

Appendix 1

Submitting Planning Applications

Determining percentages of A1 and A5 uses.

When calculating the percentages of A1 or A5 uses within a centre or Primary Shopping Area (PSA) account will be taken of:

- Ground floor uses only.
- The existing (authorised/lawful) use. The lawful use of premises that may currently be vacant will be counted as the existing use.

All uses falling within Use Classes A1, A2, A3, A4 and A5 will be counted. Other uses will be counted where they occupy retail units, namely:

- sui generis uses such as dry cleaners, launderette, amusement arcade.
- small office uses (Class B1) and some Class D1 and D2 uses (e.g dentists).

The following will not be taken into account: purpose built office blocks, churches, schools, social clubs, bingo halls, cinemas, and all residential uses.

A frontage will comprise a row of units between clear defining boundaries such as roads or other physical breaks or barriers.

Determining whether uses fall within in Use Class A5 or A3

In determining the dominant use of the premises, individual cases need to be considered as a matter of fact and degree and the following may assist in this consideration:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space, and
- The number of tables or chairs to be provided for customer use.

The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity. For clarity the examples below provide typical examples of uses which fall within Use Class A5, and those that typically do not. This list is intended to be indicative, not exhaustive.

Examples of Use Class A5 shop types

Fried Chicken Shops
Fish and Chip Shops
Pizza Shops
Kebab Shops
Chinese, Indian or other hot food takeaway

Examples of other Shop Types not within Use Class A5

Restaurants/Cafes/Bistros
Public Houses
Wine Bars
Sandwich Bar/shop

Anyone intending to submit an application for a Hot Food Takeaway is encouraged to read this SPD and contact the Council for further advice and information.

Evidence supporting applications made on grounds of exceptional circumstances for non retail uses where premises have been vacant.

Evidence should be submitted to show what attempts have been made to market the premises. This should include a written statement setting out the marketing measures undertaken including the marketing particulars, the rental or sales values, any interest shown in the premises and details of values prevailing in the centre over the previous 12 months.

Appendix 2

Development Plan Policy

Birmingham Unitary Development Plan, 2005

Chapter 7 Shopping and Centres: UDP Paragraphs 7.13 - 7.26

7.13 States that “the role of existing shopping centres, will be maintained and enhanced. Existing centres* will continue to be the main focus for new retail development. This reflects the importance of centres in the life of the community, not simply as locations for shops, but also as a source of employment, cultural, social and business services.”

7.21 A network of local centres will be supported throughout the City, in order:-

- To provide for the majority of day to day shopping trips and ensure that a range of shopping facilities is retained to suit all needs;
- To provide a focus for local community life and to give a sense of identity to local areas.

7.22 Individual centres will be encouraged to evolve in line with local circumstances. Where centres have a capacity for additional growth, this will be encouraged: in other cases, some reduction in floorspace may be necessary. In all cases the objective will be to ensure that centres remain as attractive as possible

7.23 Proposals for additional retail development/redevelopment in existing centres will normally be encouraged. Proposals should:-

- Be of an appropriate scale in relation to the size and function of the centre;

- Be integrated with the existing shopping area;
- Have no significant adverse effect on the continued vitality and viability of an existing shopping centre as a whole;
- Help to maintain a range of shops to meet the needs of the local community within the centre, including premises appropriate to the needs of independent retailers as well as national multiples.

7.23A Centres are important, not only just as places to shop, but also because they provide the opportunity for a wide range of services to be delivered locally, in locations accessible by a choice of means of transport. Mixed use schemes of an appropriate scale, including, for example, leisure, health care, community uses, housing and local offices, as well as retail, will therefore be supported in centres, provided that they do not harm the vitality and viability of the shopping function of the centre.

7.24 Uses which provide a direct service to a customer, such as professional and financial services and restaurants (ie broadly uses falling within Use Classes A2 and A3), leisure uses and community uses (such as doctors' surgeries, dentists, post offices, local council offices and libraries) now have an established place in many centres, including the City Centre. Such uses will be encouraged as complementary to the retail function of these centres, subject to the need to ensure that an over-concentration of such uses does not create significant areas of dead frontage, and does not prejudice the viability of the centre as a whole.

7.25 However, where there is evidence that the future growth of service uses is likely to be at the expense of the primary retail function of a shopping centre, restrictions will be placed on their further expansion in line with the advice in Planning Policy Guidance Note 6. This will be through the identification of 'primary retail frontages', within which proposals for additional non-retail uses (ie uses not falling within Use Class A1) will normally be refused. Service uses will continue to be accepted in the remainder of these centres. The centres within which this policy will apply are shown on the Proposals Map and Figure 7.1 of the UDP.

7.26 In the case of shopping centres which are likely to experience a reduction in floorspace, a retail core will be identified. The objective will be to concentrate new retail investment within the retail core, and to improve its attractiveness to shoppers. Service uses will normally continue to be accepted within the retail core, particularly where vacancy rates are high. Outside the core, the conversion or redevelopment of vacant retail units to other suitable uses (such as housing) will be encouraged. The centres where this policy will apply are shown on the Proposals Map and Figure 7.1 of the UDP.

Detailed policies for certain centres have been included in Supplementary Planning Guidance. These will be reviewed, and boundaries for all the proposed primary and core areas will be included in a forthcoming Development Plan Document. This will also include a list and classification of established centres.

NB. the guidance contained in paragraphs 7.25 and 7.26 predated PPS4 and now no longer fully reflect current Government guidance.

Chapter 8

Additional City-Wide Policies: Hot Food Shops and Restaurants/ Cafes.

8.6 This policy applies to restaurants, cafes and premises used for the sale of hot food for consumption off the premises (take-away hot food shops), which are uses that fall within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). They will also be largely applicable to wine bars but will not apply to public houses.

8.7 "The following criteria have been approved by the City Council and give general guidance as to where new hot food shops, restaurants and cafes can acceptably be located. They will therefore be used by the City Council when considering planning applications for such development. However the guidelines will only represent one consideration; the City Council is required to consider each proposal on its individual merits and it must be emphasised that this will be done. There may well be circumstances where, due to the specific type of operation proposed, any likely adverse impact may be lessened and hence consent could be granted to that specific use. More detailed advice on the interpretation and application of these guidelines may be obtained from the Department of Planning and Architecture.

- Due to the amenity issues usually associated with such development (late night opening, noise, disturbance, smell and litter) and their impact on traffic generation, hot food shops and cafes/ restaurants should generally be confined to shopping areas or areas of mixed commercial development.

- Within such areas and wherever similar facilities exist, account will be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation. Where concentrations of facilities exist that are already causing such problems planning consent may well be refused if the additional use would cause further demonstrable harm.

- Where a proposal involves evening opening (and this is likely to be the case in most instances), account will be taken of the following factors in addition to other considerations: proximity (to both the premises themselves and areas that are likely to be used for car parking purposes) and extent of any nearby residential accommodation, the nature and character of the centre, and ambient noise levels. With these factors in mind, the Council will be particularly concerned to ensure that proposed hot food shops and cafes/ restaurants do not give rise to additional problems of noise and disturbances, such as to cause demonstrable harm, for the occupiers of any nearby dwellings. To ensure this, conditions may be attached restricting evening opening hours, normally requiring the premises to be closed and cleared of customers by 11.30 p.m.

- When considering a proposal, and particularly the change of use from an existing shop, account will be taken of the impact that it will have on the vitality and viability of the frontage and centre of which it forms part. Where a primary retail frontage has been identified within a shopping centre, the change of use of existing retail premises to a hot food shop/restaurant or cafe will not be permitted. Elsewhere, within shopping

areas or areas of mixed commercial development, a proposal will be considered on its merits with account being taken of the character and prosperity of the centre (e.g. as evidenced by the number of vacant units) and subject to the other specified criteria.

- In all cases, account will be taken of proposed opening hours in considering the merits of a proposal.
- The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety will be important considerations. Where there is insufficient car parking or likely traffic movements are such as to create a traffic hazard planning consent is likely to be refused.
- If a proposal is for a specific use which it is alleged would not give rise to the problems outlined above, full supporting justification must be given. In such cases, if consent is granted, a condition would normally restrict the use to that applied for."

Emerging Core Strategy, 2010

SP17 The Network and Hierarchy of Centres.

The City Council will seek to maintain and enhance the vitality and viability of the centres within the network and hierarchy identified below. These centres will be the preferred locations for retail, office and entertainment developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged.

SP20 Small Shops and Independent Retailing

The City Council will seek to promote and encourage independent retailers across the city. Specifically the Council will seek to ensure that:

- There is a range of retail premises across the city including provision of smaller units.
- Future development within centres which considers the need for a range of unit sizes to suit all potential needs. The Retail Need Assessment for Birmingham has identified a particular deficiency in independent retailing in the city centre. In order to secure a more varied and independent retail offer in the city centre, suitable spaces for independent retailers need to be provided. Advantage will be taken of proposals to expand the primary shopping area to create new specialist and independent shopping destinations.

The City Council will also support and encourage other forms of retailing such as the Bullring markets, farmers markets and craft markets that encourage smaller and Independent retailers.

A number of other centres have developed specific niche roles (for example Alum Rock Road and Soho Road) and this will continue to be supported.

SP21 Promoting a Diversity of Uses Within Centres

The City Council will encourage a diverse range of facilities and uses, consistent with the scale and function of the centre, to meet people's day-to-day needs, in its hierarchy of centres listed in SP17. A diverse range of uses distributed throughout the centre is vital to the vitality and vibrancy of the centre and should help to meet the needs of the local population. At the same time it is recognised that centres vary in terms of the mix of uses they contain and some have niche roles for example the Balti Triangle in Sparkbrook.

Within this context it remains important to ensure that:

- Centres can maintain their predominantly retail function and provide shops (Class A1 uses) to meet day to day needs.
- There is no over concentration of non retail uses (Class A2, A3, A4 and A5) within a centre, and no dead frontages to the detriment of the retail function, attractiveness and character of the centre in question.

A Supplementary Planning Document (SPD) for local centres is in preparation and it will identify the extent of the boundary of the centres within the hierarchy. The SPD will also identify the primary shopping area where retail development is concentrated. Where there is a concern over the potential over-concentration of a particular non retail use or uses (e.g. hot food takeaways) in a centre the SPD will set out policies to control non retail uses. For example it may identify primary frontages within the shopping area in which limits will be placed on the proportion of non retail uses which will be permitted.

In some centres where there are particular niche roles exceptions will be made and these will be identified within the SPD.

Appendix 3

Glossary of terms

BCC

Birmingham City Council.

BME

Black and Minority Ethnic.

Centre Boundaries

These show the extent of the centre and include the shopping areas as well as areas of predominantly leisure, business and other main centre uses.

District Centre

A group of shops often containing at least one supermarket/superstore and a range of non retail services such as banks, building societies and restaurants as well as local public facilities.

DPD

Development Plan Document.

Hierarchy of Centres

The pattern of provision of centres, and hierarchy (the role and relationship of centres) in that network.

LDF

Local Development Framework.

Local Centre

A generic term used to refer to Town, District and neighbourhood Centres in Birmingham's hierarchy of centres.

Local Parade

A small group of local shops.

Neighbourhood Centre

Include a range of small shops of a local nature serving a small catchment. Typically local centres might include amongst other shops a small supermarket, a newsagent, a post office and a pharmacy. Other facilities could include a hot food takeaway and launderette.

NPPF

National Planning Policy Framework.

PPS

Planning Policy Statement, setting out national policy.

Primary Shopping Area (PSA)

This is the area where retail development is primarily concentrated. Smaller centres may not have areas of predominantly leisure, business and other centre uses and therefore the PSA may share the same boundary as the Centre Boundary.

S106

Agreement under Section 106 of the Town & Country Planning Act, 1990 (as amended).

SA

Sustainability Appraisal.

SPG

Supplementary Planning Guidance.

SPD

Supplementary Planning Document.

Sq.m.

Square metres.

Town Centre

A second level centre after the city centre. Sutton Coldfield is the only such centre in Birmingham identified as part of a regional network.

UDP

Unitary Development Plan.

Use Class

Land uses, as defined in The Town and Country Planning (Use Classes) Order 2005. See <http://www.planningportal.gov.uk> for further information.

Appendix 4

Adoption Statement

In accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004, Birmingham City Council hereby gives notice that the Shopping & Local Centres Supplementary Planning Document (SPD) was adopted on 5th March 2012. The SPD will set out the detail of planning policies that will apply to the city's local centres, both to encourage new investment and to protect and enhance their vibrancy and viability.

Copies of the adopted Shopping & Local Centres SPD (March 2012) and a summary of the representations received are available for inspection at the City Council's Planning and Regeneration Reception at 1 Lancaster Circus Queensway, Birmingham B4 7DJ, and local libraries across the city during normal opening hours.

The adopted Shopping & Local Centres SPD (March 2012) and a summary of the representations can also be viewed and downloaded from the Council's website at www.birmingham.gov.uk/spdlocalcentres.

Any person with sufficient interest in the decision to adopt the Shopping & Local Centres SPD may make an application to the High Court for permission to apply for judicial review of the decision to adopt the document. Any such application must be made promptly and in any event not later than 3 months after the day on which the Shopping & Local Centres SPD was adopted.



