



DEVELOPMENT MANAGEMENT IN BIRMINGHAM

Preferred Options Consultation

January 2019

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Birmingham Local Plan 2011-2031

Development Management in Birmingham Development Plan Document

Preferred Options Document Consultation (Regulation 18)

The Council is inviting comments on the Development Management in Birmingham (Development Plan Document) Preferred Options Document as part of a formal public consultation that runs from 4th February 2019 until 29th March 2019.

You can view the document and find out more about the document and the consultation on the Council's website at:

www.birmingham.gov.uk/DMB or by calling (0121) 303 4323.

How do I comment?

You can respond directly to the document online at our website:

www.birmingham.gov.uk/DMB

Responding online is the quickest and easiest way to comment.

Alternatively, you can also respond by completing a comment form, available from the Planning and Development offices or downloaded from our website, and returning this to us.

- Email: planningstrategy.gov.uk
- Write: Planning and Development, 1 Lancaster Circus, Birmingham, B1 1TU.

Please clearly state the policy and paragraph number that your comments relate to.

Hard copies of the Plan are available to view during normal opening hours at the Planning and Development offices and at the local libraries listed on: www.birmingham.gov.uk/DMB.

What happens next?

At the end of the consultation period, all of the responses will be analysed. The Council will then compile the results of the consultation in a report which will be made available on our website in due course. All responses received will be taken in to account and used to prepare the Development Management Policies DPD for a final round of consultation prior to its submission to the Secretary of State.



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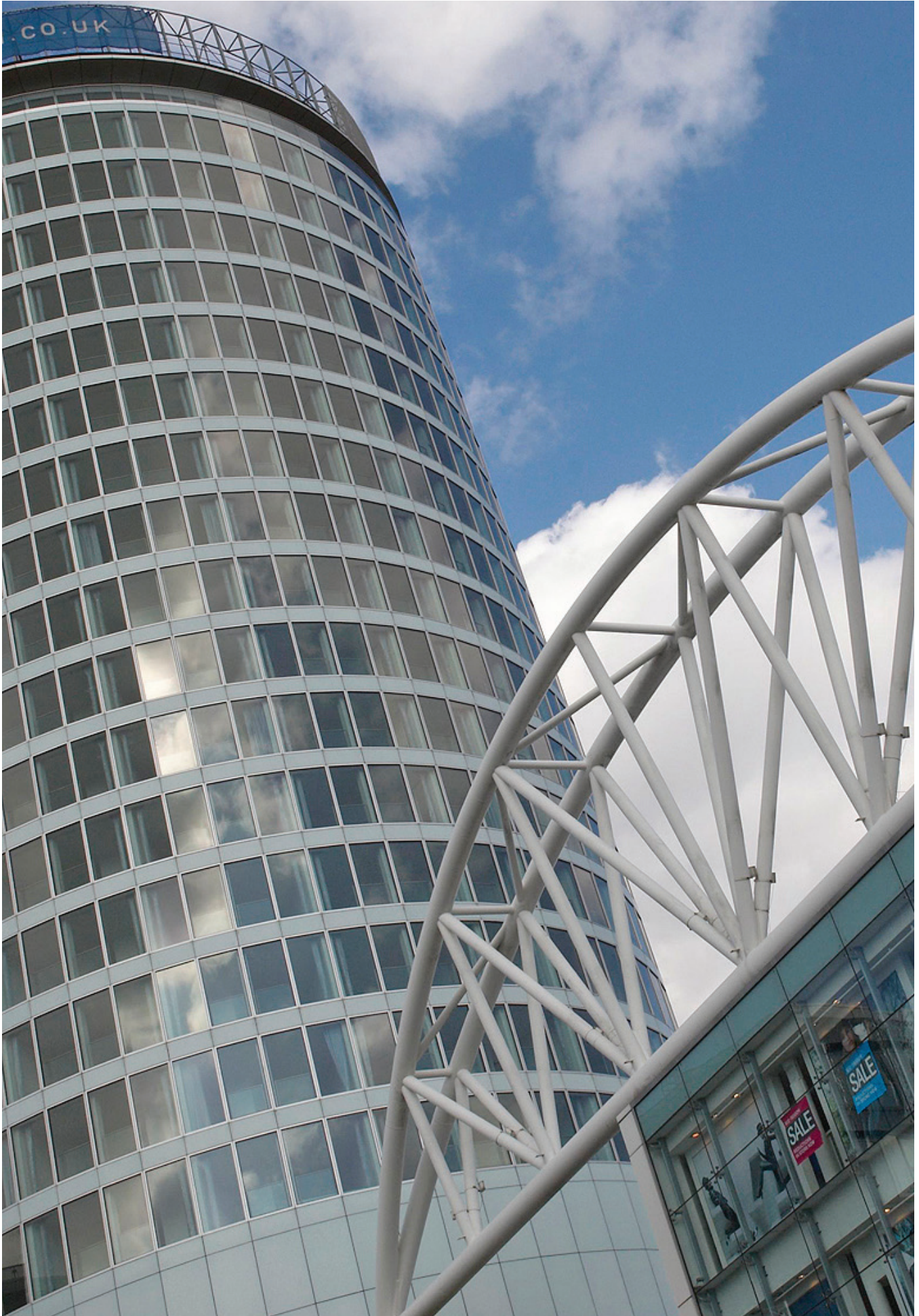
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Foreword

Birmingham is going through exciting changes which will see significant levels of new development and infrastructure delivered in the city over the next 15 years. Through the Birmingham Development Plan (adopted in 2017), over 51,100 new homes and substantial amounts of employment land, retail and office development will be delivered by 2031.

At the heart of the Council's local plan is the objective of sustainable growth which seeks to ensure that we build a strong and competitive economy, vibrant and healthy communities and protect and enhance our environment.

This document aligns with the Council's key priorities, which are to make Birmingham a great city to live, grow up and age well in; as well as an excellent city to learn, work and invest in.

Growth must therefore be managed in the most positive, effective and sustainable way possible, which is why this document - Development Management in Birmingham, is important. It will provide detailed planning policies for specific types of development and support the implementation of the Birmingham Development Plan.

As part of the city's commitment to engage people in the planning process I am pleased to invite your views on the draft document presented for consultation and encourage your participation in the process of making Birmingham a better place to live.

Ian Ward

Leader

Birmingham City Council

Building on the Birmingham Development Plan, which sets out the overall spatial strategy for the city, the Development Management in Birmingham (DMB) document will provide up-to-date development management policies, replacing the saved policies of the Unitary Development Plan 2005, once adopted.

The purpose of the DMB is to provide clear policies that will be used to determine planning applications. Overall, these policies will ensure that development is guided to the right location, is of a high standard, and that inappropriate development is deterred.

The DMB will help to ensure that our vision and objectives for sustainable growth and development of the city will be realised.

The formulation of the draft policies being presented for consultation has taken into consideration the revised National Planning Policy Framework and other relevant Government guidance. Comments received on the previous round of consultation have also helped to inform the policies presented in this document.

We are committed to providing a high quality, responsive and effective Planning Service. To that end we welcome your comments on this document as a means of helping us to achieve this.

Waheed Nazir

Corporate Director Economy

Birmingham City Council

1 Introduction

Birmingham's Local Plan

1.1 Birmingham has established a clear agenda to deliver sustainable growth meeting the needs of its population and securing high quality development and infrastructure. This agenda is set out through Birmingham's Local Plan which consists of a series of documents containing the strategy and policies for growth. All proposals for development that require planning permission will be determined in accordance with the relevant policies in the Local Plan, which consists of the:

- Adopted Birmingham Development Plan (BDP).
- Saved 2005 Birmingham Unitary Development Plan policies.
- Adopted Aston, Newtown and Lozells Area Action Plan.
- Adopted Longbridge Area Action Plan.
- When adopted, the Bordesley Park Area Action Plan (submission expected Winter 2018).
- Balsall Heath Neighbourhood Development Plan.

1.2 The Development Management in Birmingham Development Plan Document (DMB), once it is adopted, will replace the Saved 2005 Birmingham Unitary Development Plan policies and form part of Birmingham's Local Plan.

1.3 Other relevant planning documents which provide guidance on how planning policies will be applied include Supplementary Planning Documents and Guidance (SPD/ SPG) and non-statutory area frameworks. The Council is in the process of updating and consolidating many of its existing design related SPDs and SPGs into one new SPD called the Birmingham Design Guide. The design guide is currently being developed and will be consulted on later in Spring 2019.

Development Management in Birmingham

1.4 The purpose of the DMB is to provide detailed development management policies which are non-strategic and provide detailed often criteria based policies for specific types of development. The policies will give effect to, and support, the strategic policies set out in the Birmingham Development Plan (BDP), adopted in January 2017. It is intended that the policies contained within in this document are to be applied City-wide unless specified otherwise.

1.5 This document contains 15 policies arranged in themes to

reflect the BDP. They are informed by national policies and guidance which set out Government's planning policies for England and how it expects them to be applied.

1.6 The DMB will provide detailed policies in areas where further detail is needed beyond that contained in the BDP. Each policy in the DMB seeks to deliver and/or clarify in detail a BDP policy. The Council is satisfied that the DMB is in general conformity with the policies of the BDP and also takes full account of national planning policy and European Union Directives.



New Street Station

Objectives

1.7 The DMB will support the delivery of the objectives for the City as set out in the BDP. These are:

- To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
- To make provision for a significant increase in the City's population.
- To create a prosperous, successful and enterprising economy with benefits felt by all.
- To promote Birmingham's national and international role.
- To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
- To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
- To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
- To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.

- To protect and enhance the City's heritage assets and historic environment.
- To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
- To ensure that the City has the infrastructure in place to support its future growth and prosperity.

How the DMB is being prepared?

1.8 The following key principles have been used to guide the preparation of the draft policies contained in the DMB.

- **Additionality** - the DMB will provide detailed policies to support the delivery of the BDP. Where principles for development are addressed by national or BDP policies, they are not repeated. Some areas of policy will be supported by supplementary planning documents rather than development management policies to provide more detailed advice about how particular policies will work in practice.
- **Justification** - the development management policies will be based on an appropriate and deliverable strategy when considered against alternatives and relevant, proportionate and up-to-date evidence.
- **Conformity** - the development management policies will be

developed in consultation with the relevant statutory consultees and other key stakeholders in accordance with the Duty to Co-operate and the Statement of Community Involvement. The policies will be consistent with national policy and the BDP.

Structure of the document

1.9 The policies have been organised on a topic basis mirroring the structure of the BDP. Each policy begins with an introduction setting out the purpose of the policy. The policy text is shown in a box. The explanatory supporting text provides a reasoned justification for the policy, against alternatives (where applicable) and important information on how the policy will be applied. Other relevant links are made including reference to BDP policies, relevant Supplementary Planning Documents (SPDs), other guidance, and the Local Information Requirements.

Stages in producing the DMB

1.10 This Preferred Options Document is the second stage in the preparation of the DMB and has been developed having regard to comments received during the first consultation on the Development Management DPD (Consultation Document) in 2015. A summary of the comments from the first stage consultation and how they have been considered is set out in a separate Consultation Statement.

The overall plan preparation process is set out below:

Issues and Options
consultation June 2015

Preferred Options Document
consultation (this stage)
February - March 2019

Publication Document
consultation Summer 2019

Submission to the Secretary of State - Autumn 2019

Examination in Public
Winter 2019
Adoption early 2020

1.11 Following consultation on this document, we will consider all comments received and prepare a Publication version of plan. There will then be a further opportunity to comment on the plan, in the form of the Publication version, prior to the Council submitting the plan to the Secretary of State for examination by an independent inspector. Further background on how the DMB is being prepared is provided in the paragraphs that follow.

Duty to co-operate

1.12 Section 33A of the Planning & Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act, places a duty on local authorities and relevant statutory bodies to cooperate on strategic planning issues. This duty requires ongoing, constructive and active engagement on the preparation of development plan documents. Duty to Co-operate bodies have and will continue to be involved through the key stages of the process.

Sustainability appraisal

1.13 A Sustainability Appraisal (SA) assesses the social, economic and environmental effects of the proposed policies. It is a process that must be carried out during the preparation of a Local Plan. An Interim Sustainability Appraisal (SA) of the impact of this Preferred Options Document has been undertaken and is available in a separate document.

1.14 A Habitats Regulations Assessment Screening has been carried out in accordance with the European Union Directive to complement the SA. These have been undertaken as an integral and iterative part of the preparation of the DMB and their outcomes have been taken into account in formulating and refining the policies of the DMB.

1.15 Copies of the Interim SA report and the Habitats Regulations Assessment Screening are on the Council's website.

Evidence base

1.16 This DMB has been informed by national and local planning policies, guidance and evidence produced by the Government, the Council and its partners. It has also drawn upon the evidence base which informed the development of the BDP. Evidence reports have also been specifically prepared for this DMB which form background evidence to the policy formation process. The evidence base reports can be found on the DMB page of the Council's website.



2 Environment and sustainability

2.1 The policies in this chapter have a focus on ensuring that new development over its lifetime contributes towards improvements in the quality of life in Birmingham. This approach also supports the key objective of the BDP in bringing forward sustainable development and creating quality places.

DM1 Air quality

Introduction

2.2 The City's built environment and transport systems can have an impact on the City's air quality and, as a consequence, on health and wellbeing. Policies in the BDP seek to improve air quality within the City by taking a proactive approach to planning, regeneration and new development. This policy seeks to ensure that any proposal considers air quality and is accompanied by an appropriate scheme of mitigation where negative impacts are identified. The Government's current threshold for nitrogen dioxide is 40 µg/m³.

Why we have taken this approach and how the policy will be applied

2.3 Poor air quality is a public health concern at both a local and national level. The whole of Birmingham is designated as an Air Quality Management Area (AQMA) for nitrogen dioxide (NO₂) and the Council maintains an Air Quality Action Plan (AQAP) to direct compliance with national objectives.

2.4 In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions particularly NO₂. The Council's Cabinet has approved the preferred measures for a Birmingham Clean Air Zone that will seek to achieve

air quality compliance with UK and EU statutory NO₂ limits in the shortest time possible, as part of a longer term air quality programme.

2.5 The positive management of air quality is a priority for the City, and it is imperative that development does not undermine the objectives of the CAZ, specifically that compliance within the CAZ is maintained and that no other areas become subject to requiring the declaration of a CAZ.

2.6 The AQAP, BDP and Birmingham Connected provide the framework to improve air quality in the city, including measures to encourage walking, cycling and the use of public transport, together with the support for the uptake of cleaner vehicle technologies through infrastructure provision, fleet transition and travel behaviour changes.

2.7 New developments have the potential to adversely affect air quality or be affected by air quality. This particularly relates to development that would trigger an Air Quality Assessment (AQA) as set out in the Local Validation Requirements. The assessment and mitigation approach contained within the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) (or any subsequent future replacement) should be utilised to assess where relevant exposure may arise, calculate the emission damage costs and identify mitigation. 'Unacceptable' deterioration is defined as where the development would result in exposure to pollutant concentrations close to the limit values.

POLICY DM1 Air quality

1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone. Measures such as sustainable energy, green infrastructure and sustainable transport can help to reduce and/ or manage air quality impacts.
2. Development that would, in isolation or cumulatively, lead to unacceptable deterioration in air quality or result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide, will not be supported.
3. The development of fuelling station for low emission vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision and provide fuelling for low emission vehicles.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓	✓		✓	✓	

2.8 AQAs must outline the current and predicted future pollutant concentrations at, and in the vicinity of, the development site. The AQA should also consider any potential cumulative impacts on air quality arising from planned development in the vicinity of the development site. The AQA should set out the planned mitigation measures to address any negative impacts. Mitigation measures should be provided on-site, however where this is impractical the AQA should demonstrate that it is possible to include measures in the local area which have equivalent air quality benefits. Mitigation measures may be secured either by planning condition or legal agreement where appropriate. Any impacts upon air quality will be considered in the context of the benefits the development brings to the City.

2.9 Mitigation measures will include ensuring that developments are designed to ensure walking and cycling is an obvious choice for short trips and that there is good public transport access to contribute towards the reduction in emissions, particularly nitrogen oxides and particulate matter. All new development should include low emission vehicle charging points as part of their parking provision, and consideration should be given to options to introduce car clubs as an alternative model of car ownership. Application of the City's parking standards will ensure that on-site parking is provided at appropriate levels.

2.10 Developments for sensitive uses such as schools, hospitals and residential units should be located away from major sources/areas of air pollution. However, where this is

not possible, developments must be designed and sited to reduce exposure to air pollutants by incorporating mitigation measures.

2.11 The City Centre offers an opportunity for air quality improvement with an extensive public transport network, good pedestrian access and cycle routes. Outside the City Centre, development proposals will also need to demonstrate how they will contribute towards improvements in air quality.

2.12 Where an AQA is required and the development that involves significant demolition, construction or earthworks, the developer will also be required to assess the risk of dust and emissions impacts and include appropriate mitigation measures to be secured in a Construction Management Plan.

2.13 The UK Government has confirmed it will be outlawing the sales of new conventional petrol and diesel cars, as part of its 'Road to Zero' strategy. According to the proposals, no new cars or vans powered solely by a petrol or diesel engine will be sold in the UK from 2040. The Road to Zero strategy does, however, aim to considerably increase the viability and ease-of-use of electric cars.

2.14 Birmingham and the West Midlands has particular expertise and a strong skills base in relation to manufacturing processes, autonomous vehicles and energy technologies. These offer the opportunity to develop innovations and products in the ultra-low emissions and autonomous vehicles sector. The City is well placed to capitalise on the opportunity that

this presents and put in place the infrastructure needed to support this policy.

Policy links
Birmingham Development Plan

- TP37 Health.
- TP38 A sustainable transport network.
- TP43 Low emission vehicles.
- TP44 Traffic congestion and management.

Existing policy/guidance to be replaced or updated

None

Alternatives considered

2.15 In terms of criteria 1 and 2 no alternative has been identified to this policy. Reasons for rejection: National policy requires planning to contribute towards compliance with relevant limit values or national objectives for pollutants and take into account local AQMA and Clean Air Zones. Therefore in order to comply with national policy it is considered necessary to set policy aimed at improving air quality and mitigating the impacts of development on air quality. Having no air quality policy will risk undermining the AQMA and CAZ and failure to deliver relevant actions within the City's air quality action plan, transport strategy and the objectives of the BDP in promoting sustainable development, and helping to address climate change.

1 | CONSULTATION QUESTION

1a: Do you agree with the policy approach? If not please explain why.

1b: Are there any other matters that should be considered?

DM2 Amenity

Introduction

2.16 Birmingham seeks to sustainably manage growth so that it takes place in the most appropriate locations, meeting the City's needs while continuing to conserve and enhance the features that make Birmingham an attractive, vibrant and interesting place to live, work and visit. Promoting and protecting high standards of amenity is a key element of ensuring sustainable growth and will be a major consideration when the Council assesses development proposals.

Why we have taken this approach and how the policy will be applied

2.17 The delivery of a high quality environment in Birmingham leaves a lasting impression on how the City is perceived and how it functions. In delivering the BDP, amenity is an important planning consideration to ensure places are

fit for purpose and development proposals are acceptable. This policy should be read in conjunction with PG3 of the BDP and DM11 of this document.

2.18 Each development will have its own considerations, both within the site itself and its impact on the character of the area in which it is set. These factors will influence how amenity needs to be addressed. The careful design of development can ensure that proposals help to maintain or improve amenity. The Birmingham Design Guide provides detailed design guidance which can help to address matters of amenity.

2.19 The built up nature of Birmingham presents opportunities for new uses to address and improve the amenity of the City. This can be achieved by ensuring that all developments are suitably located, well designed, adequately separated from neighbouring uses and operate in an appropriate

way for the area in which they are located. Unless otherwise stated, this policy applies to all forms of development within the city, including changes of use and smaller proposals such as extensions.

2.20 For the purposes of this policy "amenity" is defined as 'the desirable features of a place that ought to be protected or enhanced in the public interest'. This includes factors such as achieving and maintaining acceptable levels of privacy, safeguarding occupiers from excessive noise or light pollution and ensuring sufficient internal and external space and light. Consideration should not only be given to the impact of individual developments, but also to cumulative impacts.

2.21 The protection of amenity covers both living and working conditions. This means firstly that new development should provide for adequate day to day living and working conditions for those who will be occupying it. Secondly, it means that development should not have undesirable amenity impacts on the living conditions of neighbouring residents or compromise the continued operation of uses and activities which are already established in the locality. The NPPF is clear (with particular reference to noise) that businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

2.22 It may be necessary to apply planning conditions to new developments to ensure amenity standards are maintained such as hours of operation, requirements for ventilation equipment to be properly maintained, and delivery times.

POLICY DM2 Amenity

1. All development should be appropriate to its location and ensure it would not result in adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered:
 - a. Visual privacy and overlooking.
 - b. Sunlight, daylight, overshadowing and overbearing impact.
 - c. Aspect, outlook and perception of enclosure.
 - d. Access to high quality and useable amenity space.
 - e. Artificial lighting levels.
 - f. Noise and vibration.
 - g. Odour, fumes, and dust.
 - h. Safety considerations, crime, fear for crime and anti-social behaviour.
 - i. Compatibility of adjacent uses.
 - j. The individual and cumulative impacts of development proposals on amenity.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Policy links

Birmingham Development Plan

- PG3 Place making.

Existing policy/guidance to be replaced or updated

No specific policy but amenity is referenced throughout the Saved 2005 UDP policies.

Alternatives considered

2.23 Option: To have no policy on amenity and rely instead on the NPPF and ad hoc considerations of proposals on a case by case basis.

Reasons for rejection: The Council believes the preferred approach will provide a more transparent, consistent and fairer basis for considering planning proposals than having no policy. To ensure the successful delivery of the BDP, amenity considerations are considered important. The NPPF is clear that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

2 CONSULTATION QUESTION

2a: Do you agree with the policy approach? If not please explain why.

2b: Are there any other matters that should be considered?



Cannon Hill Park

DM3 Land affected by contamination and hazardous substances

Introduction

2.24 Regeneration of previously developed land is a key Government policy and is integral to the City’s growth strategy for the creation of housing and jobs. While the Council supports development opportunities that bring areas of land affected by contamination back into beneficial use, the potential for any risks associated with land contamination should be appropriately considered to make development safe. This equally applies to any risks associated with hazardous substances.

Why we have taken this approach and how the policy will be applied

2.25 With the re-use of previously developed land in urban areas such as Birmingham, the potential for land contamination is commonplace. The contamination of land can have adverse impacts on human health, wildlife and

contribute to the pollution of water bodies. The pollution of land can have an adverse impact on its suitability for certain types of development. There is often a link between the contamination and stability of land. New development, however, presents an opportunity to bring contaminated land back into use.

2.26 When development is proposed on or adjacent to land that is known or suspected to be contaminated, or where development is proposed that would be sensitive to contamination, proposals for development should be accompanied by an appropriate level of supporting information.

2.27 A preliminary risk assessment will be required to identify the nature and extent of contamination. Where the assessment identifies significant harmful risk to human health or the environment, the Council will require a full ground investigation and a risk assessment management and remediation strategy. Any remedial measures

must be agreed by the Council before the development is commenced and completed prior to occupation. Planning conditions may be applied to ensure remedial measures are submitted to and approved by the Local Planning Authority. As part of this, the developer will be required to provide a report verifying that the works have been carried out as approved.

2.28 Remedial measures will need to be carried out in line with current legislation, guidelines and best practice, including applying the Environment Agency’s principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy). Further guidance can be found at:

www.gov.uk/guidance/land-affected-by-contamination

www.gov.uk/government/collections/land-contamination-technical-guidance

www.claire.co.uk/information-centre/water-and-land-library-wall

2.29 When a new development is proposed that could cause land to become contaminated, for instance by nature of the proposed use or by reason of specific elements of the proposed development, the development should be designed in such a way as to minimise the risk of contamination occurring.

2.30 Hazardous installations comprise a range of chemical process sites, fuel and chemical storage sites, and pipelines. It is important that any risks associated with the development of hazardous installations, or development near them, are appropriately considered through the planning process.

2.31 The Council will consult the Health and Safety Executive (HSE) on all applications for hazardous substances consent. The Council will need to be completely satisfied that the proposal will not constitute a hazard to existing communities

POLICY DM3 Land affected by contamination and hazardous substances

1. Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment.
2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation.
3. Proposals for development of new hazardous installations, or development located within the vicinity of existing installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the HSE, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan.

Implementation

Local/National Funding	Partnerships	CPO	CIL/Section 106	Planning Management	Other Local Plan/SPD/Regeneration Framework
				✓	

or the local environment. In considering planning applications the Council must be satisfied that proposals will not constitute a hazard to existing communities or the local environment. The Council will seek the advice of the HSE, Environment Agency and other stakeholders, as appropriate, when considering potential risks.

2.32 Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substance stored or used. Where development is proposed within the consultation distance of notifiable installations, the Council is required to consult the HSE on the suitability of that development in relation to the risks that the notifiable installation might pose to the surrounding population. The HSE has defined consultation zones around hazardous installations. Applicants may be required to submit risk assessments to demonstrate that appropriate safeguards will be incorporated into the development. The standing advice published by the HSE should be referred.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP37 Health.

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 - Paragraphs 8.37 and 8.38 Notifiable Installations.

Alternatives considered

2.33 No alternative to this policy has been identified. Environmental Health legislation requires local authorities to identify contaminated land and ensure it is managed in an appropriate manner. The NPPF also stresses the need for policies to ensure that new development is compatible with its location. The NPPF makes clear that developers and landowners are responsible for securing safe development where a site is affected by contamination.

2.34 Planning (Hazardous Substances) Regulations require local authorities to ensure that land use policies maintain and secure appropriate distances between where hazardous substances are used or stored and residential areas and that the hazardous substance authority (the Council) consults HSE on applications.

3 CONSULTATION QUESTION

3a: Do you agree with the policy approach? If not please explain why.

3b: Are there any other matters that should be considered?



Tyseley Incinerator

DM4 Landscaping and trees

Introduction

2.35 Maintaining and expanding the green infrastructure network throughout Birmingham is a key part of the City's growth agenda. Green landscaping (including

trees, hedgerows and woodland) forms a critical part of this network and provide a multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping

is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.

Why we have taken this approach and how the policy will be applied

2.36 The green infrastructure of the City is an important part of our landscape and townscape - enhancing quality of the environment, human well-being and can positively affect the value of local property and attract investment. Policy TP7 Green Infrastructure of the BDP, and other supporting policies, set out how the green infrastructure network will be maintained and enhanced, with the role of landscape and trees clearly recognised.

2.37 New development has a clear role in supporting the City's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location.

2.38 Trees and other vegetation make an important contribution to delivering sustainable development and high quality design. Trees and significant hedges should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional and overriding benefits in accepting their loss. Sufficient consideration must be given to retained trees and the proposed new use of the land around them, especially in respect of shade to buildings, perceived threat and building distances.

POLICY DM4 Landscaping and trees

Landscaping

1. All developments must take opportunities to provide high quality landscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places.
2. The composition of the landscape shall be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees and other green infrastructure.

Trees, woodland and hedgerow protection

3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to ancient woodland, and ancient and veteran trees. Where trees and/or woodlands are to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.
4. Where a proposed development retains existing trees or hedgerows on site, or where development occurs within a tree root protection area, provision must be made for their care and protection during the demolition and construction phase of development with mitigation measures being put in place to ensure that development works do not have a harmful impact on existing trees, hedgerows and wildlife.
5. Development proposals should not result in the loss of trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland, Ancient/Veteran trees, or which are considered worthy of protection.
6. To ensure that the benefits of proposed development outweigh the harm resulting from the loss of any trees, woodlands or hedgerows, adequate replacement planting will be required to the satisfaction of the Council based on the existing value of the tree(s) removed. This should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement.

* see the adopted Local Validation Criteria

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
			✓	✓	✓

2.39 Certain trees and hedgerows in the City are protected, including trees in Conservation Areas, those with Tree Preservation Orders, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value. The Council will only consider the loss of a tree covered by a Tree Preservation Order as justifiable where the tree is considered to be imminently dangerous, or its loss is significantly outweighed by the benefits of a proposed scheme and there are no viable development alternatives.

2.40 All development proposals that impact on trees are required to follow the process outlined in the latest British Standard (BS 5837 2012 or subsequent updated version) and provide an up-to-date AIA. This should be undertaken by suitably qualified and experienced professionals, including arboricultural consultants and tree surgeons.

2.41 Where development would result in the loss of a tree(s), adequate replacement planting will be based on the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.

2.42 New trees including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure.

2.43 Detailed guidance on landscaping and green infrastructure will be updated and included in the Birmingham Design Guide.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP7 Green infrastructure network.

Existing policy/guidance to be replaced

Saved Unitary Development Plan 2005 - Paragraphs 3.14D Good Urban Design Principles.

Alternatives considered

2.44 No alternative to this policy has been identified. The NPPF and BDP provide strong support for protecting and enhancing valued landscapes. Local planning authorities are advised to set criteria based policies against which proposals for any development on or affecting protected wildlife or landscape areas will be judged.

4 CONSULTATION QUESTION

- 4a:** Do you agree with the policy approach? If not please explain why.
- 4b:** Are there any other matters that should be considered?



Sutton Park

DM5 Light pollution

Introduction

2.45 Creative and appropriate lighting can provide a valuable contribution to making Birmingham successful, safe and connected. Given the built up nature of the area, the City needs to ensure that lighting makes a positive impact on the built and natural environment. This policy seeks to ensure that impact of light pollution from new development will be minimised and mitigated.

Why we have taken this approach and how the policy will be applied

2.46 Well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities, creating landmarks out of

existing buildings and developing way-finding opportunities through the City. It can also improve safety by lighting dark places and enhance the visual appearance of buildings and townscapes. Through careful planning and design, adverse impacts of light pollution, intrusion and spill can be avoided.

2.47 The effect lighting has on existing homes and planned residential development is an important consideration. Any proposals involving exterior security lighting, illuminated advertising or flood lighting should be designed to enhance the built environment, and installed to enable amenity to be protected. It may be necessary to apply planning conditions to ensure standards are maintained, for example to control factors such as hours of operation, light spill, or brightness.

2.48 Lighting associated with new developments should be designed in accordance with established industry standard guidance which is currently set out the Institute of Lighting Professionals. In particular, the use of low energy light sources will be encouraged. BDP policy TP11 provides details on sports facilities lighting.

2.49 Where appropriate, the Council will require applicants to submit a Lighting Assessment Report (as set out in the Local Information Requirements) to detail the measures which will be implemented to control the level of illumination, glare, and spillage of light. Conditions may be imposed to restrict lighting levels and hours of use or require measures to be taken to minimise adverse effects.

2.50 Detailed guidance on the design of lighting proposals will be updated and included in the Birmingham Design Guide.

POLICY DM5 Light pollution

1. Development incorporating external lighting must mitigate any potential adverse impacts from such lighting. Development which would result in light pollution that would have a harmful impact on local amenity, nature conservation, heritage assets or highway safety will not be permitted.
2. Proposals for external lighting will need to demonstrate that the lighting is:
 - a. Appropriate for its purpose in its setting.
 - b. Designed to minimise any harmful impact on privacy or amenity, particularly to sensitive receptors such as residential properties and ecological networks.
 - c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected.
 - d. Designed to a high standard and well integrated into the proposal.
 - e. Energy efficient.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Policy links

Birmingham Development Plan

- TP11 Sports facilities.
- TP37 Health.

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 - DC20 Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution). Lighting Places SPD will be superseded by the Birmingham Design Guide.

Alternatives considered

2.51 No alternative to this policy has been identified. The NPPF is clear that planning policy should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The draft policy provides a detailed approach for achieving this.

5 CONSULTATION QUESTION

5a: Do you agree with the policy approach? If not please explain why.

5b: Are there any other matters that should be considered?



Longbridge District Centre

DM6 Noise and vibration

Introduction

2.52 Noise is an inherent part of everyday life and contributes to the character of different places. Ensuring that noise and vibration are considered in development proposals and managed appropriately brings benefit to the quality of the living and working environments. This policy seeks to mitigate the impact of new noise and vibration generating development and to ensure that noise sensitive uses are located and designed in a way to protect them from major sources of noise.

Why we have taken this approach and how the policy will be applied

2.53 The growth of Birmingham over the centuries has led to a dynamic and attractive environment with its busy commercial areas in close proximity to residential areas. Noise needs to be considered where new developments may create additional noise, or when they would be sensitive to existing or planned sources of noise.

2.54 Noise sensitive developments should, as far as is practicable, be located away from existing or planned sources of significant

noise (such as major new roads, rail or industrial development), and should only be located close to existing sources of significant noise if they can be satisfactorily mitigated. A noise assessment will be required to be submitted in line with the Local Validation Requirements. The determination of noise impact will be based on the Noise Policy Statement for England and the Planning Practice Guidance on Noise. Detailed guidance on assessment and the determination of impacts can be found in a Planning Guidance Note maintained by Environmental Health.

2.55 Vibration can have a significant impact on amenity of noise sensitive uses. Sources of vibration include transportation (especially railways) and industrial processes. Environmental Health can advise where a vibration assessment will be required

2.56 Good design of developments, along with other actions, can help to mitigate any noise or vibration impacts. These include:

- Reduction and/or containment of the source of impact, and/or protection of surrounding sensitive buildings.
- Layout to provide adequate distance between the source and sensitive buildings or areas, and/or screening/buffers.
- Limiting operating times or activities of sources allowed on the site, and/or specifying acceptable limits.

Policy links

Birmingham Development Plan

- TP37 Health.

Existing policy/guidance to be replaced/updated

There is no specific existing policy on noise and vibration but reference is made to noise and vibration within the Saved 2005 UDP policies.

POLICY DM6 Noise and vibration

1. Development should be designed, managed and operated to reduce exposure to noise and noise generation.
2. Noise-generating development that would have an impact on amenity or biodiversity will not be supported unless an appropriate scheme of mitigation is provided.
3. Noise-sensitive development (such as residential uses, hospitals and schools) will need to be appropriately mitigated or adequately separated from major sources of existing or planned sources of noise and vibration, including transport infrastructure and commercial activity.
4. The following will be taken into account when assessing development proposals:
 - a. The location, design, layout and materials.
 - b. Positioning of building services and circulation spaces.
 - c. Measures to reduce or contain generated noise (e.g. sound insulation).
 - d. Existing levels of background noise.
 - e. Hours of operation and servicing.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Alternatives considered

2.57 No alternative has been identified to this policy. National policy requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition the BDP seeks to create well designed, healthy and safe environments. It is therefore considered necessary to include this policy.

6 CONSULTATION QUESTION

- 6a:** Do you agree with the policy approach? If not please explain why.
- 6b:** Are there any other matters that should be considered?



Spaghetti Junction

3 Economy and network of centres

3.1 Ensuring that Birmingham has a successful and prosperous economy requires the provision of a wide range of employment opportunities and services to meet the needs of the City's growing population. The BDP provides the strategic approach to ensuring provision for a wide range of businesses and jobs in the City. This section sets out detailed policies for specific types of development to support economic success.

DM7 Advertisements

Introduction

3.2 Commercial advertising is a component of modern day life but must integrate effectively into the city's environment through

appropriate siting and design. The aim of this policy is to ensure that advertisements are well designed and relate well in scale and character to a building or surrounding area.

Why we have taken this approach and how the policy will be applied

3.3 The Council aims to ensure that advertisements, including hoardings, are designed to a high standard and contribute to a safe and attractive environment. Poorly placed or designed advertisements can have a negative impact on the appearance of both the built and natural environment, and impact on amenity, public safety and movement. At the same time, sensitive areas need to be protected from any adverse impacts from advertisements.

3.4 The display of advertisements is subject to a separate planning consent process as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Through the planning system, advertisements are subject to the consideration of impacts in the interests of amenity, public safety, and cumulative impact. Amenity includes the visual amenity of a locality, and public safety includes the safety of users of nearby highway infrastructure.

3.5 Policy DM6 applies to all types of advertisements, including hoardings, freestanding signs, those attached to buildings, telecommunication assets, totems and other signs. It also applies to internally and externally illuminated signs, and digital signs.

POLICY DM7 Advertisements

1. Proposals for advertisements should be designed to a high standard and meet the following criteria:
 - a. Suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area.
 - b. Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination.
 - c. Avoid proliferation or clutter of signage on the building and in the public realm.
 - d. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry.
 - e. Not create a dominant skyline feature when viewed against the immediate surroundings.
2. Illuminated advertisement and signs should not adversely affect the safety and amenity of the surrounding area.
3. Areas sensitive to impacts on visual amenity, including open space, public squares, key public routes, ecological networks, conservation areas or in proximity to listed buildings and other heritage assets will require particularly sensitive treatment and will need to be more carefully sited and designed so they do not have an adverse impact on these.
4. The siting of advertisements hoardings will not normally be acceptable where visible from the M6 motorway or A38 Aston Expressway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be distracted.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

3.6 Detailed guidance on the design of advertisements, signs and shop fronts will be updated and included in the emerging Birmingham Design Guide.

Policy links

Birmingham Development Plan

- PG3 Place making.

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 - DC6) Electronic Advertisement Signs SPG, DC19) Location of Advertisement Hoardings SPG, Shop Front Design Guide SPG, Large Format Banner Advertisements SPD.

Alternatives considered

3.7 Option: To have no policy on advertisements.

Reasons for rejection: This would not be favoured since there would be no safeguard against inappropriate advertisements and signs.

7 | CONSULTATION QUESTION

- 7a: Do you agree with the policy approach? If not please explain why.
- 7b: Are there any other matters that should be considered?



Digital advertising

DM8 Places of worship and faith related community uses

Introduction

3.8 Birmingham’s population is increasingly diverse, with a broad range of faiths and a growing demand for faith premises. Places of worship are an important part of the infrastructure, culture and identity of the City. The aim of this policy is to support the provision of such facilities and to ensure that they are appropriately located, designed, constructed and managed to benefit users and protect local neighbourhoods.

Why we have taken this approach and how the policy will be applied

3.9 Places of worship are places where groups of people gather to perform acts of religious praise, honour, or devotion. In addition to this main function, they can also include facilities that provide religious or faith-related training, accommodation, and social welfare, as well as community and educational facilities. This policy also relates to faith related community and educational uses which do not physically form part of a place of worship.

3.10 This draft policy is consistent with the NPPF which requires planning authorities to plan positively for the provision and use of community facilities including places of worship. The Council recognises the important and valuable contribution of places of worship to communities across the city in terms of encouraging community cohesion and providing activities such as employment training, education, and counselling. The Council wishes to ensure that the needs of faith communities in Birmingham are appropriately met in the context of a growing and increasingly diverse population.

3.11 The Council believes that the most appropriate location for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP. These are the most sustainable in terms of transport accessibility and parking. Other locations outside of the network of town centres may be considered if the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses must also not conflict with other relevant local plan policies and guidance.

3.12 A development which is to serve a regional or city-wide need is defined as a premises for gatherings of more than 300 people at any one time. A development which is to serve a district-wide need is defined as a premises for gatherings of between 60 and 300 people at any one time. A development which is to serve a local need is defined as a premises for gatherings of up to 60 people at any one time. These thresholds reflect the Fire Safety Guide for England and Wales - Guide 6 Small and Medium Places of Assembly and Guide 7 Large Places of Assembly.

POLICY DM8 Places of worship and faith related community uses

1. The Council’s preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered acceptable where it is demonstrated that a suitable site* cannot be found within an identified centre.
2. Premises to serve a regional or city-wide need** are likely to be used for larger gatherings attracting substantial numbers of people and should be located in a sub-regional or district centre. Where it is demonstrated that a suitable site* cannot be found within an identified sub-regional or district centre, a site which is on a key transport corridor may be considered acceptable.
3. Premises to serve a district or local need are likely to be used for smaller gatherings and should be located in a district or local centre or a parade. Where it is demonstrated that a suitable site* cannot be found within an identified centre or a parade, a site with good public transport accessibility or within a 15 minute walk from the population the local place of worship or faith related community use serves, may be considered acceptable.
4. Proposals will need to demonstrate that the site is suitable for the number of proposed users and the scale of development, identifying whether it serves local, district, city-wide or regional need.

* Means suitable, available and viable for the development proposed.

** See definition of regional/city-wide, district and local premises in Paragraph 3.12

Implementation

Local/National Funding	Partnerships	CPO	CIL/Section 106	Planning Management	Other Local Plan/SPD/Regeneration Framework
				✓	

3.13 Where noise from the proposed activities is likely to affect neighbouring properties, consideration will be given to attaching conditions to any planning permission granted, which would reduce or eliminate such problems.

3.14 Proposals in residential areas will only be considered suitable where it is demonstrated that a suitable site cannot be found in an identified centre and where there is no detrimental impact on amenity in terms of noise and disturbance, hours of operation, road safety, traffic generation and any other environmental impacts.

3.15 Additional ancillary activities such as weddings, funerals, and other special occasions are likely to lead to higher volumes of people and increased noise levels, traffic movements and parking demand. These can have an adverse impact on local amenity and public safety and will need to be carefully considered having regard to their frequency and the number of additional people that would be attracted to the premises. Applications will be expected to be supported by a management plan to address such issues.

3.16 Good design of developments can help to mitigate noise and promote sustainable development. Good design can also ensure that places of worship respect the local context and character of an area and contribute to a high quality environment.

3.17 The information to be submitted in support of a planning application for a place of worship or faith related community use is set out in Appendix 2.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP21 The network and hierarchy of centres.

Existing policy/guidance to be replaced

Saved Unitary Development Plan 2005 - Paragraphs 8.31 -8.35 and Places for Worship and Faith related Community and Educational Facilities SPD (2011).

Alternatives considered

3.18 Option 1: Retain the wording of existing policy in paragraphs 8.31 -8.35 of the Saved Unitary Development Plan 2005 and Places for Worship and Faith related Community and Educational Facilities SPD (2011).

Reasons for rejection: This policy needs to be updated to reflect Policy TP21 of the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.

3.19 Option 2: To have no policy on places of worship and faith related community uses.

Reasons for rejection: Birmingham has a diverse mix of faiths and cultures. A policy is required to ensure that development for places of worship and faith related community uses takes place in the appropriate locations and their impacts on the local area are managed.

8 CONSULTATION QUESTION

8a: Do you agree with the policy approach? If not please explain why.

8b: Are there any other matters that should be considered?



Place of worship

DM9 Day nurseries and childcare provision

Introduction

3.20 The Council recognises the value and importance of provision of suitable day care facilities for preschool children. Demand for a range of such facilities, operated either from dwellings or other premises, is likely to increase over the plan period. To ensure that basic standards are maintained, the Council will seek to ensure that all facilities are appropriately located, in particular to protect the amenity of the neighbouring properties and the wider area.

Why we have taken this approach and how the policy will be applied

3.21 Increasing living costs, coupled with a need for both parents to work have resulted in increasing demand for pre-school nurseries. Although some schools have sought to provide nursery places, private companies provide the majority of pre-school nursery places. This is often provided through the conversion of existing buildings and sometimes through the development of purpose built facilities.

3.22 Early years facilities bring benefits to the community by reducing barriers to work for parents and carers and can provide an environment conducive to the development of the children who attend. Investment in the expansion and improvement of educational facilities is supported, in accordance with the BDP (Policy TP36 Education). However, such facilities must be provided in appropriate locations and suitable premises, to ensure high standards of provision and prevent harm to the amenity of neighbours. The network of centres as defined Policy TP21 of the Birmingham Development Plan is considered the most appropriate location.

3.23 There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided in a location that will not endanger other road users or pedestrians. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between

buildings and whether planning conditions can be used to control factors such as the hours of use or limit the number of children playing outside at any one time.

3.24 The Council will expect all planning applications for day nurseries and child care facilities in residential buildings and other non-residential buildings to outline: the numbers of staff and other visitors expected to attend the facility; the days of the week and the hours when the facility will operate; the nature of the activity; car parking and transport patterns, including servicing of the use; disabled access; and steps taken to minimise the noise impact of such uses.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP36 Education.

Existing policy/guidance to be replaced/updated

Saved 2005 UDP paragraphs 8.14 - 8.16 Day nurseries.

Alternatives considered

3.25 Option 1: Retain existing UDP policy.

POLICY DM9 Day nurseries and childcare provision

1. The Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered acceptable where it is demonstrated that a suitable site* cannot be found within an identified centre.
2. The development of day nurseries and facilities for the care, recreation and education of children will need to provide for sufficient outdoor play space to meet the needs of the children.

* Means suitable, available and viable for the development proposed.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

Reasons for rejection: The policy requires updating as it refers to out of date policies. The existing policy does not reflect the Policy TP21 in the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.

3.26 Option 2: No policy on day nurseries and child care provision.

Reasons for rejection: Without a policy on the development of day nurseries and childcare provision, development may result in adverse impacts on the vitality of local centres, residential amenity and character of an area.

9 | **CONSULTATION QUESTION**

- 9a:** Do you agree with the policy approach? If not please explain why.
- 9b:** Are there any other matters that should be considered?



Childcare provision

4 Homes and neighbourhoods

4.1 The provision of the right amount and right type of housing in the right location is essential to supporting the City's growing population and creation of sustainable neighbourhoods. The BDP sets out the overall approach to developing new homes and promoting sustainable communities in the City. The policies in the section offers an approach to addressing the impacts and issues of certain forms of housing and supporting use to ensure the delivery of high quality housing and other uses which provides a good quality of life for their occupants and surrounding occupants.

DM10 Houses in multiple occupation (HMO) and other non-family housing

Introduction

4.2 With the City's growing population, there is a need to ensure that new development supports successful communities in the City by ensuring the right mix of housing types in an area, securing appropriate design and supporting well managed properties. Residential conversions provide an important contribution to people's housing choice. The policy aims to ensure that such development also preserves the residential amenity and character of an area and that harmful concentrations do not arise.

Why we have taken this approach and how the policy will be applied

4.3 The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the City. All developments should achieve a high quality design contributing to a strong sense of place (BDP Policy PG3), and new homes should contribute towards achieving mixed and balanced communities (BDP policy TP30). In areas of the City where there are shortages of larger family houses, their conversion to other uses will only be supported where there are good planning reasons or social need for the proposed use (BDP Policy TP35).

4.4 House in Multiple Occupation, commonly known as a HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but

share facilities such as a bathroom and kitchen. Examples include bedsits, shared houses, lodgings, accommodation for workers/ employees and refugees. Planning

POLICY DM10 Houses in multiple occupation (HMO) and other non-family housing

1. Applications for Houses in Multiple Occupation (HMO), including small HMOs (C4 Use Class) within Article 4 Direction areas will only be permitted where the development:
 - Would not result in this type of accommodation forming over 10% of the number of residential properties¹ within a 100 metre radius of the application site².
 - Would not result in a family dwellinghouse (C3 Use) being sandwiched between two non-family residential uses³; and
 - Would not lead to a continuous frontage of three or more non-family residential uses³.
 - Complies with relevant standards for HMOs and Policy DM11 standards for residential development.
2. When the threshold has already been breached, planning permission will only be granted in exceptional circumstances⁴.
3. Proposals for HMOs, the extension of existing HMOs, the change of use from C4 HMO to Sui Generis HMO, the subdivision or conversion of properties into self-contained dwellings and residential hostels and secured accommodation should create good living environments, support mixed and balanced communities and relate well to the uses within the area they are located without giving rise to adverse cumulative impacts on amenity, character, appearance, highway safety and parking.
 1. Paragraph 4.17 sets out the residential properties identified for the purposes of calculating the percentage concentration of HMOs and the data sources for the purposes of identifying HMOs.
 2. Measured from the centre point of the property.
 3. A licenced HMO, Sui Generis HMO, C4 HMO within an Article 4 Direction Area, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats.
 4. Exceptional circumstances are set out in paragraph 4.18.

Implementation

Local/National Funding	Partnerships	CPO	CIL/Section 106	Planning Management	Other Local Plan/SPD/Regeneration Framework
				✓	

use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of seven or more occupants which are Sui Generis.

4.5 The conversion and reuse of existing buildings for housing can help to meet the changing housing needs of the city. There has been significant trend for this form of housing in the private rented market in Birmingham in recent years. This trend has emerged in part due to the accommodation needs of the city's substantial student population, but also to cater for transient populations and to address a general need for low cost accommodation for young professionals unable to afford home ownership.

4.6 There are concerns for areas with high concentration of HMOs as set out in the city's Community Cohesion Strategy. It is important that such proposals take account of effects on the surrounding area. Over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including effects to the residential character, appearance, and amenity of an area as a result of excessive noise and disturbance to residents and levels of parking. The National HMO lobby and National Organisation of Residents Associations consider a 10% concentration of HMOs, equating to a 20-30% population as the tipping point to an unbalanced community.

4.7 The cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMO to large HMOs or the extension of existing HMOs can be also significant. For these reasons applications for such changes will be assessed using criteria three of the policy.

4.8 In 2010 a new C4 use class for Houses in Multiple Occupation was created and a Permitted Development Right introduced for conversion of a dwelling house to C4 Use (small HMO of 3-6 non related persons sharing). Planning consent is therefore not required for conversion of a dwellinghouse to a C4 Use (small HMO).



Housing

4.9 The Council had concerns about the over-concentration of HMOs in certain parts of the city and felt that these areas had the exceptional circumstances necessary to warrant an Article 4 Direction. Article 4 Directions allow the City Council to require planning permission for small HMOs. There is currently an Article 4 Direction for HMOs in parts of Selly Oak, Harborne and Edgbaston wards where there is a high transient student population. Article 4 Directions do not mean that planning consent would not be granted; it means that an application has to be submitted so that the Council can examine the proposal in detail.

4.10 A planning policy for the Article 4 Direction Area of Selly Oak, Harborne and Edgbaston was adopted in November 2014. In summary, the policy states that conversions of C3 family housing to HMOs will not be permitted if it would result in 10% or more of houses within a 100 metre radius of the application not being in use as a single family dwelling. The 100 metre radius applied from the centre point of the development site. This policy will be replaced by Policy DM10 of this document.

4.11 The policy for the Selly Oak Article 4 has been effective in preventing new HMO development from exacerbating existing concentrations within a 100 metre radius of application sites, whilst allowing further conversions in areas of lower proliferation.

4.12 However, additional HMOs can also impact on residential amenity where they lead to concentrations in the immediate vicinity of an application site ('sandwiching' and continuous frontage). Policy DM10 therefore includes additional criteria to address these issues both within Article 4 Direction Areas and across the city.

4.13 Other non-family housing such as residential homes and

hostels and self-contained flats can have similar impacts to HMOs on housing density, residential character, amenity, highway safety and parking. The presence of such uses will therefore be taken into account in assessing proposals against the policy criteria. The Council will encourage conversion of HMOs and other suitable non family residential accommodation back to family housing.

4.14 In order to fulfill the requirements of the policy adequate living conditions must be provided for occupants of HMOs in accordance with the Council's licensing standards for HMOs which seek to secure minimum standards of accommodation such as minimum room sizes, fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The City Council, local residents, universities, private landlords and other partners will continue to work together to support the best management, maintenance and provision of residential accommodation, and to ensure that a good standard of amenity is maintained.

4.15 In the right location, good design of development and its future operation can help to limit any negative impacts. This includes ensuring the proposal can be delivered in line with best practice and Government guidance, and setting residential institution developments within their own grounds.

Approach to determining a planning application

4.16 The Council will calculate the number of HMOs in the relevant area for each individual planning application based on the following method.

Stage 1

Identifying residential properties
The residential properties identified are those located within 100m of the application site (measured from the centre point of the

property). Appendix 4 includes a list of properties from Schedule 14 of the Housing Act which will not be identified as residential properties, for example student halls of residences care homes and children's homes. All subdivided properties including flatted blocks within the same curtilage are counted as one property.

Stage 2

Count HMOs

It is accepted that although the HMO sources listed in para 4.17 provide the most robust approach to identifying the numbers and locations of HMOs in an area, it will not identify all HMOs.

Stage 3

Calculate concentration

The concentration of HMOs surrounding the application site is calculated as a percentage of the total estimated number of existing HMO units against the total number of residential properties. The final figure calculated is rounded up above 0.5 and down below 0.5.

4.17 For the purposes of the threshold, HMOs are identified from the following sources:

- Properties licensed as a HMO.
- Properties with C4 or Sui Generis HMO planning consent or issued with a Certificate of Lawful Development.
- Council tax records - students in full time education can apply for exemption from council tax (for the purposes of the City Centre, defined by the A4040 Ring Road, Council tax records will not be used for the identification of a HMO due to the nature of the residential accommodation in the City Centre).

Exceptional circumstances

4.18 The concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use.

The retention of the property as a family dwelling would therefore have little effect on the balance and mix of households in a community. Proposals should relate well to the uses within the area they are located. In accordance with the policy, the impact arising from proposals on highway safety and amenity will be taken into account.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP28 The location of new housing.
- TP30 The type, size and density of new housing.
- TP31 Affordable housing.
- TP32 Housing regeneration.
- TP35 The existing housing stock.

Existing policy/guidance to be replaced/updated

Saved 2005 UDP paragraphs 8.23 - 8.25 Houses in Multiple Paying Occupation and paragraphs 8.28 - 8.30 Hostels and Residential Homes.

Alternatives considered

4.19 Option 1: Retain existing UDP policy.

Reasons for rejection: This policy requires updating as it refers to out of date UDP policies, but the main thrust of the policy remains unchanged in DM10.

4.20 Option 2: To have no policy on HMOs.

Reasons for rejection: Without a HMO policy, development could result in concentrations of HMOs which can lead to a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, and increased pressure on parking due to higher population densities.

4.21 Option 3: To have a less prescriptive policy.

Reasons for rejection: Defining cumulative impact by using a threshold against which applications will be assessed will aid in transparency and consistency in decision-making.

10 CONSULTATION QUESTION

- 10a:** Do you agree with the policy approach? If not please explain why.
- 10b:** Are there any other matters that should be considered?



New housing

DM11 Standards for residential development

Introduction

4.22 Birmingham residents should be able to enjoy good levels of amenity and have accommodation that meets every day needs for indoor and outdoor space, privacy, daylight and outlook. This policy sets how to achieve high quality residential environments and internal and outdoor space to protect the health and well-being of residents of existing and new dwellings.

Why we have taken this approach and how the policy will be applied

4.23 In delivering Policy PG3 Place Making of the BDP, amenity is an important consideration as it

contributes to people's physical and mental health & well-being. Homes must meet occupiers' needs in terms of the size and layout of internal and external spaces. They should also ensure that residents' use and enjoyment of these spaces will not be adversely affected by lack of daylight and sunlight, poor outlook, excessive noise, undue overlooking from nearby places or poor air quality.

4.24 The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being

able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

4.25 Where space standards are to be met, applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement.

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

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

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension.

POLICY DM11 Standards for residential development

1. All residential development (including extensions) is required to meet the minimum Nationally Described Space Standards (Appendix 1). Exceptions will only be considered in order to deliver innovative high quality design, deal with exceptional site issues or specialised user requirements, where it can be demonstrated that residents' quality of life will not be compromised.
2. All residential development, should as a minimum, be accessible and adaptable in accordance with Building Regulation Part M4 (2).
3. Separation distances between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance.
4. All new residential development must provide useable outdoor amenity space appropriate to the scale, function and character of the development.
5. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

- If the neighbouring property has an extension which is made mainly of glass, the policy is applied to the original window opening in the wall where the extension has been added.

Detailed guidance on household extensions will be in the Birmingham Design Guide.

4.28 Amenity will also be considered in terms of adequate separation from surrounding uses (existing and proposed) to ensure that satisfactory living standards can be achieved through suitable and careful design.

4.29 The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing.

4.30 Further guidance on the design of residential development is contained in existing guidance which is being updated and consolidated in the emerging Birmingham Design Guide SPD.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP29 The housing trajectory.
- TP30 The type, size and density of new housing.
- TP31 Affordable housing.
- TP32 Housing regeneration.
- TP33 Student accommodation.
- TP34 Provision for gypsies, travellers and travelling showpeople.
- TP35 The existing housing stock.

Existing policy/guidance to be replaced/updated

Saved Unitary Development Plan 2005 - Paragraphs 8.39 - 8.44 45 Degree Code for House

Extensions.Places for Living SPD, Places for All SPD, Residential Extensions SPD. These guidance documents will be updated through the Birmingham Design Guide.

Alternatives considered

4.31 Option 1: Retain the wording of existing policy in paragraph 8.39-8.44 of the Saved Unitary Development Plan regarding house extensions. There is no existing policy on housing technical standards for internal space, outdoor amenity space or accessible and adaptable housing.

Reasons for rejection: The policy requires updating in regard to the Birmingham Development Plan and to achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents. The general thrust of the existing policy regarding

residential extensions is taken forward into the new policy.

4.32 Option 2: To have no minimum space standards or policy on separation distances, outdoor amenity space and accessible and adaptable housing.

Reasons for rejection: Having no such policy would risk developments not achieving a reasonable level of amenity therefore impacting on quality of life. Minimum space standards will help to ensure that there is sufficient space, privacy and storage facilities to ensure the long term sustainability and usability of homes. DM11 is consistent with the NPPF requires local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

11 CONSULTATION QUESTION

11a: Do you agree with the policy approach? If not please explain why.

11b: Are there any other matters that should be considered?



New housing

DM12 Self and custom build housing

Introduction

4.33 Self and custom build housing can be an additional source of supply to conventional housing and further housing choice. The Council will seek to support individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership.

Why we have taken this approach and how the policy will be applied

4.34 Self-build and custom build housing can be defined as homes built or commissioned by individuals or groups of individuals for their own use. There is a strong push at a national level to increase self-build activity and a number of requirements have been placed on local councils:

- The National Planning Policy Framework requires local planning authorities to clearly understand need, and plan for a mix of housing, including for

people wishing to build their own homes.

- The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-building and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions.
- The Housing and Planning Act introduced a duty on local authorities to “give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period”. The Act defines ‘demand’ as evidenced by the number of entries added to the register during the relevant period.

4.35 Councils clearly need to adopt a proactive and positive approach to encouraging and supporting self-build. The Council has been

operating its self-build register since November 2014. The number of entries on the register at present is relatively low but increasing. The number of new homes granted exemptions from the Community Infrastructure Levy due to their self/custom build status also indicates that there is considerable self-build activity in the district.

4.36 The Council will encourage and facilitate self-build and custom build housing, including promotion of the self-build register, further engagement with local self-build groups and consideration of Council owned land opportunities. The Council welcomes engagement with local residents or community groups wishing to build their own home, and pre-application planning discussion is recommended.

4.37 The Council’s Housing Development Team is also working to make permissioned plots available to support this type of house building. This development management policy will therefore form just one part of a wider package of measures intended to promote and facilitate self-build and custom build housing development in the district.

4.38 While the Council is generally supportive of proposals for self or custom build units, it is important that applications for self or custom build do not compromise the strategy of the BDP. Therefore applications for this type of housing will be judged against the same relevant policies in the Plan.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP30 The type, size and density of new housing.

Existing policy/guidance to be replaced/updated

None.

POLICY DM12 Self and custom build housing

1. The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan.
2. The Council will encourage developers to consider incorporating an element of self-build plots into development schemes as part of the housing mix. The Council’s self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals.
3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement on larger sites.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓				✓	

Alternatives considered

4.39 To have no policy on self and custom build housing.

Reasons for rejection: The Council wish to take a proactive approach to supporting individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership. It is also a duty upon local authorities to have regard to the Self and Custom Build Register in carrying out their planning, housing, land disposal and regeneration functions.

12 | CONSULTATION QUESTION

- 12a:** Do you agree with the policy approach? If not please explain why.
- 12b:** Are there any other matters that should be considered?



New housing

5 Connectivity

5.1 Connectivity is key to the successful future growth of Birmingham and the wellbeing of its residents. The core principles in regard to how we use our streets, create places and link people and businesses to opportunities are covered by the BDP. The development management policies in this section set out the detailed transport and traffic considerations relevant to individual development proposals. It also sets out the policy on telecommunications.

DM13 Highway safety and access

Introduction

5.2 Transport from individual developments can have an impact on the efficiency, safety and sustainability of the City's transport system. This policy will be used to determine whether or not a proposed development has an impact on the existing highway network and, therefore, whether the proposal should be considered appropriate in transport terms. It also provides guidelines on the provision of adequate access and servicing for development.

Why we have taken this approach and how the policy will be applied

5.3 New developments make an important contribution towards an efficient, comprehensive and sustainable transport system in Birmingham. At the same time this network is an enabler for economic growth across the City ensuring that businesses can operate successfully and people have a choice of sustainable transport modes for their journeys.

5.4 Highway Safety is fundamental to the design of the highway network and no development should have a negative impact on highway safety. The Road Safety Strategy for Birmingham adopts a 'Safe System' approach which acknowledges the risk of human error and places significant responsibility on design of the transport network to ensure that collisions do not result in serious injury. Effective traffic management is essential to the safe and free flow of movement on the highway

POLICY DM13 Highway safety and access

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

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods. Where it is necessary for the developer to undertake improvements to the highway network to facilitate the safe and smooth movement of traffic, or incorporate pedestrian, cycle or public transport improvements, these works will be secured through the use of appropriate planning conditions and legal agreements.

5.5 Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment or Statement and will be required to provide a Travel Plan. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the impact of the development on highway users. The Council's thresholds for Transport Assessments/ Statements and Travel Plans are set out in the Council's Local Information Requirements. Further guidance on the preparation of TAs and TSs can be found in national policies and guidance.

5.6 Detailed guidance on Travel Plans is provided on Birmingham Connected Business Travel Network with requirements for uploading and maintaining travel plans through STARSfor. Schools refer to information on Modeshift STARS. Where Travel Plans are to be submitted alongside a planning application, they should be worked up in consultation with the local authority using the STARS for online system. They should have measurable outputs, which



A34 at Perry Barr

might relate to targets in the local transport plan, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This is likely to be addressed through a legal agreement between the relevant parties and the Council under a Section 106 Agreement.

5.7 Travel Plans must include clear, viable proposals for monitoring of travel patterns post occupation. Where a Travel Plan is required to mitigate significant impacts on the highway, the agreed measures and targets of the Travel Plan may be secured with a sanction to ensure that any failure to deliver agreed measures and/or outcomes can be remedied. The sanction would be used, if required, to address the travel impact of the scheme to the benefit of all parties.

5.8 Where construction is likely to have an impact on the highway, a construction traffic management plan will be required to ensure safe operation of the highway. This should include consideration of communications in relation to travel impact, in liaison with the Transportation Behaviour Change Team. It is the developer's responsibility to ensure the impact, if any, on the highway network is reduced and managed effectively as far as reasonably practicable and any necessary licenses are obtained.

5.9 With all development, the existing network and proposed access points to the site will need to be suitable for future traffic levels. The main parts of the highway network within Birmingham, including the strategic highway network and the West Midlands key route network, are more sensitive to traffic impacts from development. Any new or amended access arrangements need to be carefully considered to ensure the efficient, effective and safe operation of the highway infrastructure across the City.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP38 A sustainable transport network.
- TP39 Walking.
- TP40 Cycling.
- TP41 Public transport.
- TP42 Freight.
- TP43 Low emission vehicles.
- TP44 Traffic and congestion management.
- TP45 Accessibility standards for new development.

Existing policy/guidance to be replaced/updated

There is no specific policy in the Saved 2005 UDP which addresses highway safety and access but references are made throughout the UDP policies.

Alternatives considered

5.10 No alternative to this policy has been identified. The NPPF requires development to provide for safe and suitable access to the site for all users. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13 CONSULTATION QUESTION

13a: Do you agree with the policy approach? If not please explain why.

13b: Are there any other matters that should be considered?



Low emission vehicles



Cycle lane

DM14 Parking and servicing

Introduction

5.11 This policy seeks to promote sustainable transport. The Council recognises that a flexible and balanced approach needs to be adopted. There is a need to prevent excessive car parking provision, while at the same time ensuring that low on-site provision does not increase pressure on surrounding streets.

Why we have taken this approach and how the policy will be applied

5.12 It is estimated that the growth in the city's population will result in 1.2million additional daily trips across the network by 2031 (by all transport modes). It is not possible or indeed desirable to accommodate all these by private car due to existing

constraints on our highway capacity and because of the significant detrimental impact of traffic on our environment.

5.13 In order to ensure that development is sustainable, local parking policies, alongside other planning and transport measures, should act to promote sustainable transport choices and reduce reliance on the private car for work and other journeys. Careful and appropriate management of parking is a key element of Birmingham's transport strategy.

5.14 The Council is currently updating its parking policy and standards and will publish a new Parking SPD for consultation. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety

and reduce pollution. The Parking SPD will set out how the city will manage on-street (public highway) and off-street parking provision across the city.

5.15 The Council will support and promote the provision of charging points for ultra-low emission vehicles and car clubs. The availability of car club vehicles has been shown to reduce the level of car ownership and usage. The Council considers this would contribute to sustainable development in the City. Car club bays should ideally be placed on-site if they would be accessible to the public as well as for the occupants of the site, or on the public highway close to the development.

5.16 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space. This will help ensure that parking of cars contributes to parking needs and residential amenity by creating a more secure environment, and reducing the potential for unsocial parking and visual impacts.

5.17 It is essential that a design led approach is adopted to ensure parking functions satisfactorily for all users including disabled drivers, pedestrians, cyclists and service vehicles and does not impact negatively on the surrounding streetscape. Well planned and designed parking can have a determining influence on the streetscape, can influence development density and is important to the success of all developments.

5.18 New hotel developments in locations where bike hire schemes are established will be encouraged to provide publically accessible bike hire facilities on site in liaison with the city bike hire provider.

POLICY DM14 Parking and servicing

1. Parking and servicing should contribute to the delivery of an efficient, comprehensive and sustainable transport system. Development should promote sustainable travel, reduce congestion, and make efficient use of land.
2. A Parking Supplementary Planning Document will be prepared which will set out the city's parking strategy and revised parking standards. The Council will seek to apply levels of parking commensurate with the accessibility of locations. This will mean zero car parking for new development in the City Centre and reduced parking standards in areas with good public transport connectivity.
3. New development should ensure that the operational and parking needs of development are met, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
4. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking should be designed to be secure and fully accessible to all users and adhere to the principles of the Birmingham Design Guide.
5. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP38 A sustainable transport network.
- TP39 Walking.
- TP40 Cycling.
- TP41 Public transport.
- TP42 Freight.
- TP43 Low emission vehicles.
- TP44 Traffic and congestion management.
- TP45 Accessibility standards for new development.

Existing policy/guidance to be replaced

Saved Unitary Development Plan 2005 - DC10 Car Parking Guidelines.

Alternatives considered

5.19 To have no policy on parking.

Reasons for rejection: National policy makes clear that parking standards should be determined at the local level in response to local circumstances. The proposed policy supports the implementation of the BDP in developing a sustainable, high quality, integrated transport system. It is considered essential that appropriate parking is provided to contribute to traffic reduction and ensure safety, inclusive development and manage any impact on amenity.

14 CONSULTATION QUESTION

14a: Do you agree with the policy approach? If not please explain why.

14b: Are there any other matters that should be considered?



Longbridge Tecnology Park

DM15 Telecommunications

Introduction

5.20 The Council recognises the importance of advanced high quality communications infrastructure to serve local business and communities and their crucial role in the national and local economy. This includes the development of high speed broadband technology and other communication networks for which there is a growing demand. The objective of this policy is to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity.

Why we have taken this approach and how the policy will be applied

5.21 Whilst there are significant economic and social benefits associated with the development of telecommunications infrastructure, the development of masts, antennae and other associated infrastructure can give rise to significant levels of concern relating to visual intrusion and impact on the surrounding area in which it is located. Operators and Local Authorities work to the 'Code of best practice on mobile network development' in England, which has been produced in accordance with a working group including English Heritage, the Mobile Operators Association, National Parks England, and the Planning Officers Society.

5.22 Proposals for new telecommunications equipment require either planning permission or prior notification from the City Council, although some small installations are not required to seek this approval.

5.23 The necessary evidence to justify the proposed development should support applications for telecommunications development. This should include the outcome of consultations with organisations with an interest in the proposed development. When adding to an existing mast or base station, a statement that self-certifies the cumulative exposure will not exceed the International Commission on non-ionising radiation protection guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will be met.

5.24 Relating to the visual intrusion of masts, careful consideration into the design should be carried out to minimise the visual impact of the development. Such design solutions may relate to the form of structure, to colour and to materials, for example masts can be designed to look like trees or street furniture or can be designed into the fabric of a building.

5.25 When freestanding masts outside of the built up area are being developed, it is essential to ensure that they, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other natural vegetation. Additional planting of trees and vegetation is a means to screen such development. In accordance with the policy no unacceptable harm should arise to the natural environment as a result of such applications.

POLICY DM15 Telecommunications

1. The Council will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. This will be achieved by requiring new development proposals to:
 - a. Demonstrate opportunities have been explored for sharing of masts or sites. Such evidence should accompany any application made to the local planning authority.
 - b. Demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures.
 - c. Be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas.
 - d. If on a building, apparatus and associated structures to be sited and designed in order to minimise impact to the external appearance of the building.
 - e. Not have unacceptable harm on areas of ecological interest, areas of landscape importance, or heritage assets and their setting.
 - f. Conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast/site.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

5.26 Further guidance is contained in paragraphs 42-46 of the NPPF, and the Telecommunications Development: Mobile Phone Infrastructure SPD.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP46 Digital communications.

Existing policy/guidance to be replaced/updated

There is no existing policy.

Alternatives considered

5.27 Option: To have no policy and rely on the NPPF.

Reasons for rejection: the policy supports the implementation of the Policy TP46 Digital Communications of the BDP. The Council supports well-designed and located high quality communications infrastructure and this policy is intended to facilitate provision in line with this aspiration.

15 CONSULTATION QUESTION

15a: Do you agree with the policy approach? If not please explain why.

15b: Are there any other matters that should be considered?



Birmingham New Street Station

6 Implementation and monitoring

6.1 The DMB will be implemented through the development management process. Its policies along with other Birmingham Local Plan policies and the National Planning Policy Framework will be the primary means by which the council will make decisions on planning applications.

6.2 The Birmingham Authority Monitoring Report (AMR) will monitor the effectiveness of the policies of the Development Management policies. Updates of the AMR will normally be published annually. However, publication of the AMR will be dependent upon the resource available.

6.3 The Development Management policies support the delivery of the BDP. Each Development Management policy identifies which lead BDP policy it is delivering. The effectiveness of the Development Management policies will be monitored using indicators set out in Appendix 5 of this document, many of which link with BDP monitoring indicators.



Birmingham Council House



7 Appendices

Appendix 1: Technical Housing Standards - Nationally Described Space Standard (March 2015 as updated)

Table 1 - Minimum Gross Internal floor Areas (GIA) and Storage

Number of bedrooms	Number of bedspaces (people)	1 storey dwelling (sq.m)	2 storey dwelling (sq.m)	3 storey dwelling (sq.m)	Built in storage* (sq.m)
Studio	1	39(37)**	-	-	1
1	2	50	58	-	1.5
2	3	61	70	-	2
	4	70	79	-	
3	4	74	84	90	2.5
	5	86	93	99	
	6	95	102	108	
4	5	90	97	103	3
	6	99	106	112	
	7	108	115	121	
	8	117	124	130	
5	6	103	110	116	3.5
	7	112	119	125	
	8	121	128	134	
6	7	116	123	129	4
	8	125	132	138	

* The built-in storage figures are included within the GIAs (i.e. are not additional).

** Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

The Standard requires that:

- a. The dwelling provides at least the GIA and built-in storage area set out in Table 1.
- b. A dwelling with two or more bedspaces has at least one double (or twin) bedroom.
- c. In order to provide one bedspace, a single bedroom has a floor area of at least 7.5 sq.m and is at least 2.15m wide.
- d. In order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5 sq.m.
- e. One double (or twin) bedroom is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- f. Any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage (if the area under the stairs is to be used for storage, assume general floor area of 1sq.m within the GIA).
- g. Any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.
- h. A built-in wardrobe counts towards the GIA and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72 sq.m in a double bedroom and 0.36sq.m in a single bedroom counts towards the built-in storage requirement.
- i. The minimum floor to ceiling height is 2.3m for at least 75% of the GIA.

Compliance

All areas are to be denoted in square metres (sq.m) and all linear dimensions in metres (m). Developers are to provide a schedule of dwelling types indicating their overall GIA and in-built storage areas.

Developers will be able to achieve 'type approval' for standardised designs. (Note that internal floor plans will still normally need to be submitted in order to assess amenity impacts and to demonstrate compliance with design principles such as active frontages, natural surveillance and the 45 degree code). For dwellings without type approval, drawings will need to be submitted at a scale of no greater than 1:100 showing room dimensions and heights for plan checking purposes.

The City Council will accept type approval of plans where this is confirmed by a building control body (which can be either a Local Authority Building Control Body, or a Government Approved Inspector) providing that the information used to assess compliance is also submitted, to enable checking by the City Council.

If the proposed development does not comply with the Standard, room floor plans with indicative furniture layouts will be required to demonstrate the functionality of internal spaces.

Appendix 2: Information to be submitted with a planning application for changes of use to, or new Places of Worship or faith related educational facilities

1. If the proposed site is not within an identified centre (as defined by Policy TP21 of the BDP), has the suitability of sites located within town centres been considered? Sites should be assessed for their suitability, availability and viability with regard to the development proposed.
2. The hours of operation, specifying the times and days of the week when the premises will be used. Outline what time of day and/or night, and on which days of the week the use would operate.
3. Information on how much floor space, in square metres, would be required for each of the activities associated with the use (such as for worship, prayer, offices, storage, meetings rooms, kitchen, toilets, changing and cleansing areas, connected uses (education) etc.).
4. Details of the maximum capacity of the building.
5. Information on any special activities, festivals, ceremonies or additional services that would be provided, and how often they would occur, the number of additional people that would be attracted to the premises and at what time of the day/or night or night they would take place. A Management Plan for how additional volumes of people and traffic arising from such events are to be managed will be required.
6. Details of any music or amplified sound, either inside or outside the premises, or other potential sources of noise that may occur as a result of the use.
7. A Transport Statement or Impact Assessment as appropriate. Information to indicate where people would travel from to the premises and by what mode.
8. Details of the car and cycle parking and access arrangements, and whether drop-off facilities would be provided for larger vehicles or coaches. This should include the number of car parking spaces that would be provided, including provision for people with disabilities and any special parking management services such as power assisted doors, designated parking spaces, ramps and handrails etc.

Appendix 3: Policies in Stage 1 Regulation 18 Consultation not included in Preferred Options Document and justification

Proposed policy in October 2015 Consultation	How this has been dealt with in the Preferred Options Document
Hot food Takeaways	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Sheesha Lounges	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Restaurants/ Cafes/ Pubs	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Private Hire and Taxi Booking Offices	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Education Facilities – Use of Dwellings Houses	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Education Facilities Non-Residential Properties	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Hotels and Guest Houses	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, and DM14 Parking and Servicing
Flat Conversions	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing and BDP Policy TP35 The Existing Housing Stock
Hostels and Residential Homes	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing and BDP Policy TP35 The Existing Housing Stock
Planning Obligations	Covered by BDP Policy TP47 Developer contributions
Design	Covered by BDP Policy PG Place-making
Aerodrome Safety	Covered by ODPM Circular1/2003

Appendix 4: Monitoring Framework

Policy	Monitoring Indicator
Policy DM1 Air Quality	<ul style="list-style-type: none"> • Exceedance of annual mean NO₂ levels above 40µg/m³ • BDP Monitoring Indicator for Policy TP1
Policy DM2 Amenity	<ul style="list-style-type: none"> • BDP Monitoring Indicator for Policy PG3 • Number of applications refused on amenity grounds
Policy DM3 Land affected by Contamination and Hazardous substances	<ul style="list-style-type: none"> • Number of applications where there are outstanding EA/HSE objections
Policy DM4 Landscaping and Trees	<ul style="list-style-type: none"> • BDP Monitoring Indicator for Policy TP7
Policy DM5 Light Pollution	<ul style="list-style-type: none"> • Number of applications refused on light pollutions grounds
Policy DM6 Noise and Vibration	<ul style="list-style-type: none"> • Number and location of Environmental Health enforcement cases carried out against reported statutory noise nuisance
Policy DM7 Advertisements	<ul style="list-style-type: none"> • No indicator identified
Policy DM8 Places of Worship	<ul style="list-style-type: none"> • No indicator identified
Policy DM9 Day nurseries and childcare provision	<ul style="list-style-type: none"> • No indicator identified
Policy DM10 House in multiple occupation	<ul style="list-style-type: none"> • Concentrations of HMOs above the 10% threshold on an LSOA or Ward
Policy DM11 Standards for Residential Development	<ul style="list-style-type: none"> • Number of applications refused on space standards not being met • Number of applications refused on 45 Degree Code
Policy DM12 Self and custom building	<ul style="list-style-type: none"> • Number and of individuals and groups listed on the self-build register each year. • Number of new homes granted exemption from CIL due to self/custom build status. • Numbers of plots made available for self and custom build each year
Policy DM13 Highway and safety access	<ul style="list-style-type: none"> • BDP Monitoring Indicator for Policy TP39 and TP44
Policy DM14 Parking and servicing	<ul style="list-style-type: none"> • Adoption of the Parking Supplementary Planning Document (SPD) • Number of applications refused on car parking or servicing grounds
Policy DM15 Telecommunications	<ul style="list-style-type: none"> • Approval of stand-alone single operator masts as a proportion of all new telecom approvals • Number of appeals lost where officer recommendations are overturned

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