley Society		
LCSPD49	Mr Alan Moody	Weoley Hill Village Council		
LCSPD50	Mr Alan Moody	Weoley Hill Village Council		
LCSPD51	Rob Pocock			
LCSPD52	Mrs A.J. Dudley			
LCSPD53	Councillor David Barrie	Birmingham City Council		
LCSPD54	Mr David Westbrook	Natural England		
LCSPD55	Mrs Ann Clarke			
LCSPD56		Aldi UK Ltd	Mr Neil Denison	
LCSPD57	Mr Kyle Stott	Birmingham Public Health	Mr Kyle Stott	Birmingham Public Health
LCSPD58	Mr Duncan Mason	Sainsbury Supermarket Ltd		
LCSPD59		The Harvest Partnership	Turley Associates	
LCSPD60		KFC (GB) Limited	Mr Steve Simms	iPlan Solutions Limited
LCSPD61		Shaftmoor Properties Limited	Ms Marie McKeough	RPS Planning & Development
LCSPD62	Mr D. Treadwell			
LCSPD63		Tesco Stores Limited	James Gibson	Nathaniel Lichfield & Partners Ltd
LCSPD64		WM Morrison Supermarkets Plc	Kate Tinsley	Peacock & Smith

<i>Ref No:</i>	<i>Name</i>	<i>Organisation</i>	<i>Agent</i>	
LCSPD65		Threadneedle Investment Services Limited	Mr Tim Miles	Montagu Evans LLP
LCSPD66		Legal and General Property	Mr Tim Miles	Montagu Evans LLP
LCSPD67		Tesco Stores Limited	Mr Rob Thorley	GVA Grimley
LCSPD68		Calthorpe Estates	MR Edward Barrett	Turley Associates
LCSPD69	Mr Malcolm Dunn			
LCSPD70	Joan Bareham			
LCSPD71	MR Aftab Chugatai	Washwood Heath TCM		
LCSPD72	Georgina Wald	Domino's Pizza UK & IRL plc		
LCSPD73	Void			
LCSPD74		Lumina Real Estate Capital	Heather Lindley	Savills
LCSPD75	Mr Khan			

Annex 4

Shopping & Local Centres SPD: Schedule of Main Issues Raised by Consultation Responses			
Question 1 - Do you support the need for the Shopping and Local Centres SPD?			
Response from:	Reasons	LPA Response	SPD Change
LCSPD07 Mr S. S.	I feel the SPD and the policies outlined in the draft will help to improve the overall appeal of centres and improve investment potential. For local areas, a vibrant shopping centre with amenities and facilities is key to sustaining an area's viability and the policies outlined in the SPD appear to support this.	Support is noted.	No change required.
LCSPD31 The Harborne Society	From letter: The Harborne Society welcomes the opportunity to comment on the draft Supplementary Planning Document. The existing Primary Retail Frontage policy for Harborne High Street has been a major issue for the Society since the early 1980s when we campaigned for the inclusion of the policy in the then Harborne District Centre Plan [1983]. Subsequently the Primary Core Area has twice been extended at the behest of the Society in 1989 and in 2002. We continued to press for a further review following the public meeting called by the Society in July 2005 to discuss the growing concerns at the continuing decline in the number and variety of retail outlets on the High Street and particularly the loss of independent retailers, which resulted in the adoption in October 2007 of the Harborne Local Centre Management Framework. That document's 'actions' list included a review of the Primary Retail Frontage Policy to be undertaken in the longer term [5+ years] as part of a Core Strategy Review. From the above you will not be surprised that the Society wholeheartedly welcomes and supports the thrust of the proposed new Supplementary Planning Document, including the incorporation of the policy for hot food takeaways.	Support is noted.	No change required.
LCSPD41 Grove Residents Association	We support the SLC SPD because we want to encourage a mix of retail, business and food outlets in our centre (Soho Road) and Neighbourhood (Rookery Road) that limits the number of Fast food outlets and encourages a variety of retail outlets. We have major problems with - children having access to a preponderance of extremely greasy, fatty, high-calorie fast-foods at pocket-money prices so that they eat chips etc on a daily basis where they used to eat sweets! - traffic parking for a short time on double yellow lines outside fast food outlets often at junctions obscures the view for traffic emerging and pedestrians crossing and clogs up access to side roads making it hazardous for drivers and pedestrians - litter - children on their way home from school and other residents throw their fast-food cartons and boxes and waste food on the ground in the side streets away from the centres.	Support and comments are noted.	No change required.

LCSPD43 Pegasus Planning Group	Indeed there is a need to promote local centres as a focus for economic development improving their viability and vitality (in accordance with PPS4 and the draft NPPF) for the benefit of local communities and city-wide economic growth. Supporting the need to define a network and hierarchy of centres with the identification of Town, District and Neighbourhood centres creates a holistic sustainable economic development plan for the city, as represented by Table 1. However, there is a further need to mention and give some recognition to 'other' centres not defined, i.e. small neighbourhood parades. Para. 21 of the draft NPPF discourages the use of SPD's and states that they should be used only in circumstances where they can help bring forward sustainable development at an accelerated rate. The policies contained in this draft SPD should be included in the Core Strategy.	Support for the definition of a network and hierarchy of centres is noted. The list of town, district and neighbourhood centres in table 1 is the same as those in the emerging Core Strategy and generally conforms with the policy in the UDP. There are too many small 'other' centres (neighbourhood parades) across the city to include a definitive list. The SPD recognises the importance of small neighbourhood parades and contains policy guidance for these in Policy 6. In line with PPS12, the purpose of this SPD is to provide detailed interpretation of adopted development plan policy (UDP), and the emerging Core Strategy (Policies SP17, SP20 and SP21). There is a pressing need to provide this detail, and it is considered that this SPD is an appropriate approach.	No change required
LCSPD49 Weoley Hill Village Council	Birmingham, I believe, is unique in that it has retained its village centres as they were when the area was still rural. I believe that these should be maintained and, therefore, this highlights the need for something along the lines of the 'Shopping and Local Centres SPD'. This will not only help to limit the numbers of hot food takeaways, but, will also help to prevent the creep of commercial shopping areas into residential areas.	Support is noted.	No change required.
LCSPD50 Weoley Hill Village Council	I think that there is a need for the Shopping and Local centres SPD. Birmingham is unique, I believe, in that it has retained its 'Villages' and I feel that these should be retained, maintained and enhanced. This can be done provided that there is more control over 'hot food takeaways' and 'cafes'. If the numbers of these is restricted then more premises will be available for retail units and with more of these a centre will attract more shoppers which in turn will have a knock on effect of making the centres more viable.	Support is noted.	No change required.
LCSPD57 Birmingham Public Health	To ensure that Local Centres are fit for purpose; that they: Refresh the legislation for Hot Food Takeaways (HFTs). This is an ideal opportunity to consider national concerns relating to HFTs and their contribution to shaping the obesogenic environment. An opportunity for Birmingham to adopt best practice seen in other areas of the UK, and to also contribute to designing out ill health. Promote the increase in local independent retailers. Promote the generation of new employment opportunities. Retain and promote a good mix of retail and non-retail to meet the needs of local communities. Address national issues at a local level.	Support is noted.	No change required.

<p>LCSPD59 Turley Associates The Harvest Partnership</p>	<p>Whilst confirmation of the retail hierarchy and extent of existing centres is welcomed, it is important that the SPD continues to support economic development, in accordance with PPS4 and the emerging National Planning Policy Framework (NPPF). In this respect, we have notable concerns with regard to the extent of the boundaries identified through the SPD, which in some instances appear arbitrary, not consistent with retail and commercial uses in centres (both in terms of existing and permitted uses) and very limited justification has been provided. It is critical that the centres are appropriately defined in order to encourage economic development, in line with both PPS4 and the emerging NPPF. Indeed, the NPPF (paragraph 13) makes clear that the 'Government is committed to ensuring that the planning system does everything it can to support economic growth'. In this context, the NPPF (paragraph 13) advises that 'Planning must operate to encourage growth and not act as an impediment'.</p>	<p>Support for the retail hierarchy and the extent of existing centres is noted.</p> <p>The council agrees that economic growth should be supported in accordance with national policy, and considers the SPD seeks to achieve this.</p> <p>The SPD accords with draft NPPF (para. 76), which states “define the extent of the town centre and the primary shopping area, based on a clear definition of primary and secondary frontages in designated centres.” The identified extent of centres includes primary shopping areas, and areas of predominantly leisure, business and other main town centre uses.</p> <p>Detailed surveys were undertaken for each centre to identify areas of retail and other town centre uses and this together with information on site availability, commitments, and existing policy informed decisions on centre and primary shopping area boundaries.</p> <p>Up-to-date survey information will be published on the council's website. The wording of Policy 1, and the survey information, makes it clear that the percentages are expressed as a minimum, leaving scope for economic development and growth, as well as a wide variety of uses.</p>	<p>Publish survey information on the council's website. Amend SPD to:</p> <ul style="list-style-type: none"> clarify criteria that have been used to define centre boundaries and primary shopping area boundaries clarify that Policy 1 allows potential for further non retail uses in nearly all centres across the city.
<p>LCSPD60 KFC (GB) Limited iPlan Solutions Limited</p>	<p>Whilst the need for policy on these issues is supported, an SPD is considered an inappropriate vehicle for any policy that, in effect, amends the Proposals Map by defining town centre and primary shopping area boundaries, and creates new retail policies. PPS12 paragraph 8.1 states that The adopted proposals map should: allocate sites for particular land use and development proposals included in any adopted development plan document and set out the areas to which specific policies apply.(Our emphasis). PPS12 Paragraph 6.1 states that SPDs should not be prepared with the aim of avoiding the need for the examination of policy which should be examined. Indeed, regulation 13(8) of The Town and Country Planning (Local Development) (England) Regulations 2004 requires policies in an SPD to be in conformity with policies in either a DPD or old policies (e.g. those in the UDP), though the UDP Proposals Map shows a different list and hierarchy of centres.</p>	<p>Comment is noted. The SPD is being prepared to complement adopted and emerging development plan policy, in accordance with Regulation 13(8), which states that: “The policies in an SPD must be in conformity with – (a) the policies in the core strategy, (b) the policies in any other DPD” The council considers that this SPD meets both of those criteria, as the principle of the hierarchy of centres in both the adopted UDP and emerging Core Strategy is not in question.</p>	<p>Publish survey information on the council's website.</p>

	Consequently, the proposed SPD as drafted is considered likely to be unlawful. It is also noted that the limited evidence base presented for the list, hierarchy or boundaries of the centres or PSAs makes it difficult to assess whether the SPD is sound. Whilst not referenced, the last detailed survey appears to have been carried out in 2004. In conclusion, the evidence needed for these policies should be presented and used as the basis for a DPD that could then be properly scrutinised in a public examination.	It is accepted that the adopted UDP hierarchy of centres has been superseded by more up-to-date information, in this case the Local Centres Strategy (2006) and the emerging Core Strategy. Paragraph 6.1 of PPS12 clearly states that “A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs.” The SPD sets out its status, content and objectives on page 4, and the council considers that the SPD complies with both the current Regulations and PPS4 in this respect. The centre boundaries and PSAs in the SPD have been based on up-to-date (2011) survey information, information on site availability, commitments, and existing policy and schedules of land use by use class in each centre and PSA. Up-to-date survey information will be published on the council's website.	
LCSPD62 Mr D. T.	We support the need for a Shopping and Local Centres SPD. All shopping centres need an overall planning directive and diversity of outlets to attract business, as at present there is an over emphasis towards takeaways, cafes and charity shops.	Support is noted.	No change required.

Question 2 - Do you agree with the principle of identifying a Centre Boundary for each Centre?

Response from:	Reasons:	LPA Response	SPD Change
LCSPD58 Sainsbury Supermarket Ltd	Such an approach assists in considering appropriate locations for main town centre uses and in applying the sequential approach. However, robust justification in defining the extent of the Centre Boundary has not been provided. We believe that the survey of existing centres (April 2011) referred to in the SPD should be included as an appendix to the SPD	Support for the principle of identifying centre boundaries noted. Detailed surveys were undertaken for each centre to identify areas of retail and other town centre uses and this together with information on site availability, commitments and existing policy informed decisions on centre boundaries. The survey work is held electronically and it is not considered necessary to include it all as appendices. However, it is agreed that survey information should be published on the council's website.	Publish survey information on the council's website.

LCSPD59 Turley Associates The Harvest Partnership	Such an approach assists in considering appropriate locations for main town centre uses and in applying the sequential approach. However, robust justification in defining the extent of the Centre Boundary has not been provided. We believe that the survey of existing centres (April 2011) referred to in the SPD should be included as an appendix to the SPD	Support for the principle of identifying centre boundaries noted. Detailed surveys were undertaken for each centre to identify areas of retail and other town centre uses and this together with information on site availability, commitments and existing policy informed decisions on centre boundaries. The survey work is held electronically and it is not considered necessary to include it all as appendices. However, it is agreed that survey information should be published on the council's website.	Publish survey information on the council's website.
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	Subject to the comments on lawfulness and compliance with national policy above, the principle of identifying a boundary for each centre complies with PPS4 Policy EC3, which requires LPAs to define the extent of centres and primary shopping areas in their Adopted Proposals Map.	Support for the principle of identifying centre boundaries pursuant to national policy is noted.	No change required.

Question 3 - Do you have comments on the suggested Centre Boundary for any specific Centres?

Response from:	Reasons	LPA Response	SPD Change
LCSPD07 Mr S. S.	In Sutton Coldfield Town Centre, I feel that it's unnecessary for the centre boundary to incorporate the Old Town at the top of the Town Centre. The old high street is already overcrowded and far too busy with traffic. This area should be kept for it's attractive nature, the old building styles and the history that it incorporates, rather than encouraging retail and shopping - This would be better focussed on to the upper end of Birmingham Road; duly shown in the SPD plans, where retail is dwindling (and could potentially end up being cluttered with A3, A4 and A5 use particularly if the 'A5 10% policy' isn't enforced).	The Old Town includes many uses appropriate to centres, as evidenced by the 2011 survey data. The centre boundary in this part of the centre is already established in the adopted SPD: Sutton Coldfield Town Centre Regeneration Framework which encourages diversity of uses in this area.	No change required.
LCSPD31 The Harborne Society	Map 17 ~ Harborne District Centre ~ The Society supports the centre boundary as identified on the map which broadly coincides with the map used in the Harborne Local Centre Management Framework document. However, we suggest that the recently opened large 'Sabai Sabai' restaurant at 268 High Street [former All electric Garage site] be included in the centre boundary together with the 'New Inn' public house at the corner of Vivian Road/Greenfield Road and 73-77 and 83-95 Vivian Road. See map enclosed. It is not absolutely clear from Map 17 whether the shops and non-retail premises at 9-13 Harborne Park Road and 19-25 Albert Road as well as Albert Walk are included. If not could they all please be included? Further to my letter of 1st December on behalf of THE HARBORNE SOCIETY I would like to make a further comment in relation to Map 17 and the boundary of the Harborne District	Comments are noted. 61-77 Vivian Road should be included within the Centre boundary, and the boundary further amended to follow Greenfield Road. This would include the former All electric Garage site. However, 83-95 Vivian Road, 6-8 Greenfield Road and 1 Margaret Road are detached from the centre, and should not be included within the boundary. These changes are consistent with the Harborne Local Centre	Amend Harborne Centre Boundary accordingly.

	Centre. I have looked at the map again. If you agree to amend the proposed boundary of the Centre to take account of my suggestion to include 73-77 and 83-95 Vivian Road plus the 'New Inn' public house then on reflection it seems logical and for completeness that 'Frametec' at 6-8 Greenfield Road and 'Harborne News & Off Licence' at 1 Margaret Road should also be included.	Management Framework. 9-13 Harborne Park Road, 19-25 Albert Road, and Albert Walk are included within the Centre boundary.	
LCSPD41 Grove Residents Association	The southernmost end of Rookery Road is not included in either the Soho Rd or Rookery Rd areas. These two should be immediately adjacent.	This is the existing boundary of the centre, as supported by the 2011 survey data.	No change required.
LCSPD45 St Modwen Developments Ltd Planning Prospects Ltd	The centre at Longbridge is still being developed. The boundaries as currently drawn (including in particular the primary shopping area) do not properly reflect either the planning permissions secured to date or the boundaries set out in the AAP. Moreover, as the full proposals for the centre are finalised it is likely that there will be further changes. As such, the centre and primary shopping area boundaries should be shown in a distinctive way to show that they are as yet uncertain, e.g. with a broken line for the centre boundary and cross hatching rather than solid shading for the primary shopping area. The plan should be annotated to confirm the boundaries are indicative at this stage and subject to future confirmation. St Modwen (the developer at Longbridge) would be pleased to meet with officers to shape and finalise the boundaries as proposals for the centre are finalised. See also response to question 13 below in terms of the appropriate nomenclature for centres, and the appropriate definition as "district centres" of larger centres with superstores, such as Longbridge.	Comment is noted. The centre boundary in the SPD should align with the local centre boundary - Proposal LC1- in the Longbridge Area Action Plan and the Primary Shopping Area boundary should align with Proposal LC3 in the AAP. It is appropriate to ensure that the boundaries reflect the adopted AAP. This is broadly the same as the extent of the permanent uses in the extant planning permission. Indicative boundaries should be avoided, as this would be contrary to the adopted AAP.	Ensure that the boundaries on Plan 30 reflect the adopted AAP.
LCSPD49 Weoley Hill Village Council	Selly Oak: With the Selly Oak Hospital site now becoming available for redevelopment, I think the opportunity should be taken to develop Selly Oak from a clean sheet. I believe that Lottie, Winnie, Katie, Gleave and Elliot Roads along with the frontages on the Bristol Road and Oak Tree Lane should be cleared so that a site defined by Raddlebarn Road across to Linden Road/Oak Tree Lane, Oak Tree Lane, Bristol Road and the railway line/canal back to Raddlebarn Road become one site. Onto this site, at the junction of the Bristol Road and Oak Tree Lane, a shopping Village centre could be built complete with a village green. A link could be created to Selly Oak Station and a mini bus station/pull in provided. Car parks could be put under the shops. As previously suggested by BCC, Selly Oak should be split from Bournbrook shopping centre, with a smaller facility being provided at the latter.	Comment is noted. This proposed extension to the boundary would involve large scale clearance of occupied residential and retail properties, and as proposed is not justified – in particular it is not necessary to secure regeneration of Selly Oak.	No change required.
LCSPD50 Weoley Hill Village Council	Selly Oak: With the Selly Oak Hospital site now available for development, there is an opportunity for the redevelopment of Selly Oak to start with a clean sheet. I believe that Katie, Lottie, Winnie, Gleave and Elliot Roads along the Bristol Road frontage from Elliot Road to Oak Tree Lane and Oak Tree Lane as far as the Selly Oak hospital site should be cleared creating one large area available for renewal. At the junction of Bristol Road/Oak Tree Lane a new 'Village Centre' should be created with underground parking, mini bus station and a pedestrian link to Selly Oak railway station. Shops should be created in this centre with buildings being a maximum of	Comment is noted. This proposed extension to the boundary would involve large scale clearance of occupied residential and retail properties, and as proposed is not justified – in particular it is not necessary to secure regeneration of Selly Oak.	No change required.

	three storeys high. The buildings should be built of brick in a traditional style with tiled pitch roofs. The area should be pedestrianised and connected to a new village green. National chains and supermarkets should be limited with the majority of the retail units being available for private, smaller independent traders.		
LCSPD55 Mrs. A. C.	For example, Acocks Green district centre is the Warwick Road - Woodcock Lane/Dolphin Lane to its junction with Shirley Road, Westley Road and Dudley Park Road.	Comment is noted. The boundary of Acocks Green centre does run from Woodcock Lane / Dolphin Lane to junction of Warwick Road / Westley Road / Shirley Road / Dudley Park Road.	No change required.
LCSPD56 Aldi UK Ltd	Sheldon District Centre- the boundary of the centre should be extended westwards to encompass the recently built Aldi store. There are several other centres where the logical centre boundary extends into an adjoining Authority area. We suggest that a collaborative approach be adopted between authorities to define the overall centre boundary (and PSA where appropriate) in emerging development plan documents.	The Aldi store is located on the western edge of the local centre and is located on an island site with the A45 (Coventry Road and New Coventry Road) running either side. The A45 is part of the Primary Route Network and carries significant volumes of traffic between the City Centre and Birmingham Airport and the motorway network. The Aldi store is a stand alone store which is separated from the local centre by this major route and it is not proposed to amend the boundary. Agree that City boundary should be shown on maps.	City boundary should be shown on maps.
LCSPD58 Sainsbury Supermarket Ltd	Erdington The emerging Core Strategy makes clear that proposals to improve Erdington Centre will be promoted. These will include traffic management measures and comprehensive public realm works to improve the pedestrian shopping environment and increase the vitality of the centre.' More specifically Policy E17 specifically refers to the Colliers Site for redevelopment as an opportunity to include town centre related uses which will complement and strengthen the centre. Supporting statement 8.146 reinforces the opportunity 'to attract new investment to the area which could strengthen the centre and improve links with the nearby Lyndhurst neighbourhood' through the redevelopment of the Colliers site. The Council instructed Roger Tym & Partners (RTP) to undertake the Birmingham Retail Needs Assessment (BRNA) in 2009. In considering need for additional retail floorspace within the convenience retail sector, the study sought to identify requirements in different parts of the City, in particular the scope for addressing 'gap areas'. In terms of capacity for additional convenience goods floorspace the Study identified six broad areas within the Birmingham Local Authority boundary where there is a localised deficiency in convenience goods provision, which should be the priority for additional foodstore provision. This included the Erdington area. Sainsbury's has submitted a proposal for a new superstore on the Colliers site as part of wider mixed use development. The principle of the proposed use accords with the objectives of national guidance	Erdington – comments are noted. The emerging Core Strategy does state that the Colliers site is suitable for town centre related uses that will complement and strengthen the centre. It adds that this will require the implementation of measures to improve the pedestrian linkages and connectivity between the site and the centre. The public consultation on the emerging Core Strategy has generated comments for and against this proposal. The site is also the subject of a current planning application for a food store (Sainsbury) which has yet to be determined. To amend the local centre boundary at this time would therefore be premature. The boundary can be amended, if required, at a later date through the Erdington SPD which is to be	No change required.

	<p>and the emerging Core Strategy. Once developed in line with the aspirations of the Core Strategy the site will function as a key element of the centre, drawing significant trade back to the centre and anchoring the northern end of Erdington. As defined in the SPD the site is situated beyond the centre boundary. In order to facilitate economic growth on the site and ensure that development is fully integrated with the centre the town centre boundary should be extended to include the site. Erdington centre boundary should be extended to include the Colliers site in response to Sainsbury's proposals for the site which will deliver the aspirations of the site as promoted through the emerging Core Strategy.</p> <p>Selly Oak In defining the proposed Centre Boundary for Selly Oak, we question the appropriateness of the SPD of including only part of the Birmingham Battery Site in Selly Oak. This site benefits from planning permission for mixed use development, including a number of town centre uses, such as a replacement Sainsbury's store and additional comparison retail floorspace. Clearly therefore, in accordance with the SPD's definition, it is wholly inappropriate to exclude the bulk of the Birmingham Battery site as currently proposed. By not including the full extent of the Birmingham Battery Site within the Centre Boundary, the SPD suggests that the Birmingham Battery Site is not suitable for main town centre uses. Such an approach does not reflect the extant permission or importantly the emerging Core Strategy (Policy S5), which identifies that the Birmingham Battery Site (reflecting the extant permission) as being suitable for a mix of uses, including retail. Indeed, the supporting text to this Core Strategy policy (Paragraph 9.43) states that: "The large mixed-use scheme for the Birmingham Battery site in the development will significantly improve the quality of the retail offer in Selly Oak and deliver the step change needed to reverse the decline of the centre." Clearly, the Council has acknowledged that the Birmingham Battery Site provides an important opportunity to improve the retail offer in Selly Oak District Centre. Indeed, in previously granting planning permission on the site, the Council highlighted (Committee Report, page 10) that: "...the proposal would have a positive impact on the retail provision in Selly Oak" In light of this, and in order to reflect current and emerging policy we do not consider that the extent of the proposed Centre Boundary for Selly Oak is justified or sound. The current approach of excluding the bulk of Birmingham Battery Site from the Centre Boundary fails to acknowledge the fact that the site has long been identified by the Council as an appropriate location to improve the main town centre offer of Selly Oak and address its decline. In order to be consistent with the Council's definition of the Centre Boundary and the fact that extant permission exists on the site for further development together with adopted and emerging policy elsewhere, the Centre Boundary for Selly Oak should be extended to include the full extent of the Birmingham Battery Site. Such an approach will reflect that undertaken by the Council for Longbridge and Stirchley within the SPD. Unlike Selly Oak, in these cases the Centre Boundary for both centres extends to take into recent permissions</p>	<p>produced for the local centre and surrounding area. This could then be considered in future monitoring and review of the Shopping and Local Centres SPD.</p> <p>Selly Oak- comments are noted.</p> <p>The emerging Core Strategy envisages significant growth in Selly Oak, as a District Centre Growth Point (Policy SP18). However, the scale of this proposal, and mix of uses has not yet been established by adoption of the Core Strategy or other development plan document. (This contrasts with Longbridge, where the new local centre has been examined through the development plan process and an AAP adopted).</p> <p>Birmingham Battery site is identified in the UDP and Selly Oak Local Action Plan for mixed use development. This includes high technology industry and mixed office, leisure and retail development that is not of a scale that would threaten the vitality and viability of the existing centre or any other centre in the area. The site is identified in the emerging Core Strategy (Policy S5) as a mixed use site including retail, offices and high technology development. In all of these documents retail/town centre uses should only occupy part of the site and the site should include a significant element of non town centre uses – in particular high technology industry.</p> <p>Whilst this site benefits from planning permission for mixed use development, including a number of town centre uses, (such as a replacement Sainsbury's store and</p>	<p>Minor amendment to the Selly Oak District Centre Boundary in Plan 47 to include the retail and office development area covered by the extant planning permission.</p>
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	<p>for further retail floorspace in both Stirchley and Longbridge. Therefore, it is inconsistent and inappropriate for the Council not to adopt the same approach when dealing with the Centre Boundary for Selly Oak and we strongly recommend that the Centre Boundary is amended accordingly to include the full extent of the Birmingham Battery Site.</p>	<p>additional comparison retail floorspace), these uses only cover part of the site. The existing consent also includes a significant element of non town centre uses - namely several hundred dwelling units and a technology park.</p> <p>The inclusion of the whole site within the centre boundary and/or the primary shopping area boundary is not appropriate for a number of reasons, including:</p> <ul style="list-style-type: none"> • the site should include significant non-town centre uses, and • the use of the whole of this large site for retail/leisure is likely to threaten the viability of centres in the area. <p>A minor change is however proposed to the centre boundary to bring it into line with the extant consent.</p>	
<p>LCSPD59 Turley Associates The Harvest Partnership</p>	<p>Selly Oak In defining the proposed Centre Boundary for Selly Oak (Plan 47), we question the appropriateness of the SPD of including only part of the Birmingham Battery Site in Selly Oak. This site benefits from planning permission for mixed use development, including a number of town centre uses, such as a replacement Sainsbury's store and additional comparison retail floorspace. Clearly therefore, in accordance with the SPD's definition, it is wholly inappropriate to exclude the bulk of the Birmingham Battery site as currently proposed. It is therefore necessary to increase the extent of the centre boundary to include the full extent of the Birmingham Battery Site.</p>	<p>Comment is noted.</p> <p>The emerging Core Strategy envisages significant growth in Selly Oak, as a District Centre Growth Point (Policy SP18). However, the scale of this proposal, and mix of uses has not yet been established by adoption of the Core Strategy or other development plan document. (This contrasts with Longbridge, where the new local centre has been examined through the development plan process and an AAP adopted).</p> <p>Birmingham Battery site is identified in the UDP and Selly Oak Local Action Plan for mixed use development. This includes high technology industry and mixed office, leisure and retail development that is not of a scale that would threaten the vitality and viability of the existing centre or any other centre in the area. The site is identified in the emerging Core Strategy (Policy S5) as a mixed use site including retail, offices and high technology development. In all of these documents retail/town centre uses should only occupy part of the site and the site</p>	<p>Minor amendment to the Selly Oak District Centre Boundary in Plan 47 to include the retail and office development area covered by the extant planning permission.</p>

		<p>should include a significant element of non town centre uses – in particular high technology industry.</p> <p>Whilst this site benefits from planning permission for mixed use development, including a number of town centre uses, (such as a replacement Sainsbury's store and additional comparison retail floorspace), these uses only cover part of the site. The existing consent also includes a significant element of non town centre uses- namely several hundred dwelling units and a technology park.</p> <p>The inclusion of the whole site within the centre boundary and/or the primary shopping area boundary is not appropriate for a number of reasons, including:</p> <ul style="list-style-type: none"> • the site should include significant non-town centre uses, and • the use of the whole of this large site for retail/leisure is likely to threaten the viability of centres in the area. <p>A minor change is however proposed to the centre boundary to bring it into line with the extant consent.</p>	
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	<p>Due to the lack of evidence base presented, it is difficult to critically review each centre, however one centre in respect of which have recent evidence is the Hay Mills Neighbourhood Centre , the boundary for which should realistically include the established retail facilities across Coventry Road at Heybarnes Retail Park and possibly also ASDA, with which there are good physical (a continuous and coherent network of pedestrian crossings around Heybarnes Circus and safe, direct footpaths within those sites right up to main doors) and functional linkages (the use of the retail park and superstore car parks for linked trips to the parade of shops). The PSA is rightly shown at the western end of the centre and the retail park and superstore are logical continuations of that focus of activity. It is quite possible that other centre boundaries are incorrect and it is reiterated that, were the appropriate DPD preparation process followed, then these could each be considered and examined in detail.</p>	<p>Comment is noted. The Heybarnes Retail Park is located on the opposite side of the A45 from the Hay Mills local centre. The A45 is part of the Primary Route Network and carries significant volumes of traffic between the City Centre and Birmingham Airport and the motorway network. Close to Heybarnes Circus the A45 is six lanes wide and often congested.</p> <p>The Retail Park is therefore separate from the local centre and it is not proposed to amend the boundary.</p>	No change required.
LCSPD61 Shaftmoor Properties	<p>On behalf of our client we confirm they support and endorse the SPD both in terms of its overall definition of centres across the city and in particular, the definition of the extent of Olton Boulevard Neighbourhood Centre and its defined Primary Shopping</p>	<p>Support for the Olton Boulevard local centre boundary is noted.</p>	Change to Olton Boulevard (Fox Hollies)

Limited RPS Planning & Development	Area		
LCSPD63 Tesco Stores Limited Nathaniel Lichfield & Partners Ltd	1 Edgbaston (Five Ways) - Tesco welcomes and supports the inclusion of Edgbaston as a District Centre but suggests alterations to the proposed primary shopping area (PSA) boundary. Currently 'Plan 11 - Edgbaston District Centre' of the SPD does not include the whole of the Edgbaston store site. We would therefore suggest that the PSA is extended to the northeast up to the centre boundary and that the area to the east is extended up to Broad Street, as shown in blue on the attached plan. 2 Witton - Tesco welcomes and supports the inclusion of Witton as a neighbourhood centre but suggests a small extension to the boundaries of both the proposed centre and primary shopping areas as shown on Plan 69 - Witton Neighbourhood Centre. At the moment the boundaries do not include the whole of the Witton store's car park and recycling centre, which is inconsistent with stores in other centres. The proposed alterations to the boundaries are shown by a black boundary line and blue PSA on the attached plan.	Agreed. Proposed changes to the PSA at Edgbaston Five Ways (Plan 11), and the centre boundary and PSA at Witton (Plan 69) should be made.	Modify boundaries as suggested.
LCSPD64 WM Morrison Supermarkets Plc Peacock & Smith	Our client supports the inclusion of the Morrisons store at Coventry Road, Small Heath within the Proposed Primary Shopping Area of Coventry Road District Centre. The store is a key convenience food operator in Small Heath and in this respect contributes to the vitality and viability of the centre through linked trips.	Support for the Coventry Road local centre boundary is noted.	No change required.
LCSPD67 Tesco Stores Limited GVA Grimley	Spring Hill - We are surprised to see that Spring Hill is not identified as a centre within the SPD. The site is now occupied by a Tesco store, a number of non-food retail units, offices and the retained library. Historically the site has always performed a local centre function, albeit it fell into a state of disrepair in the 1990's and was demolished in 2002. Whilst the site was not included as an identified centre in the UDP (presumably due to its semi- derelict state) it has remained the City Council's aspiration that its local centre function should be re-invigorated. This is clearly articulated at paragraph 12.30A of the UDP and through the Local Centres Strategy. The recently completed redevelopment of the site by Tesco has enabled the role of the centre to be restored and this should now be recognised in the SPD. Swan Centre, Yardley - The inclusion of the Swan as a District Centre is welcomed and supported. We would, however, suggest a change to the boundaries of both the centre and primary shopping area as shown on the plan at page 45. As drawn the plan excludes the small area of land to the west of the new line of Church Road, on which Tesco has recently secured planning permission for a petrol filling station (2011/03031/PA). This petrol station will operate very much as an integral part of the District Centre and forms an extension to the facilities offered by the development to the east. We would therefore advocate that both the centre boundary and primary	Spring Hill - Centres are identified in Policy SP17 in the Core Strategy and it is not the function of this SPD identify additional centres in the hierarchy. We understand that Tesco has not objected to the hierarchy of Centres as proposed in the Core Strategy The Swan – note support for the Swan as a District Centre. Agree that the boundary should be amended to include the petrol filling station. However, the PSA should not be amended as the petrol filling station is on the west side of the 'new' Church Road, and separate from the new food store and other shops on the eastern side.	No change required. Amend The Swan District Centre boundary (but not PSA) to include the petrol filling station.

	<p>shopping area are amended to incorporate this additional area.</p> <p>Hazelwell Lane, Stirchley- As above, Tesco welcomes and supports the inclusion of Stirchley as a District Centre and supports the centre boundary as shown. We are concerned, however, regarding the proposed boundary of the primary shopping area. In particular, the proposed PSA will extend further to the south than was previously identified in the Stirchley Framework (as amended in 2002). A key strategy of the Framework was to secure the consolidation of the centre around a focused retail core. This strategy was also reflected in the Hazelwell Lane Development Brief which explains in paragraph 4.1 that; "Recognising that the area cannot sustain retail activity in the whole of the local centre the strategy is essentially one of consolidation and the Framework established a retail core" This general approach has carried forward into the draft core strategy. Draft policy SIO advises that; "Development should seek to consolidate the retail area into a more viable retail core and assist the regeneration of the centre." The boundary identified in the draft SPD proposes to extend the PSA to the south of Hazelwell Road, beyond the southerly limit shown in the adopted Stirchley Framework. This would have the effect of elongating the PSA, an approach which would appear inconsistent with the principle of consolidation set out in the core strategy. We would suggest that the PSA is extended no further south than the retail core identified in the Stirchley Framework - i.e. it should terminate north of Hazelwell Road. There is one additional minor amendment to the PSA boundary that we would like to point out. This relates to a small triangle of land to the north of the junction of Pershore Road and Hazelwell Street. The area concerned is highlighted in yellow on the attached plan. This area is an integral part of the redevelopment proposals for the Hazelwell Lane site and will in due course form an important element of the centres public realm. We would suggest that this small additional area be included within the PSA boundary.</p>	<p>Stirchley- The Stirchley Framework 1994 (amended 2002) identifies a retail core within which retail development will be concentrated. This did not include the Hazelwell Lane site. The PSA now drawn reflects the need to consolidate the centre in line with the Core Strategy Policy S10. It includes the Hazelwell Lane site and reflects changes in the centre since the Framework was adopted. Do not consider that the triangle of land (proposed for public realm improvements) should be included in the PSA.</p>	<p>No change required.</p>
<p>LCSPD68 Calthorpe Estates Turley Associates</p>	<p>Edgbaston District Centre</p> <p>To deliver a new vision for the centre of Edgbaston, Calthorpe Estates is seeking to increase the ratio of supporting retail and other uses to business uses. As detailed in our representations submitted to the Core Strategy in March 2011, we believe it is time to reconsider what constitutes Edgbaston District Centre, potentially splitting the centre into two separate entities - Edgbaston and Five Ways - to better reflect the different roles each part of the centre performs and the distinct catchments each serves. It is noted that the boundary for Edgbaston Centre proposed within the draft SPD is not consistent with that identified in the Roger Tym & Partners Retail Needs Assessment (October 2009) which extended further along Hagley Road / Harborne Road. By re-drawing the boundary tighter around the new Morrisons' store site and the parade of shops at the top of Islington Row, the centre is even more idiosyncratic due to the barriers created by the five arms of the roundabout. In the view of Calthorpe Estates, this simply does not function as a centre. There has been some considerable dialogue with officers over the past year about redefining Edgbaston Centre to more fully provide for the day-to-day needs of the local</p>	<p>Comment is noted. However, the extended boundary covers an extensive area. Large scale expansion of this centre would not be in line with the Core Strategy. In addition the future potential of this area for a mix of office, residential, healthcare and supporting smaller scale retail uses to support the business area is to be addressed through the Edgbaston Centre and Environs Strategy/Planning Framework, to be prepared in conjunction with Calthorpe Estates.</p> <p>Whilst the centre is split by the 5 roads, the suggested splitting of the centre into two entities is not appropriate as this important and strategically located district centre needs to be</p>	<p>No change required to Edgbaston.</p>

	<p>community and business district. This would take in an area bounded by Highfield Road and Calthorpe Road within which there are already a number of important 'centre' uses including: Blue Piano (24-26 Harborne Road); · The Deli at Edgbaston (21 Highfield Road); Simpsons (20 Highfield Road); · Hudson & Mortimers (8 Greenfield Crescent). These we see as the building blocks for a wider and looser centre, where the proportions of retail uses will not reach primary shopping area levels but where a blend of uses will better serve the needs of the business and resident community. We recognise that this may be too large an area to extend the centre boundary around in this SPD but Calthorpe Estates wishes to develop a strategy for Edgbaston Centre which continues the process of rethinking its extent and how it will continue to function effectively. We have nevertheless included a plan detailing the extent of this increased centre area, and invite a discussion with officers about a suitable boundary extension to be included in any future review of the SPD.</p> <p>Ivy Bush The Guitar, Guitar retail store and the Rose Murree restaurant (96 - 106 Hagley Road) function as part of the Ivy Bush Neighbourhood Centre. Accordingly it is requested that the extent of the centre boundary is extended to incorporate these uses. See enclosed plan detailing the extent of the increased centre boundary.</p>	<p>considered as a whole.</p> <p>The Roger Tym & Partners Retail Needs Assessment (October 2009) does not seek to identify centre boundaries.</p> <p>Amendment accepted. Comments taken on board - boundary proposed to be revised to reflect uses on the opposite side of Hagley Road.</p>	<p>Amend Ivy Bush.</p>
<p>LCSPD71 Washwood Heath TCM</p>	<p>Alum Rock local centre boundary is correct for now, however will need to be changed once two high profile developments take place at the Leyland club and the former Smith & Nephew site.</p>	<p>The local centre boundary does incorporate the proposed growth of the centre to the east, as far as Naseby Road. As drawn the boundary does include the front part of the former Leyland Club site. The former Smith & Nephew site is further to the east and the two current planning approvals for the site do not incorporate retail uses.</p> <p>The potential for further growth of the centre to the east in the future will be the subject of monitoring and review of demand through the Bordesley Park Area Action Plan.</p>	<p>No change required.</p>
<p>LCSPD75 Mr K.</p>	<p>Mr Khan is a solicitor with premises at 19 Washwood Heath Road – but has recently bought premises at 290 Alum Rock Road which he wishes to convert into a new office.</p> <p>290 Alum Rock Road is within the area identified in the BPAAP as potential expansion, which mirrors the proposed local centre boundary outlined in the Shopping and local Centres SPD. At the AAP consultation Mr Khan strongly supported expansion of the local centre to the east. He suggested that there are few opportunities within the centre and growth to the west not appropriate. He also suggested that expansion will provide local jobs and boost trade – with new businesses feeding existing ones.</p>	<p>Comment is noted.</p> <p>The proposed Alum Rock Road Centre Boundary includes these properties.</p>	<p>No change required.</p>

	<p>Mr Khan also outlined that he has spoken to most other residents in the block and suggests that there is local support for the expansion of the centre.</p> <p>Although the above comments were made within the context of the AAP, Mr Khan has asked that they can also be considered within the context of the Local Centres SPD.</p>		
LCSPD76 Cllr Jerry Evans	<p>New Reddings Lane Neighbourhood Centre</p> <p>I believe it would be of advantage to my residents to include a new small centre at the junction of Reddings Lane/Olton Boulevard West (as per 2011/08182/PA) to provide residents with a retail centre which they have strongly indicated already that they would support. I urge you to include this in your plans as it had over 80% support from residents.</p>	<p>Comment is noted.</p> <p>The hierarchy of centres and accompanying definitions is set out in Policy SP17 of the emerging Core Strategy. This SPD can only act in conformity with its overarching development plan policy. It cannot revise that policy by identifying new centres.</p> <p>The hierarchy as proposed in the emerging Core Strategy is based upon the City Council's Local Centres Strategy (2006) which classifies centres based on survey information. It would, however, be appropriate to consider additional centres in a future review of the hierarchy, possibly in connection with the next stage of the Core Strategy.</p>	<p>No change required.</p> <p>Consider the identification of an additional centre, as requested, in a future review of the hierarchy of centres.</p>

Question 4 - Do you agree with the principle of identifying a Primary Shopping Area for each Centre?

Response from:	Reasons	LPA Response	SPD Change
LCSPD05 CSV Environment	This would provide a focal point, thus specifically benefitting any businesses within this shopping area. Retaining controls on which businesses fill the premises would maintain a quality control, thus influencing the types of people to frequent the area. This could help drive away crime or other unwanted activity.	Support is noted.	No change required.
LCSPD07 Mr S. S.	Yes, the principle of a 'Primary Shopping Area' is important for defining and encouraging the best possible retail investment to those specific areas. I feel it would clarify where retail investment is best kept to ensure the viability and development of an area.	Support is noted.	No change required.
LCSPD12 Mr N. B.	Strongly agree. Most Birmingham local centres have far to many fast food outlets - numbers need to be really curtailed i.e. maximum 5%	Comment is noted. No reasoned justification is provided for the alternative percentage.	No change required.
LCSPD25 Headmasters (CTA)	Yes so as to contain the main retail outlets within a walking area and to encourage foot fall	Support is noted.	No change required.

LCSPD31 The Harborne Society	Map 17 ~ Primary Shopping Areas ~ The Society greatly welcomes the very significant extension of the existing Primary Retail Frontage policy area. The proposal reflects everything that we have been seeking in this regard.	Support is noted.	No change required.
LCSPD41 Grove Residents Association	The strict 10% rule (Policy 4) for fast food outlets in the Primary Shopping Area will mean that fast food outlets are pushed into the periphery areas which are likely to be more residential in nature and suffer more from the disadvantages of fast food outlets. Apply the rule to the whole area	Comment is noted, however, Policy 4 applies to the area within the whole centre boundary, not just the Primary Shopping Area. It is possible that this may lead to some pressure for A5 uses beyond centre boundaries, however any planning applications in small shopping parades will be considered against policy 6 and applications in other locations will be considered on their individual merits in accordance with normal planning considerations.	Minor clarification required to confirm that policy applies throughout the centre.
LCSPD43 Pegasus Planning Group	We agree with defining Primary Shopping Areas but they need to be realistically defined as currently the PSAs defined are too expansive, in which case we disagree with the areas shown. Secondary frontages needs to be identified for other town centres uses and retail uses which benefit from lower rents. Smaller centres do not need PSAs.	The Primary Shopping Areas are based on recent survey information and are considered both realistic and appropriate. They are the areas where the main retail uses are primarily concentrated and have been drawn up in line with the definition in PPS4. Do not consider it is necessary to define secondary frontages and note that the draft NPPF only requires definition of the extent of the town centre and the primary shopping area.	No change required.
LCSPD49 Weoley Hill Village Council	Having clearly defined shopping areas would prevent ribbon commercial development which would not only devalue residential areas but also create problems with traffic flow and associated car parking.	Comment is noted.	No change required.
LCSPD52 Mrs A.J.D.	This could prevent other businesses coming into the area	Comment is noted.	No change required.
LCSPD58 Sainsbury Supermarket Ltd	In accordance with PPS4 the extent of the Primary Shopping Area is necessary in order to assess the location of retail development when applying the sequential approach.	Support is noted.	No change required.
LCSPD59 Turley Associates The Harvest Partnership	In accordance with PPS4 the extent of the Primary Shopping Area is necessary in order to assess the location of retail development when applying the sequential approach	Support is noted.	No change required.
LCSPD60 KFC (GB) Limited	Subject to the comments on lawfulness and compliance with national policy made above (see Q1), the principle of identifying a boundary for each centre complies with PPS4 Policy EC3, which requires LPAs to define the extent of centres and primary shopping areas in their Adopted Proposals Map.	Support for the principle of identifying centre boundaries and primary shopping areas pursuant to national policy is noted.	No change required.

iPlan Solutions Limited			
LCSPD65 Threadneedle Investment Services Limited Montagu Evans LLP	Page 6 of the document states that new retail development will be encouraged to concentrate within PSAs. Threadneedle Investments considers that the SPD should be clearer in its support for new retail floorspace within the PSAs and that the SPD should contain a policy that sets out an explicit in-principle acceptance of additional A1 retail space within PSA. This would be consistent with emerging Core Strategy policies and prevailing national planning policy guidance.	Comment is noted. The emerging Core Strategy policies SP17 and SP18 address the principle of additional A1 retail space within centres, and it is not necessary to put further policies in the SPD.	No change required.
LCSPD66 Legal and General Property Montagu Evans LLP	Page 6 of the document states that new retail development will be encouraged to concentrate within Primary Shopping Areas. Legal and General considers that the SPD should be clearer in its support for new retail floorspace within the Primary Shopping Areas and that the SPD should contain a policy that sets out an explicit in-principle acceptance of additional A1 retail space within Primary Shopping Areas. This would be consistent with emerging Core Strategy policies and prevailing national planning policy guidance.	Comment is noted. The emerging Core Strategy policies SP17 and SP18 address the principle of additional A1 retail space within centres, and it is not necessary to put further policies in the SPD.	No change required.

Question 5 - Do you have comments on the suggested Primary Shopping Areas for any specific Centre?

Response from:	Reasons	LPA Response	SPD Change
LCSPD07 Mr S. S.	For Sutton Coldfield Town Centre - With regard to the overall Centre Proposals and specifically the suggested 'Primary Shopping Area' for Sutton Coldfield, I'd like to make the point that it would be extremely useful if as part of these proposals, the Council moved Brassington Avenue from its existing location, to instead run alongside the railway line. This would in turn move the adjacent, currently isolated, un-used piece of land to sit next to the rear of House of Fraser, enlarging and opening up the main shopping centre to vital retail and non-retail investment. This should then be classed as a 'Primary Shopping Area' and would encourage much needed retail and accommodation investment.	The relocation of Brassington Avenue has been investigated previously, and it is not viable. This is not within the scope of the SPD.	No change required.
LCSPD12 Mr N. B.	Kings Heath Shopping Centre. Too many fast food / take away outlets. Need to be really reduced. Insufficient vital shops e.g. fruit and green grocery / insufficient bakeries / more local shops needed.	Comment is noted, however the SPD cannot be used to reduce the number of existing food outlets. It can only be used in deciding future planning applications when it is adopted.	No change required.
LCSPD50 Weoley Hill Village Council	Selly Oak: Please see question 3. In addition, in the case of Selly Oak I think provision should be made for a link for the Outer Ring Road to be made from the island at the junction of Harborne Lane/Aston Webb Boulevard across to Cartland Road/Pershore Road. Phased work should then begin creating a dual carriageway ring road from the Swan Shopping Centre, on the Coventry Road, to Harborne. With the exception of the section from Harborne Lane to Cartland Road the land is ready and waiting for this to go ahead. There are only two railway bridges and two or three	Comment is noted. However, there are no proposals for such a scheme, and in any event it is outside the scope of this SPD.	No change required.

	stream bridges that need to be widened and a hand full of houses that would need to be demolished to create the road from the A45 through Fox Hollies, Billesley, Kings Heath, Stirchley and Selly Oak. Doing this would bring relief to a number of shopping centres and residential districts.		
LCSPD58 Sainsbury Supermarket Ltd	Selly Oak The emerging Core Strategy identifies Selly Oak as one of three 'Growth Points' where significant retail development will be located. In this respect, the Birmingham Battery Site is identified as providing an appropriate opportunity to improve the retail offer and other main town centre uses. Despite this, and the fact that the site benefits from extant permission for a mix of uses, including a replacement Sainsbury's supermarket, the SPD only includes part of the Birmingham Battery Site within the Primary Shopping Area (PSA). Notably, the area that has been included comprises the office element of the permitted scheme. We would seriously question the appropriateness of including office development and not retail floorspace within the PSA. The Council's failure to include the wider Birmingham Battery Site as an appropriate location for retail development does not reflect current and emerging Core Strategy. Indeed, the Birmingham Battery Site has long been acknowledged by the Council as providing the most appropriate location to improve the retail offer of Selly Oak, as reflected by recently granting planning permission on the site and by emerging policies within the Core Strategy. In this context the PSA for Selly Oak should be extended to include the full extent of the Birmingham Battery Site.	Comment is noted. PSA should not be extended for reasons quoted in response to LCSPD58 under question 3 above.	Minor amendment to the Selly Oak District Centre Boundary in Plan 47 to include the retail and office development area covered by the extant planning permission but exclude this area from the PSA.
LCSPD59 Turley Associates The Harvest Partnership	There is no justification as to why the full extent of the Birmingham Battery Site is not included within the defined PSA. Indeed, the site currently benefits from extant permission (LPA Ref: 2010/03219/PA) for more than 24,700 sq m (gross) of retail floorspace together with other town centre uses. Despite this, only part of the Birmingham Battery Site has been included within the PSA as defined by the PSA. Critically this comprises the proposed office floorspace and a community facility only rather than the retail element of the scheme. There is no reasoned justification as to why only part of the Birmingham Battery Site has been included, particularly as the part of the site that has been excluded comprises retail floorspace. Clearly, the approach adopted by the Council in defining the extent of the PSA fails to reflect its own definition of what such an area should comprise (i.e. predominantly retail). Furthermore, the SPD fails to acknowledge the positive contribution the redevelopment of the Birmingham Battery Site. Therefore, the approach advocated in the SPD is inconsistent with adopted and emerging local planning policy, including the Draft Core Strategy, which identifies the Birmingham Battery site as an appropriate opportunity to improve the offer of Selly Oak, including for retail development. By not including the full extent of the Birmingham Battery Site within the PSA, the SPD suggests that the Birmingham Battery Site is not suitable for main town centre uses. Such an approach does not reflect the extant permission or importantly the emerging Core Strategy (Policy S5), which identifies that the Birmingham Battery Site (reflecting the extant permission) as being suitable for a mix of uses, including retail. Indeed, the supporting text to this Core Strategy policy	Comment is noted. PSA should not be extended for reasons quoted in response to LCSPD58 under question 3 above.	Minor amendment to the Selly Oak District Centre Boundary in Plan 47 to include the retail and office development area covered by the extant planning permission but exclude this area from the PSA.

	<p>(Paragraph 9.43) states that: "The large mixed-use scheme for the Birmingham Battery site in the development will significantly improve the quality of the retail offer in Selly Oak and deliver the step change needed to reverse the decline of the centre." Clearly, the Council had acknowledged that the Birmingham Battery Site provides an important opportunity to improve the retail offer in Selly Oak District Centre. Indeed, in previously granting planning permission on the site, the Council highlighted (Committee Report, page 10) that: "...the proposal would have a positive impact on the retail provision in Selly Oak" In light of this, and in order to reflect current and emerging policy we do not consider that the extent of the proposed PSA for Selly Oak is justified or sound. The current approach of excluding the bulk of Birmingham Battery Site from both the PSA and Centre Boundary fails to acknowledge the fact that the site has long been identified by the Council as an appropriate location to improve the main town centre offer of Selly Oak and address its decline. Given this, in order to be consistent with the Council's definition of the PSA and the fact that extant permission exists on the site for further development together with adopted and emerging policy elsewhere the extent of the Centre Boundary and PSA for Selly Oak should be extended to include the full extent of the Birmingham Battery Site. Such an approach will reflect that undertaken by the Council for Longbridge and Stirchley within the SPD. Unlike Selly Oak, in these cases the Centre Boundary and PSA for both centres extends to take into recent permissions for further retail floorspace in both Stirchley and Longbridge. Therefore, it is inconsistent and inappropriate for the Council not to adopt the same approach when dealing with Selly Oak and we strongly recommend that the PSA is amended accordingly.</p>		
<p>LCSPD60 KFC (GB) Limited iPlan Solutions Limited</p>	<p>Due to the lack of evidence base presented, it is difficult to critically review each PSA, however one PSA in respect of which have recent evidence is that within the Hay Mills Neighbourhood Centre, the boundary for which should realistically include the established retail facilities across Coventry Road at Heybarnes Retail Park and possibly also ASDA, with which there are good physical (a continuous and coherent network of pedestrian crossings around Heybarnes Circus and safe, direct footpaths within those sites right up to main doors) and functional linkages (the use of the retail park and superstore car parks for linked trips to the parade of shops). The draft PSA is rightly shown at the western end of the centre and the retail park and superstore are logical continuations of that focus of activity. It is quite possible that other PSAs are incorrect and it is reiterated that, were the appropriate DPD preparation process followed, then these could each be considered and examined in detail.</p>	<p>Comment is noted. The Heybarnes Retail Park is located on the opposite side of the A45 from the Hay Mills local centre. The A45 is part of the Primary Route Network and carries significant volumes of traffic between the City Centre and Birmingham Airport and the motorway network. Close to Heybarnes Circus the A45 is six lanes wide and often congested.</p> <p>The Retail Park is therefore separate from the local centre and it is not proposed to amend the boundary.</p>	<p>No change required.</p>
<p>LCSPD66 Legal and General Property Montagu</p>	<p>Definition of Coventry Road District Centre - Legal and General supports the definition of Coventry Road District Centre in terms of the town centre boundary and the extent of the Primary Shopping Area.</p>	<p>Support is noted.</p>	<p>No change required.</p>

Evans LLP			
LCSPD69 Mr M. D.	In Mere Green, retail shops should ideally be around a centre square with the library and community centre as one side of the square. Cars would then be in a pay car park a little distance away. Road space in front of nearby houses should be for residents use only (these principles should apply to Erdington village square and its surrounds). The recently demolished factory in Mere Green should be retained for workshop/factory/employment use.	Design and layout considerations are not within the scope of the SPD. TRW factory is out of centre and is proposed to remain so.	No change required.
Question 6 - Do you support policy 1?			
Response from:	Reasons	LPA Response	SPD Change
LCSPD01 Mr Z. G.	Why such arbitrary figures? Guidelines will invariably become rules, whether they are appropriate or not.	Comment is noted. The 50/55% has been chosen as a minimum figure to ensure that an appropriate mix of uses is maintained. It is based on extensive survey work which shows that most centres currently exceed the minimum.	No change required.
LCSPD05 CSV Environment	Having at least half of the premises catering to retail needs would draw locals in. Other businesses may not have the same effect. In this way, the centres really will be active local focal points, constantly drawing shoppers and therefore retaining and fostering a constant local presence as well as potentially benefitting local businesses.	Comment is noted.	No change required.
LCSPD07 Mr S. S.	I agree, but only to some extent. This figure is only just over half and I feel should be at least 7 in 10 shops (70%). It is a good idea to have an overall wide variety of different classes of use for units, but 55% for retail is not enough to encourage to wide variety of retail/shopping and independent stores, particularly in a large shopping centre like Sutton Coldfield with a high number of smaller-medium sized units.	Recent survey information provides the evidence on which the 55% figure is based. No alternative evidence is provided to support the suggested 70% figure. It is considered that 55% is appropriate and better reflects guidance in Planning Policy Statement 4 as it allows a wide variety of uses suitable for centres.	No change required.
LCSPD31 The Harborne Society	[A] Policy 1 ~ For a District Centre the proposed 55% retail threshold is considered to be too low. A report by the Planning Officer in 2001 stated that 50% was widely regarded throughout the country as the minimum level of retail provision before the vitality and viability of a shopping centre is affected. Of particular concern to Harborne is the fact that the existing retail units do not provide a strong mix of types of shops and the range of shops is actually quite limited. The Use Classes Order in our opinion wrongly identifies hairdressing/beauty salons, mani/pedicurists and opticians as Class A1 retail which we contend are not real shops in the sense generally recognised by the public. Of the 162 business premises just on High Street as a whole, and not taking account of side roads, there are 87 Class A1 retail units [53.7%] of which 19 i.e. 12 hairdressers/beauty, 3 mani/pedicurists and 4 opticians, account for 11.7%. People do not go window shopping at these premises and the footfall generated is very modest. I go to the opticians regularly ~ once every two	Comment is noted. However, no reasoned evidence has been provided to support alternative percentages. The council considers it appropriate to retain the minimum percentages in the draft SPD, which are underpinned by recent evidence and reflects guidance in Planning Policy Statement 4 as it allows a wide variety of uses suitable for centres.	No change required.

	years! There are 11 charity shops but just 1 menswear shop and 1 butcher's shop but no hardware shop nor a white goods or electrical shop. There are 36 Class A2 premises [22.2%] and 27 A3/4/5 premises [16.67%] plus 3 A1/A3 [1.9%].		
LCSPD36 Dr R. H.	Policy 1 proposes that the minimum percentages for A1 use should be 55% in PSAs and 50% in Neighbourhood Centres. While I am aware that this is based on an assessment of Appeal decisions and practice elsewhere, I feel that the percentages are timid in their defence of the core activity of shops; this suggests acceptance of a 'lowest common denominator' rather than a robust defence of this core interest. I suggest a modest but crucial increase to 60% and 55% respectively, representing the current reality in many of our most important centres and an aspiration for those which have fallen below this level.	Comment is noted. However, no reasoned evidence has been provided to substantiate these higher percentages. The council considers it appropriate to retain the minimum percentages in the draft SPD, which are underpinned by recent evidence and reflects guidance in Planning Policy Statement 4 as it allows a wide variety of uses suitable for centres.	No change required.
LCSPD41 Grove Residents Association	No, make it 60%, we need the more economically valuable retail units and these make for a better shopping environment.	Comment is noted. However, no reasoned evidence has been provided to substantiate 60% and the council considers it appropriate to retain the minimum percentages in the draft SPD, which are underpinned by recent evidence and reflects guidance in Planning Policy Statement 4 as it allows a wide variety of uses suitable for centres.	No change required.
LCSPD43 Pegasus Planning Group	There is no doubt the PSA should give significantly more weight to A1 uses. There is an importance to represent the hierarchy of PSA centres across the city to encourage holistic sustainable economic growth. Policy 1 allows this hierarchy of centres to be identified through the varied proportion of A1 uses in relation to the size and classification of each local centre.	Support is noted.	No change required.
LCSPD45 St Modwen Developments Ltd Planning Prospects Ltd	The limits should be set in terms of ground floor space (sq m) rather than numbers of units, otherwise very small units will have a disproportionate effect on the implementation of the policy. The final bullet of the policy should be amended to read, "Applications for change of use out of A1 will be refused if approval would have led to these thresholds being lowered and the function of the centre harmed, unless the circumstances set out in Policy 3 can be demonstrated." If this flexibility is not included and the limits are left as absolute, then even a very modest breach of the limit (e.g. to 54% for district centres) which would have no demonstrable harm would not be tolerated. The objective should be to avoid harm to the functioning of centres, not precisely to defend any given benchmark. The word "exceptional" is removed from this clause given that the circumstances are not "exceptional", but rather they simply represent the criteria against which proposals are assessed.	Comment is noted. It is considered that using the number of units is a robust (albeit simple) measure, and it would be very complex to apply policy in terms of floor space. Issue of large units is picked up in Policy 2. Policy 1 sets clear thresholds and therefore gives clarity and certainty for developers. Policy 3 already allows for exceptional circumstances however minor amendment proposed to allow for other exceptional circumstances beyond the two that are quoted.	Policy 3 to be amended to allow for other exceptional circumstances.
LCSPD47 Mr J. D.	Policies 1 to 6 appear to overlap each other and invite repetitive comments. The simple key planning objective for any shopping centre (or any shopping area in the city) must be to prevent the growth of a disproportionate percentage of any type of	Support for the principal function of centres, and the 55% and 10% thresholds are noted. The SPD aims to ensure that there is an	No change required.

	<p>non-retail outlet - not only of takeaways, pubs and catering outlets. This means that, as suggested in the SPD summary, similar limits should be applied to businesses like estate agents and building societies etc. and emphasises the importance of maintaining the traditional division between shopping and business centres. The principal function of any shopping centre must be the provision of viable retail units offering products and services that meet common needs. The threshold of 55% for retail units would seem to be the absolute minimum while 10% should be the absolute maximum for fast food outlets and pubs. However, any policy designed to achieve this balance in today's world must take account of a number of factors, principally: (a) In the climate of a financial downturn the market for fast food appears to assume a higher priority over the broader retail market. And this climate is likely to prevail for the foreseeable future. (b) Retail outlets generally, regardless of the merchandise they sell, are forced to operate (often unsuccessfully) in a fiercely competitive market that is dominated by major supermarkets. Most, if not all, of the city's local centres have at least one supermarket very nearby.</p>	<p>appropriate balance of uses in centres. The recent survey work and guidance in PPS4 and the UDP/emerging Core Strategy suggests that there is no need for limits on uses such as estate agents and building societies.</p> <p>Other comments are noted.</p>	
<p>LCSPD48 The Moseley Society</p>	<p>We suggest that the wording should make it clear that the percentages of Class A1 use are maximums and not norms. In other words, care should be taken to avoid the impression that Primary Shopping Areas should strive to achieve these percentages of Class A1 use.</p>	<p>The aim of the SPD is to support the primary retail function in centres whilst ensuring an appropriate balance of retail and non retail uses. Consequently, the percentages in Policy 1 are correctly expressed as "at least". To treat these as maxima could limit the amount of retail uses in centres, contrary to the objectives of the SPD.</p>	<p>Minor change recommended to re-emphasise that the 50/55% is a minimum level for A1 retail.</p>
<p>LCSPD57 Birmingham Public Health</p>	<p>This builds flexibility into the planning system so that retail does not dominate a local centre. The policy also supports Policy 3 which gives a preference and support to services and facilities that assist in tackling the wider determinants of health - it is important that these types of services and facilities are given preference as they need to be easily accessible to local communities.</p>	<p>Support is noted.</p>	<p>No change required.</p>
<p>LCSPD58 Sainsbury Supermarket Ltd</p>	<p>Whilst such an approach is adopted is appropriate, it is not clear to what extent the boundaries identified through the SPD accord with this guidance. Currently the Primary Shopping Areas and Centre Boundaries, as defined in the SPD, are not consistent with those set out in the Council's retail study and in some instances the boundaries appear arbitrary, not consistent with the locations or retail and commercial uses in existing centres. The evidence base for the boundaries is unclear. Centre boundaries in Birmingham have not previously been identified in policy. The only document where these appeared previously was in the Roger Tym & Partners Retail Needs Assessment (2009). The boundaries are not entirely consistent with this (Appendix 1) and no justification for this is provided. The SPD refers (Page 6) to an up-to-date survey as at April 2011 but this does not appear to form part of the SPD, nor is it included by way of evidence base. In this context, the survey of the existing centres (April 2011) should be included as an Appendix to the SPD. Further justification for the boundaries provided for each centre should be provided within the SPD.</p>	<p>Support is noted. The Roger Tym work is not policy. Detailed up to date surveys were undertaken for each centre to identify areas of retail and other town centre uses and this together with information on site availability, commitments, and existing policy informed decisions on centre boundaries.</p> <p>Up-to-date survey information will be published on the council's website. The wording of Policy 1, and the survey information, makes it clear that the percentages are expressed as a minimum, leaving scope for economic development and growth, as well as a wide variety of uses.</p>	<p>Publish survey information on the council's website.</p>

LCSPD60 KFC (GB) Limited iPlan Solutions Limited	The evidence base for these quite specific percentages, and indeed the levels in the hierarchy across which they differ, is not clear. Therefore, it not possible to be sure that the policy is sound.	The centre boundaries and PSAs in the SPD have been based on up-to-date (2011) survey information, and up-to-date survey information will be published on the council's website.	Publish survey information on the council's website.
LCSPD66 Legal and General Property Montagu Evans LLP	Legal and General recognises the need to protect the retail function of each Centre's Primary Shopping Area. Proposed Policy 1 states that 55% of all ground floor units in a District Centre should be retained in Class A1 retail use and applications for a change of use away from class A1 will be refused if it would lead to this thresholds being lowered. Legal and General consider that this approach is too inflexible and could lead to in-principle objections to a change of use away from Class A1 where no planning harm arises, for example where the proposed change of use is in a part of the centre where there are presently no non-A1 uses present. Legal and General believes that the more flexible approach set out in Policy 2 is more appropriate in that it allows the planning authority to take a more flexible view as to the merits of each specific change of use, without being unduly fettered by the threshold set out in Policy 1. If the planning authority does wish to adopt a threshold approach, we suggest that a more flexible approach would be to apply the threshold to 'frontages' within the centre, which each frontage defined as the row of buildings between two traffic intersections. This is a common approach adopted by various planning authorities. Such an approach would allow the planning authority to maintain the overall proportion of retail units within the centres, and would prevent concentrations of non-A1 uses, but would allow a more flexible approach to changes of use where no harm to the vitality and viability of the centre would arise.	Support for the principle of protecting the retail function of each Centre's Primary Shopping Area is noted. Policy 1 sets clear thresholds and therefore gives clarity and certainty for developers. Policies 2 and 3 allow for some flexibility, to take account of specific local circumstances whilst maintaining scope for investment, vitality and viability in centres. It is the intention that Policies 1, 2 and 3 are read in conjunction.	No change required.

Question 7 - Do you support policy 2?

Response from:	Reasons	LPA Response	SPD Change
LCSPD03 Mr K. H.	Although diversity is good in a centre, would it be advantageous or desirable to develop identities for areas, similar to the balti triangle? For example one area could be the 'go to area' for antiques, another for craft items etc etc.	Comment is noted, however, the identification and marketing of areas with retailing specialisms is not a material planning consideration. It is a promotional and marketing matter and is therefore outside the scope of the SPD.	No change required.
LCSPD07 Mr S. S.	I agree, but I feel particular emphasis should be made on encouraging the retention of larger retail units and encouraging expansion to neighbouring units to create larger stores (This would help compete against retail parks) and 'The impact of the proposal on the character and function of the centre including; opening hours, window displays, and footfall generated - The aesthetics of a window display or character of the frontage can have a huge impact on the look and feel of a centre and the overall aesthetic of the centre itself.	Comment is noted. Policy 2 already facilitates the retention of larger units within the Primary Shopping Area.	No change required.

<p>LCSPD31 The Harborne Society</p>	<p>[C] Policy 2 & 3 ~ Planning applications for redevelopment have been approved on the basis of including retail units but in reality the developer did not have a genuine interest in letting the shops. A good example is the 'Proverbial' pub site, formerly the 'Varsity', which had 3 shop units one of which was a pre-let to a shop being temporarily displaced. The remaining two units were never fully completed and the dividing wall between them was never built. The property was "continuously marketed" but enquiries of the agents at the time made it clear that the two units were only going to be let as one unit and inevitably they subsequently became part of the pub as always intended. In our view the 18 months "continuous marketing" provision is insufficient justification for approving a change of use. There must be clear evidence that the marketing was genuine. In times of recession why must agents require rentals at the level prevailing in the centre? Premises could be viable at a lower rental. Harborne is noted for having very high rental levels in the current primary shopping area which has resulted in several independent traders leaving at the end of their leases and the premises remaining empty for long periods. One particular criticism made by independent traders is that the charity shops, who receive 80% relief on their non-domestic rates, are too ready to agree to high rental levels which set the standard for the remaining shops at the next rent review. There is a suspicion that rental levels are agreed but that the charities are then given a rebate.</p>	<p>Comment on rental levels noted. Suggest that a requirement for 12 months marketing at a realistic market valuation would be more appropriate.</p>	<p>Modify part b) of Policy 3 to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.</p>
<p>LCSPD41 Grove Residents Association</p>	<p>Yes, but also consider whether a category 3, 4 or 5 unit adds variety to the area or simply adds another similar food outlet - encourage variety if possible.</p>	<p>A Class A3, A4 or A5 unit is an appropriate use within a centre, and contributes to the variety of uses. The aim of the SPD is to ensure an appropriate balance of retail and non retail uses. Policy 5 allows for the impact of an over concentration of A3, A4 and A5 uses to be taken into account.</p>	<p>No change required.</p>
<p>LCSPD43 Pegasus Planning Group</p>	<p>In accordance with the proposals of the draft NPPF, local centres and their PSA's should promote vitality and viability. A reduction of non-retail use may have an adverse effect in achieving such principles within the PSA. However if retail functions are deemed unsustainable due to changing economic conditions and consumer shopping trends, the continuation of viable and vibrant local centres must be met through the consideration of other uses. Policy 2 considers such options and takes each proposal of a change of use away from A1 as an individual case.</p>	<p>The council considers that Policies 1 and 2 provide sufficient flexibility, whilst maintaining scope for investment, vitality and viability in centres. In the vast majority of Birmingham's centres the level of A1 uses is significantly above the minimum threshold set in policy 1. The policy therefore gives scope for economic investment in a range of uses.</p>	<p>Minor change required to Policy 3 – see above</p>
<p>LCSPD60 KFC (GB) Limited iPlan Solutions Limited</p>	<p>Whilst the scope for flexible application of this policy is welcomed, it would be useful to provide some broad indicators or examples (perhaps in supporting text) of what the City Council might consider an 'over-concentration' or 'cluster' to be (e.g. two or three such units in a row, more than 10m of frontage, etc) in order to allow potential occupiers to make informed choices.</p>	<p>The council considers that guidance to assess whether there is an over concentration of hot food takeaway shops should not be included in the SPD.</p>	<p>No change required.</p>

Question 8 - Do you support policy 3?

Response from:	Reasons	LPA Response	SPD Change
LCSPD05 CSV Environment	A certain degree of flexibility is good, a premises occupied by a valuable organisation is better than an empty premises. Therefore I would suggest limiting the 18 months so that a shop frontage doesn't stand empty for more than a year.	On the basis of consultation responses, the council would be prepared to modify the SPD to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.	Modify part b) of the policy to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.
LCSPD07 Mr S. S.	However, just because a unit has been vacant for 18 months does not mean there's no prospect for re-use as retail and is no longer viable for retail purposes. Before considering an application to change the use from A1 Retail, I think the policy should also incorporate an alternative; encouraging a neighbouring unit to take up the unit themselves creating effectively larger units - this would reflect part of Policy 2 and could help Centres compete with Out of Town retail parks.	Comment is noted, however, the ability to undertake the consolidation of a number units to create a larger one, would not be adversely affected by this policy.	No change required.
LCSPD12 Mr N. B.	We need a wider variety of retail units - locally owned and run. We need local retailers to take responsibility more to develop a local community culture.	Comment is noted.	No change required.
LCSPD41 Grove Residents Association	Yes, we do not want empty shops, but could there be a percentage limit on community/social/religious units within the centre? Too many of these may discourage shoppers. As might too many charity outlets in a small area.	Such uses are appropriate in centres, contributing to the variety of activity. The combination of a minimum percentage of A1 retail and maximum percentage of takeaways leaves flexibility to ensure a good balance of other uses.	No change required.
LCSPD43 Pegasus Planning Group	The requirements set out are too onerous. We strongly disagree with the requirement to provide evidence of marketing for an 18 month period. We are concerned that requiring the demonstration of vacancy over such a significant period would conflict with the Council's aspirations of attracting investment, reducing vacancy and creating vibrant centres.	On the basis of consultation responses, the council would be prepared to modify the SPD to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.	Modify part b) of the policy to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.
LCSPD45 St Modwen Developments Ltd Planning Prospects Ltd	The word "exceptional" should be removed from the opening sentence given that the circumstances are not "exceptional", but rather they simply represent the criteria against which proposals are assessed. For clarity, the words, "in the Primary Shopping Area" should be added after "property" in the opening sentence. Part a) of the policy should be deleted. The theoretical viability of a retail enterprise from a particular unit may be almost impossible to disprove. There may be absolutely no market demand over a very extended period, but as currently worded the nominal viability of retailing would prevent the re-use of a unit. If part a) is not deleted, then at the very least the word "and" at the end of this clause should be replaced by "or", otherwise the criteria will be almost impossible to meet. The 18 month marketing period specified in part b) of the policy is excessive. This should be reduced to 12 months.	Policy 1 sets clear thresholds and therefore gives clarity and certainty for developers. It is the intention that Policies 1, 2 and 3 are read in conjunction. Do not agree to deletion of "exceptional" from policy 3 as this would weaken policy 1. The suggestion of adding "in the Primary Shopping Area" to policy is agreed as this would further clarify the policy. Part a) of the policy would be weakened by	Modify part b) of the policy to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation. Add "in the Primary Shopping Area" to policy.

		substitution of “and” with “or”. On the basis of consultation responses, the council would be prepared to modify part b) of the policy to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.	
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	Whilst the inherent flexibility offered by this policy is welcomed and seen as an important measure to avoid long-term vacancy and the damage to confidence that entail, we would suggest that a marketing period of 12 months is a more realistic, useful and commonly-applied period.	On the basis of consultation responses, the council would be prepared to modify the SPD to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.	Modify part b) of the policy to require evidence of a minimum 12 month continuous marketing period at a realistic market valuation.

Question 9 - Do you support policy 4?

Response from:	Reasons	LPA Response	SPD Change
LCSPD07 Mr S. S.	This is by far the most essential policy to the Planning Documents. I firmly believe that an over concentration and clustering of hot food takeaways not only detracts the economic viability of an area, in terms of the retail offering, but also largely downgrades the aesthetic appeal, look, feel and image of an area, including the surrounding dwelling houses. I do feel that even 10% is too high and would suggest less. It is a largely saturated market and a clustering of takeaways would not encourage a diverse retail offering. Taking Sutton Coldfield as an example; there are two Subway chains within walking distance of each other. This is totally unnecessary. I also agree with the health implications mentioned in the SPD.	Comment is noted. No reasoned justification is provided for an alternative percentage, or evidence to suggest what it should be. The 10% threshold is based on research and survey work of conditions in Birmingham.	No change required.
LCSPD10 C. J. H.	In principle %age Hot Food Takeaway should limited - I am not sure if 10% is correct - it sounds to low	Comment is noted. No reasoned justification is provided for an alternative percentage. The 10% threshold is based on research and survey work of conditions in Birmingham.	No change required.
LCSPD12 Mr N. B.	10% fast food outlets is probably too high. They add to unhealthy living. They substantially cause increased litter/untidiness/and a waste of packaging resources. Often fast food outlets take no or little responsibility for their local environment.	Comment is noted. No reasoned justification is provided for an alternative percentage. The 10% threshold is based on research and survey work of conditions in Birmingham	No change required.
LCSPD13 Brophy Riaz & Partners	People want more than 10% hot food take-away. You can't buck the supply / demand equation.	Comment is noted. The 10% threshold is based on research and survey work of conditions in Birmingham	No change required.

LCSPD16 Wilkes Green Residents Association	This policy needs to be broader so that there are a variety of shops.	A key purpose of the 10% maximum is to ensure that there is plenty of scope for a variety of other shops and uses appropriate in centres. It is unclear what is meant by 'broader'.	No change required.
LCSPD29 Joseph Chamberlain Sixth Form College	An overconcentration of "food units" leads to an extreme level of competition, a lowering of prices to a point at which quality of food becomes a serious concern. Litter would become a serious issue if no such policy is in place anti-social behaviour is also more likely.	Support is noted.	No change required.
LCSPD38 Wythall Parish Council	Wythall Parish Council strongly supports policies 4, 5 and 6 to restrict the number of hot food and similar outlets.	Support is noted.	No change required.
LCSPD41 Grove Residents Association	Yes, but it's a bit late for our centres and could the 10% be expanded to the whole centre not just the primary area?	Comment is noted. The 10% maximum applies to the whole centre.	Minor change to re-emphasise that policy applies to whole centre.
LCSPD43 Pegasus Planning Group	<p>In accordance with the general principles of the draft NPPF, Local Authorities through their Local Plans should:</p> <ul style="list-style-type: none"> • Promote the vitality and viability of town centres • Set out a clear economic vision and strategy for their area which positively and pro-actively encourages sustainable economic growth • Support existing business sectors, taking account of whether they are expanding or contracting Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period • Define a network and hierarchy (role and relationship of centres) of centres over the plan period Planning should pro-actively drive and support the development that this country needs. <p>Every effort should be made to identify and meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Decision takers at every level should assume that the default answer to development proposals is 'yes', except where this would compromise they key sustainable development principles set out in this framework. The introduction of restrictive policy measures regarding hot food/takeaways presents a scenario which counteracts the principles of encouraging development within local centres. Such a situation actually constrains a sector which contributes significantly towards local economic growth by bringing vitality and viability (creating local jobs) to local centres. A continuation of such enforcement could lead to the stagnation of local centres, whereby under current economic conditions the scepticism on growth in retail presents a limited sustainable development solution for local centres. Assuming an overarching 10% level of A5 uses in all local centres throughout the city contradicts the statutory requirement to take into account specific local needs</p>	<p>Comments are noted.</p> <p>The council agrees with the need to promote vitality and viability in centres. It is for this reason that the SPD is being produced, with the aim of protecting the primary shopping function of centres and ensuring an appropriate balance of non retail uses.</p> <p>The 10% for A5 uses is based on up-to-date survey information of all local centres and allows scope for further A5 uses in around half of the town district and neighbourhood centres in Birmingham. The threshold is considered appropriate to Birmingham's circumstances, whilst maintaining a mix of uses to ensure that centres remain sustainable. Other local authorities adopting a similar approach have lower thresholds such as 5%, and it is not considered that the 10% threshold is unreasonable. Considerable support has been expressed for it through the consultation process.</p> <p>With regard to the 14.34% quoted this figure includes A3 uses as well as A5 uses. Therefore it is not appropriate to use this figure to</p>	No change required.

	and provisions. The Retail Needs Assessment (2009), as part of the evidence base for the city's Core Strategy, highlights the total % of restaurants, cafes, coffee bars, fast food and takeaways within 19 centres across the city (Goad Diversity of Uses G3A). The survey (conducted in 2008) found a UK average of 14.34%, of which 13 of the 19 centres studied were below. Applying Policy 4, with a figure of 10%, is clearly below this UK average and in turn 4 centres remained below this threshold. This shows a severely restrictive action, whereby the reduction of a 4.34% allowance within a 3 year period is partly unjustified prohibiting much needed development in 9 local centres. Of course, it is to be considered since 2008 these figures may well have risen; however the argument presented by the LPA remains somewhat flawed, it is somewhat contradictory of the LPA to not fully cohere to the evidence base it sets out for the Core Strategy.	compare with provision of A5 uses in Birmingham's local centres (which is approx 8%) and justify why the council's proposed 10% limit on A5 uses is too low.	
LCSPD45 St Modwen Developments Ltd Planning Prospects Ltd	The limit of 10% of units within the centre or frontage consisting of hot food takeaways is overly restrictive. This would mean, for example, a maximum of one such use in a frontage of 10 units. It is reasonable to seek to control the proliferation or clustering of such units, but the limit as suggested is overly restrictive and goes way beyond this objective. A limit of 30% is more appropriate.	Comment is noted. However, on the basis of the survey evidence a 10% limit is not considered overly restrictive. See also comments above.	No change required.
LCSPD48 The Moseley Society	We suggest a slight re-wording of the first sentence to read 'In order to protect retail use and to avoid an over concentration of hot food takeaways...' (change in bold), as this clarifies the coherence of this policy within the overall thrust of the SPD. We also propose that it should be made clear that the proposed maximum of 10% of units consisting of hot food takeaways is 10% of the overall 45-50% not reserved for retail use, as laid out in Policy 1, and not 10% of the total units.	Comment is noted. Protecting the retail viability of centres is clear in the justification for the policy. The 10% maximum applies to the total number of units.	No change required.
LCSPD55 Mrs. A. C.	Most centres in the Yardley Constituency already have too many A5 outlets.	Comment is noted.	No change required.
LCSPD57 Birmingham Public Health	Not sure. Can we have clarification that we aren't designing-in the opportunity for growth in the HFT sector? For example, Birmingham Public Health would like to adopt a target of halting the rise in HFT numbers; in theory, if HFTs are running at 6% in local centres as we stand and there is scope for this to increase to 10% this would result in increasing numbers. As of April 2011, Birmingham had 982 HFTs. In comparison, Chicago with a population 1.5 times larger than Birmingham has approximately 5 times less HFTs, this included Class A5 & A3. We truly are at saturation point with HFTs in Birmingham, there is community and member support to halt the rise. We do endorse a cap on HFTs, what we don't want to do is encourage the growth of them.	Comment is noted. The aim of the SPD is to encourage investment in centres, ensuring that they are the main focus for retail development so that the range and quality of shops meets the requirements of the local community. This is in line with government policy in PPS4 and development plan policy in the Birmingham Unitary Development Plan and emerging Core Strategy. Government Guidance and development plan policy do not allow the council to ban further hot food take away shops. These policies do however, allow the council to balance the provision of retail and non-retail uses, and the 10% limit seeks to provide an appropriate balance.	No change required.

		In centres where there is less than 10%, it is correct to assume that there is some limited capacity, however where the 10% maximum has been reached, or has already been exceeded, there is no scope for additional provision.	
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	The evidence base for this specific percentage or for the isolation of A5 uses is not clear and it is not possible therefore to be sure that the policy is sound. The effect of hot food takeaways on health is identified in the supporting text as a reason for the policy, but without reference to any evidence of a (most importantly, spatial) link between the two. Whilst we agree with measures to increase the availability of healthy diet and exercise choices, we cannot agree with measures that have the objective of restricting choice or will simply be unlawful and ineffective. Further practical difficulties inherent in seeking to control ever smaller sub-divisions of uses include problems of (a) definition as to principal and ancillary use (the indicators referred to elsewhere in the SPD are noted, but leave open the question of how mixed uses where a use in no one Class dominates, but constituent elements are in different Classes would be treated) and (b) problems of 'grain size' (i.e. the range of integers to which a ratio can usefully be applied) meaning that the draft policy would preclude A5 uses in frontages of less than ten units (probably most frontages), thereby creating internal inconsistency with the notion in Policy 5 that applications for A3, A4 and A5 uses will be encouraged. Possible remedies would be to (i) apply the ratio only to centres of more than ten units and not to individual frontages (the anti-clustering function of which is anyway duplicated by Policy 5) as in footnote 4 to Policy 6, (ii) use a workable ratio (e.g. 20%); or (iii) apply a higher ratio (e.g. 35%) either to all non-A1 uses or to A345 Food and Drink uses, based on evidence for each hierarchy level. However, the first two remedies require evidence of a spatial link between hot food takeaways and health outcomes, which is not in the evidence base.	The surveys of all centres were carried out and this information informed the decision on the appropriate limit for A5 uses. Information will be published on the council's website. . The SPD does not have the objective of restricting choice. Indeed, this could be seen as unlawful. The objective is to support the primary retail function in centres whilst ensuring an appropriate balance of retail and non retail uses. Health issues are a material consideration and this has been accepted on appeal. However the SPD makes it clear that the key justification for limiting A5 uses is their impact on the viability of centres the need to support the primary retail function of centres and the impact of A5 uses on residential amenity. Further comments are noted.	No change required.
LCSPD69 Mr M. D.	I think hot food takeaways encourage short distance car journeys and the creation of litter. I think that 10% is rather high and would propose 7.5%.	Comment is noted. No reasoned justification is provided for an alternative percentage.	No change required.
Question 10 - Do you support policy 5?			
Response from:	Reasons	LPA Response	SPD Change
LCSPD07 Mr S. S.	If this took into account the suggestion made to Policy 4 (less than 10% for A5) then yes, encouraging A3, A4 and A5 applications is needed to ensure diversity of offering within these uses, whilst preventing a clustering of these. However, I feel it extremely important that applications that would lead to several of the same chain of restaurant/type of food etc) within the centre boundaries and in particular the Primary Shopping Area, are avoided.	Comment is noted. Planning policy does not allow the council to control the restaurant chain or type of food sold.	No change required.

LCSPD48 The Moseley Society	We find the first paragraph as written somewhat confusing and possibly contradictory to Policy 1. First, is it the intention of Policy 5 to address uses in the areas of Town/District and Neighbourhood Centres that lie beyond the designated Primary Shopping Areas to which Policy 1 refers? If so, we recommend that the wording be clarified. Second, we query the use of the word 'encouraged' here: if this Policy is intended also to include Primary Shopping Areas, then 'encouragement' runs counter to the protections put in place by Policy 1. If the Policy is intending to refer to areas outlying the Primary Shopping Areas, then we think 'encourage' is too strong a statement, especially in light of the safeguards proposed in Paragraphs 2 and 3 of Policy 5. Perhaps 'will be considered' rather than 'are encouraged' would convey a more appropriate message.	Comments are noted. Policy 5 will operate alongside policy 1; also it is clear in the SPD that the policy applies within the centre boundary as a whole, not just the Primary Shopping Area.	No change required
LCSPD57 Birmingham Public Health	Not sure. Class A3, A4 and A5 encourages consumption of alcohol, takeaway fast food and restaurant takeaway. When planning proposals are being considered, it would be good to consider the responses of Public Health and the Police, as well as residents before consent is granted. This will allow for a more comprehensive view of any adverse impact that an application could have on residential amenity, including community safety, anti-social behaviour and health. Also, where there is encouragement for A3, A4 and A5 within boundaries, with favourable exceptions being built in to protect recognised tourism such as the Balti Triangle, we would welcome the opportunity to see Policies 1, 2 and 3 supporting favourable exceptions for units that promote access to affordable, nutritious food choices and promote services that tackle the wider determinants of health - even where they might be clustered.	<p>Planning applications are subject to statutory consultations, and residential amenity, safety, anti-social behaviour and health are all material considerations which the local planning authority must take into account.</p> <p>There is no statutory basis for 'favourable exceptions', based on food choices offered. It is, however, appropriate for the city's planning policies to protect the primary shopping function of centres and ensure an appropriate balance of retail and non retail uses, in accordance with national policy.</p>	No change required.
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	Again, the effect of hot food takeaways on health is identified in the supporting text as a reason for the policy, but without reference to any evidence of a (most importantly, spatial) link. As currently drafted, Policy 5 also duplicates the anti-clustering effect of Policy 4. However, the more qualitative approach of Policy 5 is preferred to the rigid and numerically problematic approach in Policy 4, subject to some broad indicators or examples of what the City Council might consider an 'over-concentration' or 'cluster' to be (e.g. two or three such units in a row, more than 10m of frontage, etc) being provided in order to allow potential occupiers to make informed choices. The factors listed should include the possibility that impacts to residential and general amenity could be avoided or mitigated with conditions on extraction and ventilation, litter management, CCTV and other measures aimed at avoiding anti-social behaviour.	It is considered that Policies 4 and 5 are appropriate. Policy 4 seeks to prevent over concentration of A5 uses. The approach of setting a clear limit provides clear guidance to developers and has been successfully used by a number of councils. Policy 5 addresses the clustering together of A3, A4 and A5 uses and requires a more qualitative approach to address the specific circumstances of each centre. The 10% limit on A5 uses applies to individual frontages as well as the whole centre and this will prevent clustering of more than 2 units in the vast majority of cases. Further guidance on clustering is not considered necessary. Policy in Chapter 8 (para 8.6- 8.7) in the UDP will also apply and this deals with issues such as residential amenity etc.	No change required.

Question 11 - Do you support policy 6?

Response from:	Reasons	LPA Response	SPD Change
LCSPD06 Mr H. S.	5% would my ideal with a distance of 300 yards between fast food purveyors.	Comment is noted.	No change required.
LCSPD07 Mr S. S.	Particularly in smaller local centres, and over clustering of A5 could potentially detriment other local independent business.	Comment is noted.	No change required.
LCSPD10 C. J. H.	Agree in Principle - but need to be flexible - different local conditions	Comment is noted, however, it would be unrealistically onerous to set out local conditions for each centre and keep them up-to-date. It is more appropriate to have a consistent basis for decision making across the city.	No change required.
LCSPD41 Grove Residents Association	Yes, but extend to whole Centre	Policy 6 applies to local parades and locations outside Centres. There is no Primary Shopping Area in these locations, and therefore it automatically applies to the whole of a local parade.	No change required.
LCSPD43 Pegasus Planning Group	Similar to the arguments presented against Policy 4, a 10% limit on A5 uses along a parade or frontage is not pro-actively encouraging economic growth. There is a requirement, rather to implement an overarching figure, instead to take into account the merits of each specific proposal. For example questions are raised over long-term vacant units whereby the city council encourages A1 use, however the economic market makes such use unviable and thus that unit remains vacant. It is comprehensive understanding that some use is better than no use when considering local economic development and thus if A5 can bring back vitality to a unit, this should be seen positively. The LPA's view on an over-concentration of A5 uses is understandable, however a 10% blanket on A5 uses in all local centres to combat this, is a less favourable and sustainable strategy when there is a clear need to reduce vacancy rates of units in local centres as well as the current proportion of A5 uses in local centres across Birmingham remaining below the UK average.	Comments are noted. The council agrees with the need to promote vitality and viability in centres. It is for this reason that the SPD is being produced, with the aim of protecting the primary shopping function of centres and ensuring an appropriate balance of non retail uses. It is important to strike a balance between enabling the re-use of vacant units and protecting the primary shopping function of centres. In small centres and local parades that are declining and have high levels of vacant units the council encourages a range of other uses where appropriate e.g. community uses, residential uses, health related uses.	No change required.
LCSPD45 St Modwen Developments Ltd Planning Prospects Ltd	The limit of 10% of units within the parade or frontage consisting of hot food takeaways is overly restrictive. This would mean, for example, a maximum of one such use in a frontage of 10 units. It is reasonable to seek to control the proliferation or clustering of such units, but the limit as suggested is overly restrictive and goes way beyond this objective. A limit of 30% within parades or frontages of at least 10 units is more appropriate.	Comment is noted. However a limit of 30% for A5 uses in local parades would be likely to detract from the viability of the centre and residential amenity.	No change required.

LCSPD57 Birmingham Public Health	Not sure. Again, although we welcome a cap on HFTs, are we technically building in capacity for growth? As we have already stated, Birmingham has 982 HFTs, these are strictly Class A5, and do not include A3 takeaway restaurants such as Subway, KFC, McDonalds and Burger King. We are at saturation point. We would prefer to halt the rise in HFTs, similar to the target that Birmingham City Council has adopted to halt the rise in obesity. We would also prefer to see the following built into the policy; No more than 2 Class A5 units being located next to each other & There must be no less than two -non A5 units between a group of HFTs . If applicable, this would take precedent over the proposed 10% rule.	Any attempt to use the planning system to prevent an increase in hot food takeaways would be unlawful, and contrary to national policy which encourages economic growth and sustainable development. The SPD aims to ensure that there is an appropriate balance of uses in centres. Detailed criteria as suggested were considered prior to public consultation, but it is considered that this could prove too restrictive and act contrary to protecting the primary shopping function of centres and ensuring an appropriate balance of non retail uses. In addition the 10% limit applies to individual frontages as well as the whole centre and this will help to prevent more than 2 units being located next to each other.	No change required.
LCSPD69 Mr M. D.	Should be 7.5%	Comment is noted, however, no reasoning has been provided to justify the alternative figure.	No change required.
Question 12 - Do you have any comments regarding equalities etc?			
Response from:	Comments	LPA Response	SPD Change
LCSPD05 CSV Environment	As long as equal opportunities are upheld for all in the application for premises.	Comment is noted. The local planning authority has a statutory duty to act in accordance with the Equalities Act.	No change required.
LCSPD07 Mr S. S.	None. I feel the SPD encourages equal and diverse opportunity.	Support is noted.	No change required.
LCSPD10 C. J. H.	Policies should be applied equally, fairly + consistently and should not focus on minority groups	Comment is noted. The local planning authority has a statutory duty to act in accordance with the Equalities Act.	No change required.
LCSPD29 Joseph Chamberlain Sixth Form College	Food outlets are often provided in Birmingham by people from a BME background. They may be disproportionately affected.	Comment is noted. The local planning authority has a statutory duty to act in accordance with the Equalities Act. The SPD aims to provide clear guidance and help applicants identify suitable locations for hot food outlets.	No change required.
LCSPD47 Mr J. D.	As long as a policy of equal opportunity is applied where relevant, e.g. providing access for the disabled.	Comment is noted. The local planning authority has a statutory duty to act in accordance with the Equalities Act.	No change required.
LCSPD51	Without adequate parking, people with mobility disabilities are disadvantaged.	Comment is noted. The SPD sets out the	No change required.

Mr R. P.		council's approach to retail and non retail uses in centres. The Parking Guidelines SPD (currently under preparation) addresses parking and accessibility. The Disability Discrimination Act requires councils to consider needs to car parking for people with mobility disabilities.	
LCSPD55 Mrs. A. C.	The SPD should be good for all citizens and should have no bad effect on equal opportunities.	Support is noted.	No change required.
LCSPD62 Mr D. T.	The SPD would look to be a good and reasonable policy for the benefit of the community, and should not be seen to have a bearing on equal opportunities.	Support is noted.	No change required.
LCSPD69 Mr M. D.	People with mobility problems should have bus/car access to the centres. All others travelling by car to the centres should pay for car parking, thus encouraging walking and cycling to benefit their health.	Comment is noted. The SPD sets out the council's approach to retail and non retail uses in centres. The Parking Guidelines SPD (currently under preparation) addresses parking and accessibility. The Disability Discrimination Act requires councils to consider needs to car parking for people with mobility disabilities.	No change required.

Question 13 - Do you have any other comments on the Draft SPD, or the Draft Sustainability Appraisal?

Response from:	Question 13a - Please provide any other comments:	Question 13 LPA Response	Question 13 SPD Change
LCSPD04 Mr K. H.	Is there any chance of some sort of minimum standard of frontage construction that should fit in with the locality & a requirement to its upkeep? Again Sturchley has had old elegant frontages ripped out & replaced with generic metal framed picture windows etc which add nothing to the character of the building & area.	Comment is noted. The Shop Fronts Design Guide SPG addresses the issue of shop front design.	No change required.
LCSPD12 Mr N. B.	Current amenities and policies and your 1-6 policies are helpful but insufficient. Local shopping centres need even more to have fewer non fast food outlets. Also fast food outlets + off licences + supermarkets should pay taxes to contribute to local street cleaning / in high streets + nearby residential streets.	Comment is noted, however, no reasoning has been provided to justify or define a lower quantity of fast food outlets.	No change required.
LCSPD13 Brophy Riaz & Partners	This is a national issue. What are other authorities doing? Please research this and produce an alternative for consideration.	Many other local authorities have produced SPDs to identify centre boundaries, or to address non-retail uses in centres. The council has investigated many examples of such documents, including: London Borough of Barking and Dagenham - Saturation Point: Addressing the health impacts of hot food takeaways SPD. Adopted March 2010, North West Leicestershire District Council – Retail SPD. Adopted January 2011,	No change required.

		<p>Sandwell Council – Hot Food Takeaways SPD In consultation, London Borough of Waltham Forest – Hot Food Takeaway SPD. Adopted March 2009.</p> <p>In addition policies in UDP's and Core Strategies have also been considered. The Shopping & Local Centres SPD is therefore based on established good practice.</p>	
LCSPD15 Mere Green Neighbourhood Forum	I think there is a misprint on p4 of the document. The last SPD objective should read "... ensuring an appropriate balance of retail and non-retail uses. Written incorrectly as "non-retail"	Agreed.	Change text to read "balance of retail and non-retail uses".
LCSPD17 Network Rail	<p>Network Rail is the statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.</p> <p>Developer Contributions The Birmingham Draft Shopping and Local Centre SPD should set a strategic context requiring developer contributions towards rail infrastructure whereby new development will create a significant change in the usage of a part of the transport network and thus generate requirement for new or improved infrastructure and/or station facilities. Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.</p> <p>Level Crossings Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision. As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services. In this regard, we would request that the potential impacts from development effecting Network Rail's level crossings is specifically addressed through planning</p>	<p>Comments are noted.</p> <p>Developer contributions are beyond the scope of this SPD. This is more appropriately addressed by the forthcoming CIL.</p> <p>The city council is not aware of any level crossings within the city, and consequently such a policy is not necessary in Birmingham.</p>	No change required.

	<p>policy. We request that a policy is provided confirming that:</p> <ol style="list-style-type: none"> 1. The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway; 2. Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact; and 3. The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed. 		
LCSPD23 Mr & Mrs D.	Must ensure that town planners adhere to SPD	The Town & Country Planning Act (s.70) requires that decisions on planning applications "shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."	No change required.
LCSPD31 The Harborne Society	[B] The document consistently refers to "units" but that term does not reflect the actual length of the street frontage that they occupy. For example the 'Proverbial' pub/restaurant is one unit even though its frontage is four times that of the adjoining 'Gwinnet & Burkill' clocks and watches shop. 'Ruddells' jewellers started as one unit, but over the years has acquired two adjoining retail premises so that two retail units have effectively been lost along with a reduction in the range and choice of shops.	<p>Comment is noted.</p> <p>A number of alternative methods of calculating the % of retail class A1 and A5 in a centre were considered however the number and percentage of retail units is considered to be the most appropriate and quantifiable measure.</p>	No change required.
LCSPD35 Barclays Bank Shire Consulting	<p>We act as planning consultants for Barclays Bank plc ("the Bank") in respect of the Local Development Framework (LDF) for Birmingham. As a long-established business, the Bank has made a substantial contribution to the vitality and viability of the City's various town centres over the years that it has traded and as a significant stakeholder within the area it is therefore concerned that development plan policies should not fetter the important contribution that it makes to the vitality and viability of town centres. Through high attraction of footfall, financial services retailers generally (and the Bank in particular) play a key role in promoting town centre health and as a result, the provision of financial services should be allowed to improve and evolve alongside the significant improvements to shopping provision envisaged over the proposed plan period.</p> <p>PPS12 says that development control policy should be open to full scrutiny of a public examination and SPD should not be prepared merely as a means of circumventing proper assessment. In its representations upon the Core Strategy the Bank made its views known regarding the use of SPD. Draft policy 1 of the SPD proposes the adoption of a series of completely arbitrary percentages for what it terms "retail uses" in the City's various towns and districts. These rigid percentage</p>	<p>Comments are noted.</p> <p>The council recognises the important role that services (including A2 Banks) play in supporting the vitality and viability in shopping centres. The policies in the SPD, while seeking to protect the primary retail function of centres do not seek to discourage A2 uses.</p> <p>Indeed there are a number of centres where the council would positively encourage a bank (such as Stechford, and Dudley Road) and where the closure of banks in the past has been seen as having a negative impact the overall health of the local centre.</p> <p>Policy 1 in the SPD leaves considerable scope for new banks to locate in Birmingham's</p>	Publish survey information on the council's website.

<p>limits (Policy 3.1c of PPS4 says any policies should be "flexible") are then applied across the entire designated Primary Shopping Area of each centre. There is no explanation as to how these thresholds have been derived and no assessment as to what the current levels might be (in some centres the level could already be exceeded). Thus, the calculation of threshold for the entire centre is going to be an unduly onerous task for any applicant promoting a change of use. This runs entirely counter to the Government's agenda of enhancing economic growth and keeping the costs of planning applications under control.</p> <p>Town centres perform best when there is a mix of uses throughout the centre. Furthermore, the term "retail" is not interchangeable with Class A1 (as the SPD seems to believe), as this class contains many uses which may not sell goods at all (examples include undertakers, dry cleaners, or ticket/travel agents). It is far too simplistic to assume that the Class A1 category is the only one suited throughout primary areas, as it includes many occupiers that make little or no contribution to footfall, have no window display, and do not invest in their premises.</p> <p>The implication that only A1 uses are appropriate derives from very outmoded and discredited thinking that other uses such as banks detract from the vitality and viability of town centres. By definition, any use that falls within Part A of the Use Classes Order is appropriate in a town centre as it is a "shopping area use" and is acceptable without any need for restriction or qualification. This is particularly the case for the financial services sector. Keeping significant generators of footfall out of primary frontages will actively work against the achievement of the Council's strategic objectives which seek to regenerate and revitalise the town centre areas and is inconsistent with national policy.</p> <p>Whilst these type of policies have been common for many years the DoE report noted their poor effectiveness and counselled against their use nearly 20 years ago. As well as promoting vacancy there is always a difficulty with interpretation. Although there is some attempt in Appendix 1 to the SPD to explain the working of the policy, it still remains unclear in practice how the policy is to operate. Over time units in a centre are redeveloped, or are amalgamated/sub-divided and these events will effect the calculation of the percentage. Furthermore, in relation to ascertaining definitions, the policy makes no attempt to address the problem of assessing when a sandwich bar/coffee shop becomes an Class A3 use.</p> <p>Despite PPS4's requirement in Policy EC3.1c, that the definition of primary and secondary frontages should be 'realistic', it is not clear how the scope of the policy areas have been defined. Town centres are not homogenous and policies should be tailored to individual circumstances. From examining the Roger Tym retail report (which forms part of the LDF evidence base), it does not seem that the consultants were asked to review frontage definition at all. The Council's retail consultants did however note that many of the authority's centres are in decline, or are under-</p>	<p>centres. For example, in the 19 district centres only the Swan Centre (currently undergoing redevelopment) is below the 55% threshold in the Primary Shopping Area and only one other centre (Fox and Goose) is between 55-60%. All other district centres offer considerable scope for banks in their Primary Shopping Areas.</p> <p>It is agreed that survey information should be published on the council's website.</p> <p>The A1 thresholds set are based upon survey evidence of centres in Birmingham of current levels of A1 use and are set an appropriate level to ensure that the primary retail function of centres is maintained, while allowing for other uses that contribute to the diversity of centres.</p> <p>Existing primary frontage policies which largely exclude all non retail uses will be replaced by the SPD allowing for more diversity within PSA's for other uses. Policy 3 allows flexibility and takes in to account circumstances where an A1 unit may be permitted to change use after a period of vacancy, to avoid any resultant effect of vacant A1 units.</p> <p>In line with PPS12, the purpose of this SPD is to provide detailed interpretation of adopted development plan policy (UDP), and the emerging Core Strategy (Policies SP17, SP20 and SP21). There is a pressing need to provide this detail, and it is considered that this SPD is an appropriate approach.</p> <p>The SPD is supplementary to policies in the UDP and emerging Core Strategy and will be used in conjunction. The SPD will replace relevant SPG's.</p>	
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	<p>performing, in relation to their expected role (Sutton Coldfield for instance). Of the 17 district centres examined 11 were considered to be 'weak' or in "need of varying degrees of intervention" (Roger Tym & Partners 2009 paragraphs 22 & 23 of the Executive Summary). The LDF process provides an opportunity to revise the Council's whole outdated approach to shopping area vitality and viability, address the issue of under-performance by moving away from policies first adopted over 25 years ago. The Bank advises that such outdated policy must be replaced with a much more positive and flexible framework designed to encourage investment into town centres.</p> <p>The Council's emerging Core Strategy document recognises the urgent need for substantial investment in the authority's various town centres because so many of them are under-performing. If the Council seriously wants to address such inherent and entrenched problems, then the adoption of unnecessarily restrictive, discredited and out of date policies is not going to be of any assistance. The Core Strategy's objectives (and for that matter those of Government) will require major commitment and substantial investment by the private sector.</p> <p>Furthermore, policy that has the potential to have such a major impact upon the achievement of the Council's strategic objectives should be open to full scrutiny as part of the public consultation process and should not be relegated to the status of SPD. Policy must be addressed in a DPD that will be fully tested at examination to determine whether it is 'sound'. If it is not, the Council will face serious challenges at appeal.</p> <p>The Bank's evidence (see Appendices 1 & 2) of how it increases vitality and viability in primary frontages shows that there is considerable benefit in seeking to attract users such as banks who provide a high level of investment in, and maintenance of, their premises resulting in active and attractive street frontages. By fostering significant pedestrian activity this will help to attract investment by others and provide the commercial confidence necessary for any programme of regeneration and investment.</p>		
<p>LCSPD36 Dr R. H.</p>	<p>There should be an additional policy to encourage a suitable mix of uses for the remaining proportion of the centres. Specifically there should be an allowance to encourage the locating of community facilities, such as medical centres, public authority offices, libraries, religious centres, gymnasia and the like, within our centres - notably the Neighbourhood Centres. There is a problem of these types of uses finding 'easier' sites outside centres thereby reducing the propensity to co-locate in accordance with the principles of sustainability. There should be a further policy to encourage the effective use of the upper floors and rears of buildings, especially for residential use (Living over the Shop).</p>	<p>National policy encourages a mix of uses in centres. Also the SPD provides detailed interpretation of adopted development plan policy (UDP), and the emerging Core Strategy (Policies SP17, SP20 and SP21). These support and encourage a wide range of uses including community, health uses and offices in centres. Therefore there is no need to repeat this with an additional policy</p>	<p>No change required.</p>
<p>LCSPD41 Grove</p>	<p>The centre boundaries seem to be drawn around where known retail units can be found in existence now. Will it be reviewed as retailers dodge the rules and open up</p>	<p>The centre boundaries are based on recent survey information.</p>	<p>No change required.</p>

Residents Association	units just outside the centre boundaries to avoid the restrictions i.e. have you considered that this may actually drive fast food outlets into residential streets and underdeveloped roads adjacent to the centre boundaries and adversely affect the centres? What will protect such areas from additional development?	Planning policies in UDP, emerging core strategy etc already direct A3 and A5 uses into existing centres. Proposals for food outlets outside centres will be considered on their merits. Other planning requirements such as the amenity of residents will be taken into account when assessing such proposals, and they are only permitted where they can demonstrate there will be no adverse impact.	
LCSPD42 Dr D. H.	While I totally agree that local centres must be helped to remain active and viable and to preserve their individual identities there seems to be no acknowledgement of the way that the latter is helped by the character of their architecture. In particular, the presence of buildings of historic character or other historic monuments seems to be ignored. However, this may be because it lay outside the remit of this particular report. In Selly Oak, for instance, my nearest centre, the canal bridge has recently been visually improved but restoration of a canal arm - a requirement of the first accepted plans for the new Sainsbury store - has been dropped from later amended plans. A recent suggestion to restore a very narrow water feature is totally inadequate. (The loss of one historic building nearby may explicable on financial grounds.) The value of Victorian buildings, especially at the university end of the Bristol Road, needs to be recognised although these are not at risk and new buildings have been deliberately designed to complement these. A difficulty for small shops is presented by the presence of major supermarkets and Stirchley, for instance, will soon have superabundance of these - I am not suggesting that they should not be present as in themselves they attract shoppers to an area but perhaps they should be limited in number in any one local centre. It is the small specialist shop that needs to be kept alive to balance the local character and I welcome any initiatives the Council can suggest in this arena.	Comment is noted. However, design considerations are outside the scope of this SPD. Other planning policies address these issues.	No change required.
LCSPD44 The Theatres Trust	We suggest that there is a relationship between local evening entertainments and businesses providing hot food after the regular shops have closed. There are many cafes and restaurants dotted around Birmingham within shopping centres and, while too many in any one area would not be economically viable, they serve a useful purpose for residents and visitors to enjoy an evening out especially when visiting their local theatre. Night-time recreation, leisure, cultural and arts activities can play an important role in local economies and communities. There are many small theatres in close proximity to shopping centres and they provide support and strengthen a local centre's economic standing and attraction beyond its function as a day-time shopping location. We suggest a policy would be appropriate to address the evening activities of local centres, not just for hot food takeaways, where Class D2 and sui generis venues are included. Even the small Neighbourhood Centre of Boldmere has a theatre. We also suggest a small glossary to include descriptions of the Use Classes for clarity.	Comment is noted. Separate mention of the evening economy is not required.	No change required.

<p>LCSPD45 St Modwen Developments Ltd</p> <p>Planning Prospects Ltd</p>	<p>The hierarchy proposed is not detailed enough to describe the extensive network of centres across the City. Equally, the terminology used is confusing. The 'Neighbourhood Centres' include a number of large existing and proposed centres with superstores, such as Castle Vale, Maypole and Longbridge, as well as larger traditional centres such as Sparkhill. These are placed on the same tier of the hierarchy as small clusters of shops such as Robin Hood and Ivy Bush. An extra tier should be introduced properly to describe the different scale and function of these centres (including those listed above). These larger 'Neighbourhood Centres' should be classified as 'District Centres', with the existing 'District Centres' such as Small Heath given a new classification of 'Large District Centres'. The Glossary uses the term "local centre" to describe the bottom tier 'Neighbourhood Centres', which from the description appear equivalent to the PPS 4 'Local Centre' definition. It is not clear, therefore, why the PPS 4 terminology is not used and why it is felt necessary to introduce the different "neighbourhood centre" term.</p>	<p>The hierarchy of centres and accompanying definitions is set out in Policy SP17 of the emerging Core Strategy</p> <p>This SPD can only act in conformity with its overarching development plan policy. It cannot revise that policy.</p> <p>The hierarchy as proposed in the emerging Core Strategy is based upon the City Council's Local Centres Strategy (2006) which classifies centres based on survey information. The proposed hierarchy has been simplified compared to the Local Centres Strategy classification which includes another tier of large and small neighbourhood centres since in practice there is no difference in the policy to be applied in these two tiers. It is agreed that the network of centres in Birmingham is complex, and for this reason it is inevitable that any hierarchical classification will involve simplifications.</p> <p>The term 'local centre' as defined in PPS4 is not used to describe the smaller 'neighbourhood centres' in the hierarchy to avoid confusion as it is already used in a wider sense to describe all centres within other City Council policy documents (such as the Local Centres Strategy) and within the SPD.</p>	<p>No change required.</p>
<p>LCSPD49 Weoley Hill Village Council</p>	<p>I feel very strongly that there is an opportunity for Selly Oak at this time and it should be grasped with both hands. Birmingham has retained its Village centres from its rural past and this gives us a uniqueness and the opportunity to develop these into centres of high quality. Hot food takeaways should definitely be limited as these have a tendency to push retail out of areas and down grade our shopping centres. They are also not healthy options for our youngsters eating habits. I also feel that the majority of the retail units should be reserved for small/independent traders. i.e. national chains such as supermarkets should be limited like the hot food takeaways.</p>	<p>Comments are noted.</p> <p>The aim of the SPD is to encourage investment in centres, ensuring that they are the main focus for retail development so that the range and quality of shops meets the requirements of the local community.</p>	<p>No change required.</p>
<p>LCSPD50 Weoley Hill Village Council</p>	<p>Between the Dingle and Elliot Road at Selly Wharf, in Selly Oak, I believe that there is a good case for a canal boat mariner to be provided, in line with a suggestion made by the old West Midlands County Council. At the time the County Council said that provision should be made for city boat owner to have safe boat mooring within the then County boundary.</p>	<p>Comments are noted.</p> <p>The issues raised are outside the scope of this SPD.</p>	<p>No change required.</p>

<p>LCSPD54 Natural England</p>	<p>Natural England has no objections to the Shopping and Local Centres SPD. It will provide additional guidance in relation to policies contained in the emerging Birmingham Core Strategy 2026 - which contains policies for the protection and enhancement of natural environment interests.</p> <p>These policies, and the safeguards provided through national planning policy, would apply to any development proposals within shopping and local centres. The Sustainability Appraisal (September 2011) is also generally re-assuring with regard to potential natural environment impacts.</p> <p>We would encourage the Council to be mindful of the Core Strategy objective and policy around protecting and re-enforcing the network of green infrastructure when considering development in Shopping and Local Centres. The multiple ecological function, quality of life and economic benefits that green infrastructure provides can potentially contribute towards the purpose of the SPD - both in terms of attracting investment into centres and in protecting and enhancing their vibrancy and viability.</p>	<p>Comments are noted. The need to protect and re-enforce green infrastructure is set out in other council policy documents – the UDP, emerging core strategy and Draft Places for the Future SPD.</p>	<p>No change required.</p>
<p>LCSPD57 Birmingham Public Health</p>	<p>Public Health has made clear that it wishes to address HFT saturation in Birmingham. This has member support and there is clear support from residents too. We would welcome the following policy amendments and inclusions to assist in halting the rise in HFTs and obesity in the city. 400m exclusion zone around primary and secondary schools - this would prevent planning consent for A5 & A3 within the zone.</p> <p>HFT Class A5 & Class A3 levy of £1,000 per new proposal that is granted planning permission. All new Class A5 & Class A3 units are signed up to, and work towards attaining the Public Health Healthy Choices Award (each levy could pay for 3 awards and would allow the roll out of the award to existing Class A5 & A3 units - the award has been well received and subscribed to in Birmingham already)</p> <p>Legislation against Mobile Hot Food Takeaway units/vans. Public Health Feedback Paragraph 4, page 1; clearly makes reference to the health of local centres, but there is no reference to the impact that a local centre can have upon the health of its representative population. To indicate the partnership work with Public Health could we include a short paragraph within the introduction? Something along the lines of: 'This Supplementary Planning Document details the City Council overall guidance on addressing Hot Food Takeaways (Use Class A5) and the negative contribution that they can have on health. The guidance within this document seeks to positively address issues relating to over concentration of Hot Food Takeaways, especially within areas where vulnerable groups, such as school children, can make opportunistic purchases. The aim is to complement the City Council & NHS Public Health target of halting the rise in obesity amongst the population and particularly</p>	<p>Comments noted.</p> <p>The possibility of a 400m exclusion zone around schools has been considered. However Birmingham has a large number of primary and secondary schools in close proximity to centres and retail parades. Such a policy would leave very little scope for further hot food takeaways in the city. It is considered that such an approach would be contrary to government guidance in PPS4 which seeks to encourage a mix of uses and promote economic development.</p> <p>A S106 levy has been considered but the council is now preparing for the introduction of its CIL.</p> <p>It is considered that there is adequate information in the SPD about the health impacts of hot food takeaways. The SPD makes it clear that the key justification for limiting A5 uses is their impact on the viability of centres the need to support the primary retail function of centres and the impact of A5 uses on residential</p>	<p>No change required.</p>

<p>among children, by: Halting the prevalence and clustering of Hot Food Takeaways, especially those clustered around local centres, schools and shop parades. Seeking contributions from Hot Food Takeaway developers that can contribute towards services that tackle obesity. Working with new and existing Hot Food Takeaways to improve the nutritional value of the food they sell. Creating opportunity for Birmingham residents to access healthy food choices in new outlets.'</p> <p>Policy 4. We would like to include the following: (400m perimeter around Primary & Secondary Schools). Research has shown that food outlets in close proximity to schools have a negative effect on children eating healthily; children who attend schools near to hot food takeaways were more likely to be obese than children who do not have a hot food takeaway within close proximity. It is therefore a consideration that takeaways within walking distance of primary and secondary schools are not granted planning permission. Based on the evidence available and other Local Authorities adopting the policy, Birmingham will set an exclusionary zone of 400m from primary and secondary schools. A 400m Exclusion Zone is established around primary and secondary schools. Planning permission will not be granted for Hot Food Takeaways (Class A5) within the exclusion zone. This will include any new school developments.</p> <p>Mobile Hot Food Takeaway Units/Vans. We are aware that the new guidance if adopted may lead to an increased number of mobile Hot Food Takeaway vans as opposed to fixed ones. Recommendations from 2009 UK research has influenced policy proposals for restricting Mobile Hot Food Takeaway Vans near to school property. We would like to restrict mobile units from operating within 100m of all schools in Birmingham, and adopt restrictions similar to Leicester and Barking and Dagenham that forbid vendors from stopping within 400m of a primary or secondary school from an hour before the start and from an hour until after the end of a school day.</p> <p>Policy 5 - Paragraph 1; 'clustering of these uses that would lead to an adverse impact on residential amenity'...can we also include 'health' within this please?</p> <p>Policy 6 - Can we include the following? There will be no more than two Class A5 units being located adjacent to each other. There must be no less than two-non A5 units between a group of hot food takeaways. This includes local centres, local parades and other locations. The above points will take precedent over the 10% of units being Class A5 rule if applicable.</p> <p>Proposed Policy 7 Hot Food Takeaway Levy To mitigate the impact that hot food takeaways have on the health of their customers, a fixed fee of £1000 will be levied on each new A5 unit and A3 units that offer a takeaway service that are granted planning permission (this is a stance of other local authorities too). The funds will be exclusively invested in services* and interventions that tackle obesity and the</p>	<p>amenity. Health issues are also a material consideration and can support the case for limiting hot food take aways.</p> <p>Mobile hot food takeaways are outside the scope of this SPD.</p> <p>The 10% limit applies to individual frontages as well as the whole centre and this will help to prevent more than 2 units being located next to each other.</p>	
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	<p>obesogenic environment. Services and Interventions will be identified and supported by Birmingham Public Health. *The levy will subsidise the Birmingham Public Health Healthy Choices Award scheme. This means that all developers who are granted planning permission will be supported to assist them to achieve bronze, silver and gold awards for promoting healthy food choices. All existing A5 (and A3 who provide a takeaway service will be offered the opportunity to work towards the healthy choices award too). Where Planning Permission is granted for a Hot Food Takeaway (Class A5) or Class A3 with a takeaway service, a fixed fee of £1000 will be levied. A section 106 agreement will be used to collect the fee. This fee will be used to contribute towards services and interventions that tackle obesity in the city, including supporting the healthy choices award scheme. *All new Class A5 and A3 that offer a takeaway service will be registered with the healthy choices award scheme and work towards the healthy choices award, administered by Birmingham Public Health (there is no cost to the developer for this service). All existing Class A5 and A3 that offer a takeaway service will be offered the opportunity to register and work towards the award.</p>		
<p>LCSPD58 Sainsbury Supermarket Ltd</p>	<p>PPS4 (December 2009) sets out the Governments planning policy for economic development, which includes retail uses. PPS4 requires LPAs to adopt a positive approach to planning applications for economic development. Whilst PPS4 seeks to locate economic development in existing centres there it is clear that LPAs should encourage economic growth, especially where it addresses local deficiencies. The draft National Planning Policy Framework (NPPF) was published on 25th July 2011 by the Government. It reaffirms the need for LPAs to adopt a positive approach to economic development. The NPPF is being progressed within the context of the agenda for growth. The Ministerial Statement, Planning for Growth, of the 23 rd March 2011 makes clear the strong desire for development and the need for the benefits associated with development to be encouraged. A separate statement "Planning and the budget" of the 23rd March 2011 again makes clear the need for LPAs to prioritise economic growth. The framework makes clear that the 'Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth', highlighting that 'a positive planning system is essential because, without growth, a sustainable future cannot be achieved.' In this context the framework advises that 'Planning must operate to encourage growth and not act as an impediment'. It should be clear within the supporting text that Birmingham City Council will encourage and support economic development, in accordance with PPS4 and the emerging NPPF.</p>	<p>Comment is noted. The supportive text is considered to already include appropriate reference to PPS4 and encouraging economic investment and growth in the introductory section, the latter text is more specific.</p>	<p>No change required.</p>
<p>LCSPD59 Turley Associates The Harvest</p>	<p>PPS4 (December 2009) sets out the Governments planning policy for economic development, which includes retail uses. PPS4 requires LPAs to adopt a positive approach to planning applications for economic development. Whilst PPS4 seeks to locate economic development in existing centres there it is clear that LPAs should encourage economic growth, especially where it addresses local deficiencies. The</p>	<p>Comment is noted. The supportive text is considered to already include appropriate reference to PPS4 and encouraging economic investment and growth</p>	<p>No change required</p>

Partnership	draft National Planning Policy Framework (NPPF) was published on 25th July 2011 by the Government. It reaffirms the need for LPAs to adopt a positive approach to economic development. The NPPF is being progressed within the context of the agenda for growth. The Ministerial Statement, Planning for Growth, of the 23 rd March 2011 makes clear the strong desire for development and the need for the benefits associated with development to be encouraged. A separate statement "Planning and the budget" of the 23 rd March 2011 again makes clear the need for LPAs to prioritise economic growth. The framework makes clear that the 'Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth', highlighting that 'a positive planning system is essential because, without growth, a sustainable future cannot be achieved.' In this context the framework advises that 'Planning must operate to encourage growth and not act as an impediment'. It should be clear within the supporting text that Birmingham City Council will encourage and support economic development, in accordance with PPS4 and the emerging NPPF.	in the introductory section, the latter text is more specific.	
LCSPD60 KFC (GB) Limited iPlan Solutions Limited	Whilst it is important to protect the vitality and viability of centres, it is disappointing that the SPD seeks to control A5 uses on health grounds, without any clear objectives against which to measure success or indeed any evidence that such a policy can work. The specific suggestion that clusters of A5 uses are a problem in terms of their health impacts is nowhere substantiated. Appendix 4 item (I) of the SA states that research has found that hot food Takeaway Outlets generally serve unhealthy food high in fat, and exposure to take away shops can result in obesity and health problems, but does not cite that research, making it impossible to review and bringing into question the effectiveness and compliance of the Sustainability Appraisal. The blanket SPD approach to A5 units is also problematic in that it tends to defeat the, arguably far more effective, efforts of some of the major restaurant and hot food takeaway operators. For example, KFC does not target children with its marketing and does not sell meals with children's toys. KFC was the first quick service restaurant chain to stop salting fries and invested around £1m to cut salt by up to 50% in some products. They also removed artificial trans fats several years ago and this year cut saturated fat by up to 25% in Original Recipe chicken by changing the cooking oil from palm to rapeseed oil. KFC also offer grilled rather than fried chicken and have put calorie information on menu boards in all their restaurants, existing and proposed. By providing calorie information they can help customers who want to keep track of what they eat. As well as improving their existing menu, KFC has worked to provide customers with greater choice, and this year introduced Brazer, its first ever non-fried range of products, which are all lower in calories, salt, fat and saturated fat than regular items. In addition, KFC also encourage customers to 'lighten up' at no extra cost, by choosing lighter sides instead of fries. It is worth noting that a Fillet Burger has 460 calories, similar to many high street sandwiches. KFC takes a responsible approach to marketing and to its menu by providing choice, a variety of portion sizes, and investing in improving the nutritional content of its menu There are many contributors to obesity, including	Comments are noted. The council welcomes the development of healthy diet choices and the responsibility to provide customers with choice. Health issues are a material consideration and this has been accepted on appeal. However the SPD makes it clear that the key justification for limiting A5 uses is their impact on the viability of centres the need to support the primary retail function of centres and the impact of A5 uses on residential amenity.	No change required.

	<p>lifestyle and exercise, but businesses have a responsibility to provide customers with choice, as well as reformulate existing items to reduce calorie content and the proposed measures take no account of any of this and indeed has the potential to target businesses like KFC who are acting responsibly. Research used in support of similar policies in London clearly stated that the majority of food consumed by the study subjects was purchased at supermarkets, a use within Class A1 that the draft SPD would ironically protect. This simply underlines the reality that the planning system is best placed to control the design and use of places rather than the diets of citizens. Far more effective planning tools to improve health and lifestyles are those which create opportunities and choices, rather than restrict them; such as ensuring an adequate and accessible supply of open space, sport and recreation facilities, including useful and attractive walking routes, and ensuring larger developments create walkable environments. We agree with measures to increase the availability of healthy diet and exercise choices, but cannot agree with measures that restrict choice or will simply be unlawful and ineffective.</p>		
<p>LCSPD61 Shaftmoor Properties Limited RPS Planning & Development</p>	<p>We are instructed by our client, Shaftmoor Properties Limited Partnership (SPLP) to submit representations in respect of the above document. As you may be aware, our client is pursuing a Morrisons' foodstore proposal on the site of the former Lucas site at Spring Road/Shaftmoor Lane, Birmingham. There is a current planning application (2011/06776/PA) with your authority for that scheme. The application site falls on the edge of the defined Olton Boulevard Neighbourhood Centre. On behalf of our client we confirm they support and endorse the SPD both in terms of its overall definition of centres across the city and in particular, the definition of the extent of Olton Boulevard Neighbourhood Centre and its defined Primary Shopping Area. Our client also supports, in principle, the policy approach of the SPD. Consistent with Policy EC3.1(b), it is appropriate for the City Council to define a network and hierarchy of centres across the city and the SPD would seem to accord with that guidance. As a minor point, we consider it would be helpful if the SPD confirmed that Neighbourhood Centres as defined within the document are consistent with PPS4's definition (Annex B) of local centres. Would you please have regard to these representations in your further consideration of the document and keep us informed of future developments with the SPD.</p>	<p>Policy SP17 of the emerging Core Strategy sets out the Hierarchy of Centres, and defines neighbourhood Centres as: "Neighbourhood Centre-A significant group of more local shops and services, centre including one or more smaller supermarkets. This is equivalent to the 'local centre' definition in PPS4."</p>	<p>Include definitions of centre classifications as in Core Strategy.</p>
<p>LCSPD64 WM Morrison Supermarkets Plc Peacock & Smith</p>	<p>With reference to the above and on behalf of our client, Wm Morrison Supermarkets Plc ('Morrisons'), we write to thank you for providing us with an opportunity to comment on the emerging Shopping and Local Centres SPD for Birmingham. Morrisons is a major food and grocery store operator, which currently operates stores at Coventry Road, Small Heath, Holyhead Road, Handsworth, and Bristol Road South, Rubery. The Company would therefore like to be kept informed and consulted on further stages of the preparation of documents which are to comprise the LDF, particularly with regard to any new retail allocations. Our client supports the inclusion of the Morrisons store at Coventry Road, Small Heath within the Proposed Primary Shopping Area of Coventry Road District Centre. The store is a key convenience food operator in Small Heath and in this respect contributes to the</p>	<p>Support for the Coventry Road District Centre is noted.</p>	<p>No change required.</p>

	vitality and viability of the centre through linked trips.		
LCSPD65 Threadneedle Investment Services Limited Montagu Evans LLP	We write on behalf of our client Threadneedle Investments in response to the formal consultation on the Draft Shopping and Local Centres Draft Supplementary Planning Document (SPD). Threadneedle Investments act as Asset Managers for Zurich Assurance Ltd, owners of Alcester Road Retail Park, King's Heath. Threadneedle Investments support the general thrust of the policies contained within the SPD, and in particular support the proposed boundary and extent of the Primary Shopping Area (PSA) in King's Heath. Threadneedle Investments believe that the proposed boundary and PSA accurately reflects the definition of the PSA set out in Planning Policy Statement 4. Page 6 of the document states that new retail development will be encouraged to concentrate within PSAs. Threadneedle Investments considers that the SPD should be clearer in its support for new retail floorspace within the PSAs and that the SPD should contain a policy that sets out an explicit in-principle acceptance of additional A1 retail space within PSA. This would be consistent with emerging Core Strategy policies and prevailing national planning policy guidance. Threadneedle Investments will look forward to a continuing dialogue with Birmingham City Council as the Local Development Framework crystallises.	Comment and support for the boundary of the PSA in Kings Heath is noted. The emerging Core Strategy policies address the principle and quantum of additional floorspace in centres, and therefore it is not necessary to repeat this in the SPD.	No change required.
LCSPD68 Calthorpe Estates Turley Associates	<p>Other Centres Situated within the Calthorpe Estate</p> <p>There are a number of retail centres situated within the Calthorpe Estate which provide a retail function comparable to centres currently defined in SPD. To ensure these retail locations benefit from the investment and protection afforded by the SPD it is requested that these boundaries are formally defined. Appendix 4 of the SPD provides definitions of locations constituting District and Neighbourhood Centres. These definitions have been used as the basis for an assessment of the level of retail provision provided by a number of the centres situated within the Calthorpe Estate.</p> <p>The tables below detail the results of the assessment: Table 1: District Centre Locations Retail Local Public Facilities Supermarket Restaurants Non Retail Services Edgbaston Mill, Tally Ho site and MCD land adjoining WCCC Table 2: Neighbourhood Centre Locations Retail Newsagent Post Office Hot Food Laundrette Small Supermarket Pharmacy Restaurant Non Retail Services Fountain Road / Hagley Road Pershore Road / Sir Harrys Road Chad Square, Hawthorne Road</p> <p>Plans are enclosed highlighting the extent of each centre. On the basis of the definition contained at Appendix 4 of the SPD the assessment demonstrates that Edgbaston Mill, Tally Ho site and the consented retail development adjoining the Worcester County Cricket Club contains all of the typical uses constituting a District Centre and should be defined accordingly. The boundary of this District Centre could</p>	<p>The hierarchy of town, district and neighbourhood centres is being defined through the emerging Core Strategy (and is generally in conformity with the UDP).</p> <p>There are many other small parades and centres across the city, and the SPD recognises the importance of these. The UDP and emerging Core Strategy also recognise their importance, however, it is not practical to define the boundaries of all small parades and centres in the SPD.</p> <p>The request to designate Edgbaston Mill and the adjoining area as a District Centre, and other small centres in the Calthorpe Estates' area as Neighbourhood Centres is being considered through the Core Strategy process (Calthorpe Estates have made similar representations in response to the emerging Core Strategy).</p>	No change required.

	<p>potentially incorporate the retail parade at the junction of Pershore Road and Sir Harrys Road. Table 2 highlights the centres containing sufficient retail provision to warrant definition as Neighbourhood Centres. The centres situated within the Calthorpe Estate are also comparable to a number of the centres currently defined in the SPD in terms of their size, range of retail provision and catchment served.</p> <p>Comparable defined centres include: Highgate Neighbourhood Centre; Frankley Neighbourhood Centre; Tyseley Neighbourhood Centre; Quinton Neighbourhood Centre.</p> <p>The above comparison strengthens the case for the definition of the Edgbaston Estate centres.</p>		
<p>LCSPD72 Domino's Pizza UK & IRL plc</p>	<p>Domino's Pizza outlets are different from the majority of A5 units in a number of ways and we would like to take this opportunity to outline how Domino's is an asset to the local community and the high street scene:</p> <p>Opening hours. Domino's Pizza encourages all franchisees to open at lunchtime and, in order to be ready to service the lunch trade, this means the store is normally occupied from around 10am. This adds to the street scene as we understand the resistance to most A5 operators in high street locations due to the presence of unsightly shutters that remain closed for most of the day. We would be happy to abide by conditions that ensure the store must be open for business during the key day part, as well as into the evening. With this in mind, we have an overriding objection to the absolute 10% figure for the number of A5 units within the centre or frontage within the Centre Boundary of Town, District and Neighbourhood Centres and for local parades. In our opinion, the benefits of a well-run, day and night Domino's Pizza complete with external CCTV for the safety of local residents and employees outweighs the commitment to limiting a certain kind of outlet.</p> <p>Each Domino's store creates around 30 jobs both full and part time roles, supervisory positions, driver positions and customer service representatives. We choose franchisees who want to expand, opening more than one store and this allows for structured management development programmes. All employees have a full induction, including food safety training, as well as access to a number of training workshops provided by head office at the franchisees' request. These employees spend their money locally too.</p> <p>Domino's products contain no added hydrogenated (trans) fats, no artificial colourings and no artificial flavourings. Our pizzas are freshly made to order and we are committed to reducing the amount of fat and salt in our products. We are still the only national pizza chain with a reduced fat cheese option on the menu. We are in</p>	<p>Comment is noted, however, in law there is no subdivision of Use Class A5, regardless of how an operator views itself as being different from other A5 uses.</p> <p>The council recognises that Hot Food Takeaways can provide an important complementary function in Centres when located appropriately. They also contribute to the local economy and create employment opportunities. However, the council considers a 10% limit on A5 uses in centres and parades is appropriate in order to protect the viability of centres.</p> <p>The council compliments Domino's for its approach to employment, and recognises the contribution it makes to the local economy.</p> <p>The Council notes that Domino's operates to certain standards, however the Council's experience is that the majority of hot food</p>	<p>No change required.</p>

	<p>discussions with the Department of Health with regards to the Responsibility Deal and will be signing up to some of the pledges in the New Year. As a Company, we do not believe that planning is the way to tackle obesity and we would refer Birmingham City Council to the attached article by the Birmingham-based Dr David Ashton of Healthier Weight. The planning system is not the correct tool to improve the health of local communities. First of all the planning system can only have an impact on future applications not the uses that already exist. The planning system also has no power to regulate certain A1 uses such as bakeries, confectionery stores and supermarkets which studies prove can be equally as damaging to health as A3 and A5 uses. In addition there is also no proof of a connection between increased exposure to hot food takeaways and an increase the consumption of fast food. No planning appeal decision has supported this assertion. Increasing the awareness of people and encouraging a balanced diet and a healthy lifestyle are more appropriate ways of tackling obesity.</p> <p>With our response to this SPD, we are aiming to show that Domino's Pizza is a responsible retailer with an important role to play in any vibrant and growing community and an asset in helping to regenerate areas with bright, open, safe environments. We are also aiming to show that by placing unnecessary restrictions on A5 usage across the board, Birmingham City Council may deny access to future Domino's Pizza stores and, therefore, new jobs. We believe that all planning applications should be considered on a site by site basis and we are happy to explain to officers, residents and other stakeholders why we are a good neighbour, what we can add to the street scene and how we can help to promote the town centre. Not all A5 units are the same and we hope that we have got this message across.</p>	<p>takeaways in the city offer cheap, energy dense and nutrient poor foods.</p> <p>Therefore, the Council considers that the measures it is proposing to introduce in the SPD are proportionate and considered.</p>	
<p>LCSPD74 Savills On behalf of Lumina Real Estate Capital (late submission)</p>	<p>The SPD does not make any reference to the importance of other retail destinations including retail parks, solus retail warehouses and grocery superstores. The emphasis of the SPD is to promote new retail investment in established retail centres, namely town, district and local centres. This approach accords with the thrust of national retail policy in PPS4.</p> <p>There are a wide range of retail parks, meeting a variety of needs and requirements across Birmingham. Retail parks are able complement neighbourhood centres, providing further floorspace for national multiple retailers to meet the local need, or act as a centre in their own right where this role has already been established.</p> <p>It is important therefore, that policy framework relating to shopping centres and retail parks is flexible in order to encourage retail parks to meet local needs and to ensure that they complement identified retail centres. At the same time, it is also important that the Local Authority is able to differentiate the roles of retail parks, by ensuring that those which would have an adverse impact on centres are more controlled and those which complement centres are enhanced.</p>	<p>Support for the promotion of retail investment in established retail centres, namely town, district and local centres is noted. The SPD relates to centres within Birmingham's identified hierarchy, under development plan policies noted above. Out-of-centre destinations such as retail parks, warehouses etc. do not provide the range of functions found in centres, and therefore do not operate as centres.</p> <p>National policy (PPS4 and NPPF) differentiates the role of these retail locations. By definition, they are regarded as 'out-of-centre' and are controlled by the sequential test.</p> <p>Disagree that the retail parks and grocery</p>	<p>Minor change in the Introduction to recognise the existence of specialist retail provision/locations. However, no change to policy is required.</p>

<p>By focussing the Draft SPD purely on the defined town, district and neighbourhood centres, the important role of the retail parks and grocery superstores is being ignored.</p> <p>Unlike national policy, the SPD is silent on the retail demands for development of new retail floorspace at locations outside such centres. The retail parks, stand alone retail warehouses and grocery superstores that currently exist, all complement the role and function of town centres. The emerging policy framework should recognise both the existence of retail uses outside the identified centres, as well as recognising the different roles and functions that the uses perform in meeting the diverse needs of the residential population in Birmingham.</p> <p>Accordingly, we consider that the SPD should contain policy and reasoned justification that:</p> <ol style="list-style-type: none"> 1. Identifies the retail parks, free-standing retail warehouses and grocery superstores. 2. Sets out criteria based policy that encourages such retail uses to continue in the role and function as complementary to the established retail hierarchy of town, district and local centres. 3. Acknowledges that in certain instances, retail parks and grocery superstores play an important role in meeting day-to-day needs of local residents and so may have to be considered differently from other retail parks that meet higher order of specific needs of residents from wide catchment areas. In some circumstances, the Council may need to allow a level of flexibility as it may be appropriate that retail parks are included within the defined boundaries of centres, due to their particular roles. These should be brought forward through the preparation of area specific policy documents. 4. Adapt within the policy framework, the requirements of national policy that proposals for retail development outside identified centres are supported by assessments on impact and the sequential approach. 	<p>superstores is being ignored. Other policy considerations address this issue.</p> <p>National policy and adopted and emerging development plan policies deal with locations for new retail development.</p>	
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Annex 5:

Shopping & Local Centres SPD: Schedule of Constituency Committee Minutes			
Response from:	Reasons	LPA Response	SPD Change
<p>Hodge Hill Constituency Committee 28 November 2011</p>	<p>Mr R Thomas, Planning and Regeneration, introduced himself and subsequently reported on the above-mentioned document which had been published in draft form for wide public consultation.</p> <p>It was reported that Birmingham had a network of over 70 local centres across the city comprising the Town Centre at Sutton Coldfield, 18 larger or more strategic District Centres and over 50 Neighbourhood Centres. In addition, there were many small parades of shops that served local areas.</p> <p>The document sets out policies to prevent the over concentration of hot food takeaway shops in the above centres and local shopping parades throughout the city. Once adopted, the Shopping and Local Centres Draft Supplementary Document (SPD) would be used when determining planning applications for new developments or changes of use in the centres and would replace many existing policies that were old, outdated and no longer in line with Government guidance.</p> <p>Mr Thomas alluded to the areas across the city and subsequently highlighted the general concern relating to the decline in local centres, the rising vacancy levels and several other issues which included looking at how the National policy would be applied in Birmingham.</p> <p>Mr Thomas made reference to Policies 1, 2 and 3 of the plan which detailed what percentage of retail should be retained within the Town and District Centres and the Neighbourhood Centres and the change of use of a property from retail to a non shopping use.</p> <p>He highlighted that Policy 4 addressed the avoidance of an over concentration of hot food takeaways (A5), within the Centre Boundary of Town, District and Neighbourhood Centre, which was no more than 10% of units within the centre of frontage should consist of hot food takeaways. Adding that applications for a change of use to A5 would normally be refused.</p> <p>Mr Thomas referred to Policy 5 which related to applications for new A3 (restaurants), A4 (drinking establishments) and A5 (takeaways) were encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these areas. Mr Thomas referred to Policy 6 which related to an avoidance of an over concentration of Hot Food Takeaways (A5), which was no more than 10% of units within a parade or frontage should consist of takeaways.</p> <p>Mr Thomas confirmed that the consultation period was up until 19 December 2011 and suggested that the most straightforward way of forwarding comments regarding the planning</p>	<p>Committee minutes are noted.</p> <p>We have looked at the Waltham Forest SPD, which states that:</p> <p>“Appropriate concentrations of A5 uses will be assessed based on the following: Within Primary, Secondary and Retail Parade Zones - No more than 5% of the units shall consist of A5 uses. Within Tertiary Zones and outside designated centres - No more than 1 A5 unit will be allowed within 400m of an existing A5 unit.</p> <p>This is based on up-to-date survey evidence. Analysis of Birmingham’s latest survey work (undertaken in 2011 in connection with this SPD) does not support a lower threshold, and 10% is considered appropriate. See schedule of consultation responses, questions 4/5/6 for other representations on this matter.</p> <p>Planning applications for takeaways that reflect the changing population in an area will be considered equally to any other similar proposals.</p>	

	<p>document was through email or via the web site. He stated that following the consultation, the document would be amended as appropriate and anticipated that it would be submitted to Planning Committee sometime in February 2012.</p> <p>Following the presentation various aspects of the plan were discussed which included area boundaries, the breakdown on the 10% basis for takeaways with regard to units and the number of actual businesses within those units and the definite need to restrict the number of takeaways in specific areas across the constituency, which included schools and local youth centres.</p> <p>In response to the Chairman questioning the likelihood of residential properties that were close to restaurants and takeaways opting for a change of use, Mr Thomas stated that he could not foresee any changes and subsequently referred to the fact that the review results would provide the preferred options.</p> <p>Councillor Ian Ward commented that the draft plan was too 'loose' and needed tightening up. He referred to the Supplementary Planning Document used by Waltham Forest and highlighted some of its merits, which included being far more restrictive with regard to fast food takeaways and therefore suggested, that the City Council should be looking to adopt more of the policies from this document.</p> <p>A member of the public enquired as to whether the introduction of a new fast food takeaway that reflected the changing population in the area would be considered, Mr Thomas stated that the enquiry together with the earlier comments that had been made would be made known to the department for consideration.</p> <p>The Chairman concluded by thanking Mr Thomas for attending the meeting and providing a presentation.</p> <p>Upon further consideration, it was:- RECOMMENDED:- That the presentation and comments be noted.</p>		
<p>Ladywood Constituency Committee 29 November 2011</p>	<p>Simon Hodge outlined the main points of the briefing note and in response to a question confirmed that the document related to local centres only and not the City Centre.</p> <p>In response to comments by the Chairman regarding investment in local centres the Committee was advised that the local centres referred to in the document maintained a retail function and as there was an obvious role for them they should be supported. However if a centre had lost its retail function then investment would not be made to try to reinvigorate that local centre.</p> <p>Councillor Lal said that the majority of shops along the Dudley Road were now take away restaurants and that while this document would assist with new applications there was an existing problem in the inner city area which needed to be addressed. Simon Hodge, while</p>	<p>Comments are noted.</p> <p>The hierarchy of centres and accompanying definitions is set out in Policy SP17 of the emerging Core Strategy</p> <p>The hierarchy as proposed in the emerging Core Strategy is based upon the City Council's Local Centres Strategy (2006) which classifies centres based on survey information.</p>	

	<p>concurring with the comments made said that applications were bound by planning controls and that even when applications were refused they were often allowed on appeal. If the SPD was adopted this would form policy so that hot food outlets could be refused where there was a concentration of existing premises but this would have to be defended if appealed and therefore it was important that residents continued to comment and object to applications.</p> <p>Councillor Ali said that the policy relating to hot food take away outlets was required in a number of areas but felt that there were some local shopping centres that had not been included in the SDP such as Nechells Park Road, Reevesby Walk and Green Lane all in Nechells that were local centres with increasing numbers of applications for conversion of retail shops into take away outlets.</p> <p>A local resident said that Monument Road should also be added into the document and the inclusion of Plough and Harrow Road was queried, therefore there appeared to be a need to redefine some areas. St Vincent Street West, Ladywood had also been a thriving shopping area but the shops were increasingly being turned into take away premises.</p> <p>Simon Hodge said that the document was out for consultation and residents and Members were urged to use the website to comment on boundaries, inclusion/removal of areas etc.</p> <p>RESOLVED:- That the briefing note as submitted be noted and that the comments made regarding hot food takeaway premises and local shopping areas as set out above be taken on board.</p>	<p>This SPD can only act in conformity with its overarching development plan policy – in this case the hierarchy of centres. It cannot revise that policy.</p>	
<p>Yardley Constituency Committee 24 November 2011</p>	<p>Doug Lee, Planning and Regeneration introduced the Shopping and Local Centres Supplementary Planning Document which had been published in draft form for wide public consultation. Following public consultation the document would be amended as appropriate and adopted by Birmingham City Council. The deadline for public consultation was 19 December 2011.</p> <p>He briefly explained the six policies that applied when encouraging new investment into the centres and also to protect and enhance the centres vibrancy and viability.</p> <p>Members made the following comments:</p> <ul style="list-style-type: none"> • Reference was made to the map showing Birmingham’s Town, District and Neighbourhood Centres. It was felt that number 39 on the map should read Fox Hollies and not Olton Boulevard as printed. • It was noted that a Tyseley Neighbourhood Centre was not in existence. Reference was made to the approval of a Planning Application for a Morrison’s development in the Tyseley area on the former Lucas site. • It was noted that a lot of restaurants and cafes were adjacent main and busy roads. Health and traffic environment issues were a major concern particularly when patrons were eating outside the premises. How can the centres be supported by getting the balance correct? 	<p>Comments are noted.</p>	

	<ul style="list-style-type: none"> • Yew Tree area – need fewer take away food outlets. Area needs to be regenerated. <p>The Chairman thanked Doug Lee for his attendance and it was -</p> <p>RESOLVED:-</p> <ol style="list-style-type: none"> 1) That the Shopping and Local Centres Draft Supplementary Planning Document be noted; 2) That any concerns/comments be submitted by no later than 19 December 2011 via www.birmingham.gov.uk/spdlocalcentres. 		
<p>Erdington Constituency Committee 21 November 2011</p>	<p>Ms B Farr, Planning and Regeneration, introduced herself and subsequently reported on the above-mentioned document which had been published in draft form for wide public consultation.</p> <p>It was reported that Birmingham had a network of over 70 local centres across the city comprising the Town Centre at Sutton Coldfield, 18 larger or more strategic District Centres and over 50 Neighbourhood Centres. In addition, there were many small parades of shops that served local areas.</p> <p>The document sets out policies to prevent the over concentration of hot food take away shops in the above centres and local shopping parades throughout the city. Once adopted, the Shopping and Local Centres Draft Supplementary Document (SPD) would be used when determining planning applications for new developments or changes of use in the centres and would replace many existing policies that were old, outdated and no longer in line with Government guidance.</p> <p>Ms Farr alluded to the areas across the city and subsequently highlighted the general concern relating to the decline in local centres, the rising vacancy levels and several other issues which included looking at how the National policy would be applied in Birmingham.</p> <p>In response to a question from Councillor Clinton relating to how the boundaries had been defined, Ms Farr stated that the boundaries had been based on surveys and that the centres were identical with what was illustrated in the Core Strategy Plan. She added that 73 centres had been identified however 2 centres were smaller in size and therefore were not considered as centres in the Core Strategy.</p> <p>Ms Farr made reference to Policies 1, 2 and 3 of the plan which detailed what percentage of retail should be retained within the Town and District Centres and the Neighbourhood Centres and the change of use of a property from retail to a non shopping use.</p> <p>Ms Farr highlighted that Policy 4 addressed the avoidance of an over concentration of hot food takeaways (A5), within the Centre Boundary of Town, District and Neighbourhood Centre, no more than 10% of units within the centre of frontage should consist of hot food takeaways. Applications for a change of use to A5 would normally be refused.</p> <p>Ms Farr referred to Policy 5 which related to applications for new A3 (restaurants), A4 (drinking establishments) and A5 (takeaways) were encouraged within the Centre Boundary of Town,</p>	<p>Comments are noted.</p>	

<p>District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these areas.</p> <p>Ms Farr referred to Policy 6 which related to an avoidance of an over concentration of Hot Food Takeaways (A5), no more than 10% of units within a parade or frontage should consist of takeaways.</p> <p>Councillor Alden commended the 10% limit relating to takeaways and subsequently enquired as to how robust Policy 3 was with regard to vacant properties.</p> <p>Ms Farr stated that the property would have to be actively marketed by the applicant or agent with evidence to illustrate that the property was no longer viable for retail purposes and there was no reasonable prospect of re-use despite attempts to market it for at least 18 months.</p> <p>Councillor Grundy referred to properties that had been boarded up in the past and the fact that some had had a change of use to residential, questioned at which point this came into effect.</p> <p>Ms Farr referred to the guidelines that were used to change the use of a property from retail to residential and subsequently referred to the conversion to residential dwelling in Lea Village that had taken place under the Policy 4 conditions.</p> <p>In response to a member of the public's question relating to the retail threshold levels of 55% and 50% in the Centres and why it was not higher, Ms Farr agreed that in some cases 50% seemed quite low however she confirmed that the figures were based on surveys and that there could possibly be some flexibility.</p> <p>A member of the public referred to Erdington Shopping Centre and the importance of it being promoted in order to attract people and jobs and that under policy 3, there could possibly be the change of use of property in order to provide some community usage for e.g., health/or community centre.</p> <p>Ms Farr stressed the importance of everyone taking part in the consultation. She confirmed that the consultation period was up until 19 December 2011 and suggested the most straightforward way of forwarding comments regarding the planning document was via the web site. She stated that following the consultation the document would be amended appropriately, anticipating that it would be submitted to Planning Committee sometime in February 2012.</p> <p>The Chairman concluded by thanking Ms Farr for attending the meeting and providing a presentation.</p> <p>Upon further consideration, it was:- RESOLVED:- That the presentation and comments be noted.</p>		
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<p>Edgbaston Constituency Committee 13 December 2011</p>	<p>Neil Vyse, Principal Development Planning Officer, Planning and Regeneration - South Area Team summarised the key points of the documents and highlighted the issues relevant to the Constituency. Mr Vyse advised that the full document could be found on the following website: www.birmingham.gov.uk/spdlocalcentres and that consultation were ongoing until 19 December 2011. He added that comments could be made via the website and that these would be looked at and the document would be amended in light of the comments made. He stated that in Birmingham there were long standing policies for a variety of local centres, but that national changes had advocated that Town Centres change i.e. the change of use for shops. He advised that the aim was to seek to review the policies in the document. All 73 local centres were reviewed in the last three months and that they were seeking views as to whether the centre boundaries were correct or whether they should be increased.</p> <p>It was noted that over 70 centres has been categorised and that the Town Centre in Sutton Coldfield was unique as it had its own planning document. 18 featured Edgbaston and Harborne and then there were the smaller centres. He referred the Committee to the 6 policies outlined in the document.</p> <p>Mr Neil Vyse advised that the aim was to ensure that they keep up to date with the planning policies and that concentration has been targeted at trade outlets and business premises. He added that it was hope to be able to adopt the policy in March 2012. The Chairman queried the 10% level of hot food take away in Policy 4. Mr Neil Vyse advised that this was in reference to places where there were significant concentrations. The Chairman enquired how was this determined and questioned whether each application was determined on its own merit as the Policy would not fir every area of the City. Mr Neil Vyse advised that the policy document arose following Members request for a policy document that gives a consistent approach for applying the policy. The Chairman remarked that the City Council was at risk of adopting a policy that was not fit for all areas. Mr Neil Vyse advised that the exception to this policy was the Balti Triangle. Councillor John Clancy commented that he welcome the attempt to clarify the position as they had received several applications for change of use of premises to be turned into take-away shops. This SPD will help the Council to refine the planning application system by giving more control over new proposals for these uses. It was noted that appeal cases had been lost as many of the existing policies and the associated information base was out of date. This new policy will provide a solution to this problem and will apply to every shopping centre and enable the council to refuse planning consent for new hot food uses.</p> <p>Quinton Ward has 13% - 14% of its outlets turned into take-aways. Councillor Peter Smallbone suggested that the Wolverhampton Road and Court Oak Road could be considered as a local centre and that there was a strong case to consider that they were a local centre as they were the most likely point where people would go. He added that the Hagley Road West (Dairy/Co-operative and other retail premises), could also be considered as a local centre. He stated that he was particularly active concerning the hot food places in Quinton Ward as he serves on the Overview and Scrutiny Health Committee. He questioned whether any thoughts have been given for the Council to take this on itself or whether there was any help from the Government</p>	<p>Comments are noted.</p>	
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	<p>concerning the issue. He further enquired whether there could be a system of licensing that could be revoked i.e. the licensing of hot food take aways rather than just the planning system.</p> <p>The Chairman advised that there was some element of licensing within the planning system and that it really did not matter what policy was put in place as it could still be challenged. Councillor James McKay stated that his understanding was that Harborne would fall below the 55% threshold. He questioned whether this was a policy that would stop things getting worse or would make things better. Mr Neil Vyse advised that the aim was to make things better and that they were conscious that as a centre it becomes less vibrant. He added that this was a safety net and that the market would decide what would go in the local centres. A member of the public stated that the viability of Harborne High Street was a priority and that the concern was the loss of retail. He added that the document was welcomed and that he supported it wholeheartedly. The core aim was extended and was supported and that the current 55% threshold was too low. The existing retail in Harborne was not a good mix and the issue was the business of what was a shop. Of 162 businesses, 87% was retail. The 55% retail if includes the hairdressers has to reflect the fact that most of the 55% were not shops. The Estate Agents did not come into the figure. He questioned what a unit was and stated that in small parades this was totally destroyed. The Chairman stated that he was in support of the comments made by the member of the public.</p> <p>The Chairman thanked Mr Neil Vyse for attending the meeting and presenting the information.</p> <p>RESOLVED:- That the update be noted.</p>		
<p>Northfield Constituency Committee 29 November 2011</p>	<p>Liz Jesper, Team Leader South Planning and Regeneration Team summarised the key points of the documents and highlighted the issues relevant to the Constituency. Ms Liz Jesper advised that the full document could be found on the following website: www.birmingham.gov.uk/spdlocalcentres and that consultation were ongoing until 19 December 2011. She added that comments could be made via the website and that these would be looked at and the document would be amended in light of the comments made.</p> <p>Councillor Peter Douglas Osborn gave a brief explanation of the reasoning behind the report. In planning terms there was a distinction between a retail shop Class A1, financial and professional offices (Class A2), a restaurant or café (Class A3), a drinking establishment/pub (Class A4) and a hot food take away (Class A5). Class A3- A5 use tends to be open at night and the roller shutter down during the day. This SPD will help the Council to refine the planning application system by giving more control over new proposals for these uses. It was noted that appeal cases had been lost as many of the existing policies and the associated information base was out of date. This new policy will provide a solution to this problem and will apply to every shopping centre and enable the council to refuse planning consent for new hot food uses. Councillor Steve Bedser stated that there was an extremely good public health reason why the City Council would want to limit the number of places selling hot foods. He added that people would pay the price for obesity over time. He enquired how the policy would apply in areas such</p>	<p>Comments are noted.</p>	

as the Balti Triangle. This area is important to local food heritage and tourism. The creative added value this brings to the City could be stifled by the proposed policy. Ms Liz Jesper advised that all the centres would be surveyed each year to provide a full set of trends and to look at how close to the policy limits these were and to review the policy where necessary. She added that the Balti Triangle is A3 use and was close to 12%; A5 use was 6.5%. There was a need to monitor what was happening across the City including the Balti Triangle.

The Chairman in referring to the point raised by Councillor Steve Bedser – allowing a restaurant/café to open in one area but not the other, enquired whether applicants would be able to appeal. Ms Liz Jesper advised that they would need to justify their grounds of appeal and why there should be an exception. Councillor Peter Douglas Osborn expressed his thanks to Councillor Steve Bedser for raising the issue. He stated that there are considerably more restaurants and pubs in Broad Street and that the City Centre would be excluded from the proposed policy. Councillor Randal Brew enquired whether it would be possible to legislate how refuse was removed. Concerns were raised regarding the 50% limit on A2-A5 uses – i.e. whether this was the right level or whether the limit on these uses should be lower, and that they would like to see legislation concerning pawnbrokers. Councillor Reginald Corns stated that the problem was bigger than that described. It was noted that charity shops were also a problem as was supermarkets. The picture was a lot bigger concerning supermarkets, off licences, takeaways and closed shops.

Within the document the policy states that proposals for A5 uses will “normally be refused” where they exceed the 10% limit and there were some concerns they may not be refused and that this policy was open to interpretation. Councillor Adrian Delaney welcomed the 10% limit on hot food take away in local centres. 10% was a great line in the sand when considering policy 3. The line in the sand would quickly be breached. Councillor Ian Cruise commented that the issue opens up a debate in Northfield itself. Ms Liz Jesper stated that concerning the control of litter at takeaways, that the planning laws, could be imposed to help control this. She advised that one planning authority operates a £1000 section 106 requirement, but that Birmingham City Council have not gone down this route in the policy document. National trends were affecting shopping centres across the country and the policy document was one tool in the City’s armoury to look at all the issues. The current level of hot food takeaways at Weoley Castle was 13.6% (last updated in June 2011) therefore this centre already exceeds the 10% limit. For Northfield this was 5%. Ms Liz Jesper advised that the policy on vacancies was summarised in the document. She added that they were looking across the country to see what other authorities were doing and that there was ‘no hard and fast’ rule to say that 50% was the correct level. It was suggested that Councillor Reginald Corn’s concerns could be tied in with the licensing policy.

The Chairman thanked Ms Liz Jesper for attending the meeting and presenting the information and it was

RESOLVED:-

That the update be noted.

<p>Hall Green Constituency Committee 15 November 2011</p>	<p>Mr Watson, Planning Officer, presented the report and highlighted that 70 shopping and local centres had been identified across the City.</p> <p>Councillor Victoria Quinn asked how the consultation document had been publicised and was advised that there had been mail shots, it was available on the Council's web site, a copy had gone to all Members and trade associations across the City had been contacted.</p> <p>A member of the public commented on the restriction of fast food outlets to 10% and queried who was responsible for removing the litter. Mr Watson stated the 10% restriction had arisen through best practise nationally and that the Council removed the litter.</p> <p>Councillor Victoria Quinn referred to page 11, Policy 5, and asked if there would be some exceptions to the limit on take away food premises, especially in relation to the Stratford Road, Ladypool Road and Stoney Lane areas. It was suggested that the Chairman and Councillor Victoria Quinn meet with Planning Officers to discuss these matters further.</p> <p>Councillor Sam Burden queried what would happen if there was a request from a change of use of premises and Mr Watson acknowledged that the Council would not be able to control all changes of use requests.</p> <p>RESOLVED:- That the update be noted.</p>	<p>Comments are noted.</p>	
<p>Sutton Coldfield Constituency Committee 8 November 2011</p>	<p>The Chairman welcomed Atief Ishaq, Senior Development Planning Officer who was attending the meeting to present the Shopping & Local Centres Draft Supplementary Planning consultation document.</p> <p>A PowerPoint presentation followed, which summarised the key points of the documents and highlighted the issues relevant to the Constituency. Atief Ishaq advised that the full document could be found on the following website:- www.birmingham.gov.uk/spdlocalcentres and that the consultation process would end on 19 December 2011.</p> <p>In the brief discussion that followed and responding to Members queries regarding landlords and if they had been consulted, particularly where change of use to hot food/ fast food takeaway outlets were an ongoing concern in parts of the wards, Atief Ishaq advised that landlord forums and traders groups had been consulted, but was unable to confirm if individual landlords had been involved in any discussions.</p> <p>Councillor Philip Parkin stressed the importance of ensuring the SPD fully took into account the Town Centre Regeneration Framework SPD and the recent successful BID proposal and that any changes of use to vacant units were carefully considered. Councillor David Pears voiced his own concerns at the increased numbers of hot food/fast food takeaway outlets and charity shops, and that the SPD needed to ensure the loopholes allowing overconcentration of these</p>	<p>Comments are noted.</p>	

	<p>types of outlets on the high street and in shopping centres were tightened.</p> <p>Members also expressed concerns that landlords of vacant units appeared to be encouraged to reapply for changes of use after a period of time even when the recommended threshold of unit type had been reached but the unit was still vacant.</p> <p>Acknowledging Members comments and concerns, Atief Ishaq advised that the City Council's Core Strategy Proposal and Unitary Development Plan clearly defined the Primary Retail Areas and that each case would need to be assessed and determined by the Planning Officer; the right balance needed to be found to ensure that local centres remained sustainable and appropriate policies in place that would restrict damaging the viability of these centres.</p> <p>In response to questions from residents regarding the closeness of fast food outlets to some schools and if this was a factor that should be taken into account, Atief Ishaq advised that whilst there was not a specific requirement for Local Authorities to do so, consideration must be given to each application to ensure there was no adverse impact.</p> <p>Bringing the discussion to a close, the Chairman thanked Atief Ishaq for his attendance and verbal update, and reminded residents to submit their comments and concerns before the consultation closing date on 19 December 2011.</p> <p>It was:- RESOLVED:- That the PowerPoint presentation and verbal update be noted.</p>		
Selly Oak Constituency Committee 24 January 2012	Committee manager informed prior to consultation period. No report requested – meeting outside the consultation period.	N/A	
Perry Barr Constituency Committee 8 December 2011	Committee manager informed prior to consultation period. No report requested.	N/A	