



Development Management in Birmingham Examination

Birmingham City Council Hearing Statement

Matter 4: Economy and Network of Centres Policies

October 2020

Policy DM7 Advertisements

Q49. Should point 3 of the Policy refer to roads other than the M6 and A38(M)?

49.1 No. Point 3 of the policy specifically addresses the impact of advertisements on the public safety of *motorway* users, which within Birmingham, applies only to the M6 and A38(M) Expressway where there are elevated sections, larger displays designed to draw the attention of road users and where advertisement are more prominent against the skyline.

Q50. Should criteria a of the Policy include reference to crime, anti-social behaviour and the fear of crime?

50.1 No. Paragraph 132 of the NPPF states that *“Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

50.2 Factors relevant to public safety are specified in Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 and includes considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air. It does not include considerations relating to crime, anti-social behaviour and the fear of crime.

Q51. Should specific reference be made in the Policy to the impact of advertisements on the waterway network?

51.1 Paragraph 132 of the NPPF states that *“Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”* The policy does not preclude the consideration of the safe use and operation of the canals as a form of transport. ‘Singling out’ a particular form of transport, however, risks the policy becoming unbalanced.

51.2 The policy also does not preclude considering impact on the amenity of canals. In the context of advertisements, the National Planning Practice Guide on Advertisements states that the “factors relevant to amenity are the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (Regulation 3(2)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007). Once again, ‘singling out’ canals as the feature above other features risks the policy becoming unbalanced.

Policy DM8 Places of Worship and Faith Related Community Uses

Q52. Is the Policy consistent with Policy GA5 of the Birmingham Development Plan? Would the modifications proposed by the Council overcome the shortcomings in this respect?

52.1 Policy GA5 ‘Langley Sustainable Urban Extension’ (SUE) of the Birmingham Development Plan supports the provision of a range of supporting facilities as part of the development including *“early years provision, new primary schools, a new secondary school, health care facilities and local shops and services.”* Places of worship are not specifically mentioned; however, the Langley SUE Supplementary Planning Document (EBD36) refers to the proposed Langley Centre and Community

Hubs as being suitable locations for accommodating new community uses including places of worship.

52.2 The Council's proposed change to the policy will provide consistency with Policy GA5 in the Birmingham Development Plan and the Langley SUE SPD (CSD4 Schedule of Proposed Minor Changes).

Q53. Should the Policy also include reference to measures to address crime and the fear of crime?

53.1 No. Policy PG3 'Place-making' in the Birmingham Development Plan already requires all new development to "*Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance.*" The Local Plan should be read as whole so as to avoid unnecessary duplication.

Policy DM9 Day Nurseries and Early Years Provision

Q54. Is the Policy consistent with Policy TP21 and Policy GA5 of the Birmingham Development Plan? Would the Council's proposed modifications address the shortcomings in this respect?

54.1 Policy TP21 of the Birmingham Development Plan states that "*centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings).*"

54.2 Policy DM9 is therefore consistent with TP21 in focussing day nurseries and early years provision within centres. However, flexibility is provided for such development to be located outside of centres, where the policy criteria are met.

54.3 Policy GA5 'Langley Sustainable Urban Extension' (SUE) of the Birmingham Development Plan supports the provision of a range of supporting facilities as part of the development including "*early years provision, new primary schools, a new secondary school, health care facilities and local shops and services.*" The Langley SUE Supplementary Planning Document (EBD36) refers to the proposed Langley Centre and Community Hubs as being suitable locations for accommodating new community uses including early years provision.

54.4 As the Langley Centre and Langley Community Hubs have not been identified in the network and hierarchy of centres under TP21, but early years provision is allocated under policy GA5, the Council's proposed change to the policy will ensure consistency with GA5 of the Birmingham Development Plan (CSD4 Schedule of Proposed Minor Changes).

Q55. Are the provisions of Policy DM9 consistent with the provisions of Policy DM8?

55.1 The Council has proposed a minor change to the wording of DM9 so it is consistent with DM8 in being more positively worded (CSD4 Schedule of Proposed Minor Changes).

55.2 The criteria in DM9 apply specifically to day nurseries and as such cannot be entirely consistent with DM8. The criteria relating to the provision of sufficient useable outdoor play space would not apply to places of worship.

Q56. Is the wording of paragraph 3.19 of the supporting text sufficiently precise to be effective?

56.1 To make paragraph 3.19 more effective, the Council wishes to amend the wording of the paragraph to:

“3.19 If you are using your home (dwellinghouse) for childcare provision and more than seven children are minded, **not including your own children**, ~~for more than two hours a day, or most of the rooms within your dwellinghouse is used for childcare so that the main use no longer as your home~~, this will be considered as a day nursery and planning consent would be required.”

Q57. Is the wording of paragraph 3.20 of the supporting text clear and effective? Would the Council’s proposed amended wording address the shortcomings in this respect?

57.1 The Council’s proposed change to paragraph 3.20 will address the shortcoming and provide clarity and increase the effectiveness of the policy (CSD4 Schedule of Proposed Minor Changes).

Policy Omissions

Q58. Do Policies DM2, DM13 and DM14 adequately address the provisions previously covered in paragraphs 8.6-8.7 of the Birmingham Unitary Development Plan rendering a Policy on hot food takeaways, drinking establishments, restaurants and cafes unnecessary?

58.1 Yes. Paragraphs 8.6-8.7 of the Birmingham Unitary Development Plan set out the considerations or criteria for the development of hot food shops, restaurants and cafes. These in summary relate to:

- Impact on amenity, including cumulative impact (noise, disturbance, smell and litter)
- Impact on parking, traffic impact and highway safety
- Impact on vitality and viability of the centre

58.2 Amenity issues, including cumulative impact, are covered by DM2 ‘Amenity’. Parking and highway safety are covered by DM13 and DM14.

58.3 Policy TP24 of the Birmingham Development Plan also limits hot food takeaways to no more than 10% of units within the centre or within any frontage.

58.4 The recent changes to the Use Classes Order places restaurants and cafes into the new E Use Class which means the planning authority would not be able to consider the above issues where a planning application is not required. i.e. changes within the E class which do not constitute development.

Q59. Should the Plan contain a Policy on automatic teller machines (ATM)?

59.1 No. The DMB does not need to include a specific policy on ATMs. Proposals for ATMs are currently considered under the Birmingham Development Plan (BDP) and the saved policies of the Unitary Development Plan (UDP), neither of which contain a specific policy on ATMs. The main considerations in the determination of ATMs are impacts upon amenity, impacts upon highway safety, crime and anti-social behaviour

and visual appearance. These considerations are adequately covered by Policy PG3 'Place making' in the BDP and DM2 'Amenity', DM14 'Highway safety and access'.