

Matter 4 Hearing Statement

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



Contents

1.	Introduction	1
1.1.	Introduction	1
2.	Policy DM8 Places of Worship and Faith Related Community Uses	1
2.1.	Question 52	1
3.	Policy DM9 Day Nurseries and Early Years Provision	2
3.1.	Question 54	2
3.2.	Question 55	3
3.3.	Question 57	3
4.	Policy Omissions	4
4.1.	Question 58	4

1. Introduction

1.1. Introduction

1.1.1. Savills has been instructed by the Langley Sutton Coldfield Consortium to submit a Hearing Statement in response to Matter 4 (Questions 52, 54, 55, 57 and 58) of the Development Management in Birmingham DPD Examination. The Langley Sutton Coldfield Consortium is promoting development on the site allocated within Policy GA5 of the adopted Birmingham Development Plan for the “Langley Sustainable Urban Extension”.

2. Policy DM8 Places of Worship and Faith Related Community Uses

2.1. Question 52

“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?”

2.1.1. Proposed Policy DM8 is not consistent with adopted Birmingham Development Plan (BDP) Policy GA5 and the relevant requirements of the adopted Langley Supplementary Planning Document (SPD).

2.1.2. BDP Policy GA5 requires the Langley development proposals to incorporate a mix of uses, including community uses. The adopted Langley SPD also identifies the proposed new Langley Centre and Community Hubs as being suitable places for new community uses. The Langley Sutton Coldfield Consortium considers that the determination of the appropriate locations for community facilities at Langley should take place via the comprehensive proposals being put forward through the planning application process, in accordance with the provisions of BDP Policy GA5 and the Langley SPD.

2.1.3. Proposed Policy DM8 identifies that 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 BDP. However the Langley Sutton Coldfield Sustainable Urban Extension does not feature within the network of centres listed in Policy TP21.

2.1.4. Whilst the wording at the end of Policy TP21 states that proposals for main town centre uses outside of the boundaries of the network of centres identified in Policy TP21 will not be permitted unless they satisfy the

requirements set out in national planning policy “*except for any specific allocations in this Plan*”, proposed Policy DM8 does not include such an exception. In order for proposed Policy DM8 to be consistent with Policy GA5 of the BDP it is considered that such an exception should be specifically stated within the Policy wording. The Council’s proposed modifications 10 and 11¹ would therefore overcome the shortcomings in this respect.

3. Policy DM9 Day Nurseries and Early Years Provision

3.1. Question 54

“Is the Policy consistent with Policy TP21 and Policy GA5 of the Birmingham Development Plan? Would the modifications proposed by the Council overcome the shortcomings in this respect?”

- 3.1.1. Proposed Policy DM9 is not consistent with adopted Birmingham Development Plan (BDP) Policies GA5 and TP21 and the relevant requirements of the adopted Langley Supplementary Planning Document (SPD).
- 3.1.2. BDP Policy GA5 requires the Langley development proposals to incorporate a mix of uses, including community uses and education facilities. The adopted Langley SPD also identifies the proposed new Langley Centre and Community Hubs as being suitable places for new community uses. The Langley Sutton Coldfield Consortium considers that the determination of the appropriate locations for education, care and community facilities at Langley should take place via the comprehensive proposals being put forward through the planning application process, in accordance with the provisions of BDP Policy GA5 and the Langley SPD.
- 3.1.3. Proposed Policy DM9 identifies that 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 BDP. However the Langley Sutton Coldfield Sustainable Urban Extension does not feature within the network of centres listed in Policy TP21.
- 3.1.4. Whilst the wording at the end of Policy TP21 states that proposals for main town centre uses outside of the boundaries of the network of centres identified in Policy TP21 will not be permitted unless they satisfy the requirements set out in national planning policy “*except for any specific allocations in this Plan*”, proposed

¹ CSD4 Schedule of Proposed Minor Changes. Change refs 10 and 11.

Policy DM8 does not include such an exception. In order for proposed Policy DM8 to be consistent with Policy GA5 of the BDP it is considered that such an exception should be specifically stated within the Policy wording. The Council's proposed modifications 13 and 14² would therefore overcome the shortcomings in this respect.

3.2. Question 55

“Are the provisions of Policy DM9 consistent with the provisions of Policy DM8?”

3.2.1. The approach taken to proposed Policy DM9 is consistent with the approach taken to proposed Policy DM8. However, for the reasons set out in the responses to Questions 52 and 54, neither of these 2no. proposed policies are considered to be consistent with Birmingham Development Plan Policies GA5 and TP21 without specific allocations in the adopted Local Plan being specifically excluded from the requirements of these 2no. proposed policies.

3.3. Question 57

“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?”

3.3.1. Paragraph 3.20 makes reference to the consideration of the sufficiency, safety and location of car parking for day nursery and early years facilities. No clarity is provided on how this will be assessed, which may in turn cause implementation issues. Paragraph 3.20 is therefore not currently considered to be effective. It is noted that the Council is progressing a Parking Supplementary Planning Document (SPD). The Council's proposed modification 12³, which makes reference to the need for car parking provision to follow the guidance set out in the Parking SPD, provides more clarity for the implementation of this paragraph. This proposed modification should make reference to the most up to date car parking SPD.

3.3.2. This response is made without prejudice to comments made separately by the Langley Sutton Coldfield Consortium in relation to the consultation on the emerging Parking SPD and should be read alongside the responses to the questions posed in Matter 6 in relation to proposed Policy TP15.

² CSD4 Schedule of Proposed Minor Changes. Change refs 13 and 14.

³ CSD4 Schedule of Proposed Minor Changes. Change ref 12.

4. Policy Omissions

4.1. Question 58

“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?”

- 4.1.1. It is noted that the intention of Unitary Development Plan paragraphs 8.6-8.7 is to provide guidance on where new hot food shops, restaurants and cafes can be appropriately located, including with respect to consideration of amenity issues and impacts on traffic generation and car parking.
- 4.1.2. It is assumed that this question is actually intended to relate to proposed Policies DM2 (Amenity), DM14 (Highways safety and access) and DM15 (Parking and servicing).
- 4.1.3. In order to provide the flexibility for the Council to consider proposals on a case-by-case basis it is not considered necessary to include a new policy specifically relating to these particular uses. Proposed Policies DM2, DM14 and DM15, along with the criteria already included within Birmingham Development Plan Policies TP21 and TP24 and the provisions relating to town centre uses set out within the National Planning Policy Framework (2019) paragraphs 85-90, together already provide a framework for considering proposals relating to these particular uses.
- 4.1.4. It should also be noted that the latest amendments to the Use Classes Order also enable change of use between café and restaurant premises and other uses within the new E Use Class without requiring planning permission and therefore the Council should not be seeking to introduce a new Policy that restricts this permitted change.

