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18<sup>th</sup> February 2020

Dear Sir/Madam

## **Development Management in Birmingham Publication Version (Regulation 19) Consultation January 2020 - Representations on behalf of Chief Constable of West Midlands Police**

### **Introduction, Background and Executive Summary**

We act for the Chief Constable of West Midlands Police (CCWMP) and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on West Midlands Police as a consequence of development proposals and growth; and
- Ensuring the timely and effective engagement of the police and other emergency services in the planning processes in relation to matters likely to affect crime and fear of crime.

The CCWMP has a statutory duty to secure the maintenance of an efficient and effective

police force for its area and Birmingham City Council (BCC) is required by statute to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The CCWMP is grateful for the opportunity to comment on the Development Management in Birmingham Publication Version Consultation (DMB). We have previously made comments on the Issues and Options consultation and the Preferred Options consultation in October 2015 and January 2019 respectively. Both our previous letters are attached for reference at Appendix 1 to this letter. The CCWMP's comments on the DMB Publication Version Consultation are set out below. In summary, the comments are as follows: -

- National and local planning policy and guidance supports reductions in crime, disorder and fear of crime. Community safety and reducing crime are key considerations in the exercise of the duties of both the West Midlands Police and Birmingham City Council;
- As previously indicated the CCWMP welcomes the opportunity to become actively involved in the policy formulation process for the DMB and in the implementation and delivery of the policies once adopted;
- As indicated in the earlier letters of representation, the CCWMP **SUPPORTS** the objectives/ policies in the DMB that refer in their wording to safety and security, including crime, fear of crime and anti-social behaviour, namely: Objective 1.7, Policy DM2 Amenity, Policy DM14 Highway Safety and Access and Policy DM15 Parking and Servicing;
- The CCWMP welcomes the recognition in the Council's responses to the comments in relation to the Preferred Options consultation that some changes to the supporting text to policies is required, (for example in relation to Policy DM4 'Landscaping and trees', paragraph 2.40 of the supporting text now includes the suggested additions).The CCWMP still maintains however, that to carry weight and reflect the objectives of national policy, the changes recommended in the letter of representation dated 27<sup>th</sup> March 2019, should be made to the policy wording, rather than to the explanatory text.
- Notwithstanding the inclusion in some policies of the DMB to reference to safety and security themes, it is noted that other policies fail to contain explicit reference to safety. In the view of the CCWMP in the light of the re-emphasis in the recently updated PPG to supporting safe communities, this failure is inconsistent with national policy, rendering the policies unsound. The CCWMP recommends additional wording to ensure that the DMB policies are consistent with national policy. The CCWMP therefore **OBJECTS** to:
  - o Policy DM4 Landscaping and Trees and considers that the policy text should include the last sentence added to paragraph 2.40 of the supporting text.
  - o Policy DM5 Light Pollution and considers the policy requires explicit reference to the need for lighting to improve safety and reduce the fear of crime in dark places.

- Policy DM7 Advertisements and considers explicit reference should be made to advertisements also having no detrimental impact on crime, anti-social behaviour or the fear of crime.
  - Policy DM8 Places of Worship and faith based related community uses and considers reference should be made to the need for proposals to consider measures to minimise opportunities for crime, fear of crime and anti-social behaviour and to address possible malicious threats and natural hazards arising from the congregation of a large number of people.
  - Policy DM10 Standards for Residential Development and considers that the policy should be amended to include reference to the need for residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards to reduce crime, the fear of crime and anti-social behaviour.
  - Policy DM11 Houses in Multiple Occupation (HMO) and considers that the policy should be amended to include reference to the need to ensure that proposals for HMOs should not give rise to adverse cumulative impacts on safety, security and the fear of crime.
  - Policy DM13 Self and Custom Build Housing due to its omission of a reference to the need for residential development to comply with crime prevention measures, including 'Secured by Design' Standards;
- As the DMB is proposed to replace, inter alia, the saved policies of the 2005 UDP, the CCWMP **OBJECTS** to the omission of certain policy areas from the Published Version, as raised in his previous consultation responses, including policies on the evening economy, hot food takeaways, restaurants and public houses, heritage planning and ATMs. These policy areas should be specifically addressed in the DMB to achieve sustainable development and to realise the objectives of the Birmingham Development Plan; and
  - Without these changes to the document, the CCWMP considers the document to be unsound.

## **Planning Policy Background**

### **National Planning Policy Framework, February 2019**

1. The National Planning Policy Framework (NPPF), February 2019, paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
2. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives

include identifying and coordinating the provision of infrastructure and fostering a well-designed and safe built environment.

3. Chapter 8 'Promoting Health and Safe Communities' at Paragraph 91 identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.
4. Paragraph 95 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements. This should be achieved by:
  - a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
  - b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
5. Paragraph 127 f) states that planning policies and decisions should ensure that developments, amongst other requirements, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## **Planning Practice Guidance**

6. The national 'Planning Practice Guidance' (PPG), was updated in July 2019 and in the context of design, confirms that the previous guidance has been replaced. Paragraph: 001 Reference ID: 26-001-20191001 states that well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process. To be read alongside this guidance, The National Design Guide sets out the characteristics of well-designed places and highlights in the section entitled 'Public Spaces' that well-designed places should feel safe and help to overcome crime and the fear of crime.
7. Paragraph:001 Reference ID:26-001-20191001 reiterates that paragraph 130 of

the NNPF sets out that permission should be refused for development of poor design that fails to take the opportunity of promoting healthy and safe communities.

8. Paragraph: 004 reference ID: 26-004-20191001 confirms that non-strategic policies can be used to establish more local and/or design principles for an area, including design requirements for site specific allocations.
9. The PPG includes a section entitled 'Supporting safe communities' which emphasises that planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.
10. The PPG highlights the importance of Section 17 of the Crime and Disorder Act 1998 (as amended) which requires all local, joint and combined authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they can to prevent crime and disorder. Crime for these purposes includes terrorism (Paragraph:009 Reference ID:53-009-20190722).
11. Paragraph: 010 Reference ID:53-010-20190722 sub-titled 'How can planning help to achieve resilient places?' states that good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well, and which do not need subsequent work to achieve or improve resilience. However good security is not only about physical measures and design; it requires risks and mitigation to be considered in a holistic way.
12. The PPG highlights that Local authorities may find it helpful (either through decision taking or plan-making) to undertake a Security Considerations Assessment (SCA), or to take into account a SCA process undertaken by developers and other applicants as part of the design of new developments. A SCA is a mechanism by which organisations can demonstrate, through a fully documented process, that potential security-related vulnerabilities have been identified, assessed and where necessary, addressed in a manner that is appropriate and proportionate (Paragraph: 010 Reference ID:53-010-20190722).
13. The PPG confirms that good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult. It helps create safer places, infrastructure and buildings that are less vulnerable to terrorist attack and should an attack take place, where people are better protected from its impacts (Paragraph: 010 Reference ID: 53-010-20190722).
14. The PPG also states (Paragraph: 011 Reference ID: 53-011-20190722) that for all locations which will generate crowds in public places, applicants and local planning authorities should consider appropriate security measures in the design of buildings and spaces. Good counter-terrorism protective security can also support wider crime prevention. The PPG identifies a number of sources of guidance in this

respect including 'Protecting Crowded Places: Design and Technical Issues', which refers to 'Secured by Design' and 'Safer Parking' standards.

(<https://www.gov.uk/government/publications/protecting-crowded-places-design-and-technical-issues>)

15. Paragraph: 011 Reference ID: 53-011-20190722 also states that the consideration of security requirements will need to be proportionate to the size and nature of the development, the anticipated number of users and the wider setting. As well as understanding the purpose of the site, how it will operate and its potential to be regularly crowded, consideration will need to be given to measures that directly or indirectly mitigate identified threats as far as is proportionate. This could include protection of the public from vehicles used as a weapon or as an Improvised Explosive Device.
16. Paragraph: 078 Reference ID: 18b- 078-20140306 states that the prevention of crime is a public safety consideration and local planning authorities will need to consider whether granting express consent could block the view of CCTV cameras, or whether, illumination from an advertisement would cause glare on such cameras.

### **Chief Planning Officer Letter, July 2017**

17. On the 12<sup>th</sup> July 2017, a letter from the Chief Planning Officer was published by the Department of Communities and Local Government to remind local planning authorities of the important role the planning system plays in ensuring appropriate measures are in place in relation to counter-terrorist and crime prevention security. It encourages, where appropriate, pre-application discussions between planning officers and security advisors, such as Counter Terrorism Security Advisors and Police Designing Out Crime Officers, to ensure that authorities and applicants share an understanding right at the beginning of the design process, of the level of risk and the sort of measures available to mitigate the risk in a proportionate and well designed manner. In addition to the need for reference to be made to the requirements in the NPPF and the PPG, the letter also states that reference should be made to the guidance 'Protecting crowded places: design and technical issues'.

### **'Protecting crowded places: design and technical issues', April 2014**

18. 'Protecting crowded places: design and technical issues'. Updated April 2014, is aimed at anyone involved in the planning, design and development of the built environment to give advice about counter-terrorism protective security design.

### **Birmingham Development Plan (BDP), January 2017**

19. At a local level, Birmingham Development Plan (BDP) adopted January 2017, provides in Policy PG3 'Place making' that all new development will be expected to demonstrate high quality design, contributing to a strong sense of place. New

development should, amongst other criteria create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.

20. Paragraph 4.22 of the supporting text to Policy PG3 states that *'this policy sets that scene for how development should be brought forward and further detail is provided through the relevant thematic policies which follow. SPDs that have or will be produced to guide future development provide detailed guidance and policy advice on matters of design'*.
21. BDP Policy TP37 'Health' states that the City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by undertaking a number of objectives, including providing safe residential environments and addressing the fear of crime.
22. Policy TP21 of the BDP identifies a hierarchy of centres which are preferred locations for retail, office and leisure developments, community facilities and residential development. Alongside new development, proposals that enhance the quality of the environment and improve access are encouraged.
23. Policy TP24 of the BDP supports a diverse range of facilities and uses in the centres set out within the hierarchy, including restaurants, takeaways, pubs and bars, community uses and cultural facilities.
24. Policy TP27 of the BDP relates to sustainable neighbourhoods and provides that they are characterised by inter alia, attractive safe and multifunctional public spaces and the effective long term management of buildings and public spaces.
25. BDP Policy TP47 'Developer contributions' states that development will be expected to provide, or contribute towards the provision of:
  - Measures to directly mitigate its impact and make it acceptable in planning terms.
  - Physical, social and green infrastructure to meet the needs associated with the development.

### **Supplementary Planning Documents (SPD)**

26. There are also a number of adopted SPDs that are of relevance, including Places for All, November 2001, which confirms part of the approach to general design guidance as places being safe and attractive with a clear division between public and private space.
27. In addition, the Shopping and Local Centres Supplementary Planning Document,



March 2012, contains guidance on submitting planning applications for new development or change of use of premises out of A1(retail) use in centres and on planning applications for hot food takeaway anywhere in Birmingham.

## **Comments on behalf of the CCWMP on the DMB Publication Version**

### **Objectives/ Policies supported by the CCWMP**

28. It is noted that the topic areas under consideration in the document are wide ranging. The CCWMP is delighted to note that the following policy wording appears to be helpful and we can confirm the CCWMP **SUPPORTS** the inclusion of the following:

- Objective 1.7 'To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse, and inclusive with locally distinctive character.' and 'To protect and enhance the City's heritage assets and historic environment.'
- Policy DM2 Amenity: '1. All development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered... f. Safety considerations, crime, fear for crime and anti-social behaviour.'
- Policy DM14 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...'
- Policy DM15 Parking and servicing: '...3. 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 relevant Supplementary Planning Documents'.

### **Formal objections on behalf of the CCWMP**

#### **Consultation Question Q4. Why do you believe that the DMB is NOT sound?**

29. The CCWMP contends that the DMB is not sound as it is not consistent with national policy. Notwithstanding the inclusion in some policies of reference to safety and security, it is considered that the wording of other policies should contain explicit and more detailed reference to these matters. Designing out crime and the fear of crime should be included in DMB policies DM4, DM5, DM7, DM8, DM10, DM11, DM12, DM13, for consistency and robustness. The CCWMP therefore **OBJECTS** to the absence of key wording in the policies referred to below and comments specifically in relation to the following parts of the DMB:



30. Policy DM4 Landscaping and Trees (Page 16) seeks to maintain and increase the green infrastructure for the city to provide high quality landscapes and townscapes however, it does not address the need for an ongoing management plan to be in place. The CCWMP considers that it is vital, from a safety and security perspective, for trees and shrubs to be maintained in accordance with the guidance set out within the 'Secured by Design' documents. For example, the maximum height of bushes should be 1 metre, the minimum height of tree canopies should be 2 meters and any planting scheme should not adversely impact existing lighting and CCTV schemes.

31. In response to the previous comments submitted on behalf of the CCWMP in relation to Policy DM4, the Council has accepted the relevance and importance of the need for a management plan to ensure that planting is maintained in accordance with the guidance set out in Secured by Design and accordingly, has added a sentence to paragraph 2.40 of the DMB (page 17). It is noted however, that the suggested amendment has not been included in the wording of the Policy text itself. The CCWMP **objects** to the absence of reference of the requirement for a management plan in the text of Policy DM4 on the basis that the supporting text to Policy DM4 is not part of the policy and therefore carries less weight, as part of the explanation of the policy. Given the Council's acknowledgement that the need for management plans incorporating Secured by Design principles is justified, the CCWMP requests that in order to be consistent with national policy, the following additional paragraph be added to the policy text on page 16 after the first paragraph, beneath sub-section 'Landscaping' as follows (new wording shown in bold):

'...1. All developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network.

**2. All landscaping schemes should be accompanied by a management plan to ensure that planting is maintained in accordance with the guidance set out in 'Secured by Design' documents to reduce crime, the fear of crime and anti-social behaviour.'**

32. Policy DM5 Light Pollution (page 18 DMB) relates to light pollution and seeks to ensure that lighting makes a positive contribution to the environment of the City, mitigating any adverse impacts on amenity and public safety.

33. Whilst paragraph 2.42 of the supporting text to the policy (page 18 DMB), states that well-designed lighting can inter alia, '*improve safety by lighting dark places*', there is no reference to this point in the policy text itself. As part of the supporting text, the issue is not a policy requirement and carries less weight. The CCWMP

contends that it should be included in the policy text itself.

34. The Council's response to the CCWMP's previous representations that the safety and security benefits of lighting dark places should be included within the policy is that it considers that the additions sought go beyond the NPPF which requires planning policies and decisions to "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation". This part of the NPPF (paragraph 180 c), refers to light pollution and is not concerned with safety and security in the context of the built environment.
35. The CCWMP contends that the Council's response does not fully address the concerns raised in our 2019 letter of representation (see Appendix 1). Lighting dark places is important in terms of ensuring public safety and can contribute to ensuring that the built and natural environments within the City are safe, so that crime and the fear of crime is reduced. Paragraphs 91 b) and 127 f) of the NPPF explicitly state that planning policies should aim to achieve healthy, inclusive and **safe** places so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. In addition, the updated PPG section 'Supporting safe communities' highlights the importance of how good design can make a wide range of crimes from theft to terrorism less likely to happen, by committing those crimes more difficult. The benefits of lighting dark places contribute to achieving these safety objectives and should be included in the policy text. This is important to ensure that crime, safety and the fear of crime are taken fully into consideration when assessing lighting proposals. In order for Policy DMB5 to be consistent with national policy, the CCWMP requests that the recognition in the supporting text at paragraph 2.42 that well-designed lighting '*... can also improve safety by lighting dark places...*' is reflected in the policy text under paragraph 2 (page 18) as a new bullet point between a. and c. as follows (proposed new text shown in bold):
- '...2. Proposals for external lighting will need to demonstrate that the lighting is:
- ...a. Appropriate for its purpose in its setting;
- ...b. Designed to improve safety and reduce the fear of crime by lighting dark places...**
- ...c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected:
36. Policy DM7 Advertisements (page 22 DMB) is aimed at ensuring that advertisements are well designed and relate well in scale and character to a building or surrounding area. The CCWMP welcomes the recognition in the policy text to the fact that safety as well as amenity considerations are important when considering advertisement proposals.

37. The CCWMP respectfully requests however, that in accordance with guidance in the PPG relating to the security of the built environment, the policy should reflect the principles of good design which considers how a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult to happen (paragraph: 010 reference ID:53-010-201907822). Further, in the light of paragraph: 078-Reference ID:18b-078-20140306, the policy text should make express reference to public safety considerations to address the potential problems created by advertising on for example, CCTV cameras. It is requested that the following additional wording be added to the policy as follows (new text shown in bold):

‘...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 **crime, anti-social behaviour or the fear of crime**, public and highway safety or to the amenity of the area...’

38. Policy DM8: Places of worship and faith based related community uses (page 24 DMB) seeks to ensure that places of worship are appropriately located, designed and managed to benefit users and protect local neighbourhoods. The CCWMP welcomes the addition of paragraph 3.12 (page 24 DMB) to the supporting text, which refers to the need for proposals to minimise detrimental impacts on highway safety.

39. The CCWMP maintains however, that policy DM8 provides an opportunity for crime and safety considerations, not least that of the congregation, to be reinforced as a policy requirement. For example, there have been well publicised instances of crime and anti-social behaviour directed towards congregations and premises. Paragraph 011 Reference ID: 53-011-20190722 of the PPG states that for all locations which will generate crowds in public places, consideration should be given to appropriate security measures in the design of buildings and spaces. In the interests of consistency, this emphasis in national policy guidance should be reflected in local policy.

40. The Council’s response to the previous representations in relation to this policy suggests that Policy PG3 of the adopted Birmingham Plan already states that new development ‘...*should create safe environments that design out crime*’, and therefore the suggested addition to Policy DM8 is unnecessary. As indicated in paragraph 4.22 of the supporting text to Policy PG3, this policy sets the scene for how development should be brought forward and further detail is envisaged in further guidance and advice. Paragraph 1.4 of the published version of the DMB states that the purpose of the DMB is to provide ‘*detailed*’ management policies. The CCWMP contends that the inclusion of the suggested wording will add focus

to the significance of the issue of minimising the risk of crime, fear of crime and anti-social behaviour, in accordance with the PPG.

41. The CCWMP therefore requests that the following additional wording is included as a new bullet point 'd' within the policy (new text shown in bold):

**'...d. Proposals will need to demonstrate that appropriate measures have been put in place to minimise the risk of crime, fear of crime and anti-social behaviour'.**

42. Policy DM10: Standards for Residential Development (page 28 DMB) requires all residential development to comply with various standards such as, minimum space standards, Building Regulations, separation distances, outdoor space standards and the 45 degree rule. The CCWMP considers that in order to ensure the policy is consistent with national policy and guidance, it is appropriate for this policy to require residential development to comply with 'Secured by Design' Standards and request that an additional point is included in this policy text as follows:

**'All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

43. Policy DM11: Houses in multiple occupation (HMO) (page 30 DMB) and other non-family housing, seeks to control the amount and location of HMO. The CCWMP contends that it should be amended to include clear reference to the need to ensure that proposals for HMOs do not give rise to adverse cumulative impacts in terms of safety, security and the fear of crime. An overconcentration of HMO can potentially place increased pressure on police resources. The CCWMP respectfully requests an addition to paragraph 'e' of the policy (shown in bold) as follows: -

'1. Proposals for the conversion of existing dwelling houses or the construction of new buildings to be used as Houses in Multiple Occupation (HMO) should protect the residential amenity and character of the area and will be permitted where they:

e. would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety, **parking, safety and security, crime and the fear of crime.'**

44. Policy DM13: Self and custom build housing (page 36 DMB) supports individuals or groups of individuals who wish to build their own homes as a means to access home ownership. The CCWMP contends that the policy should address the need for proposals to meet 'Secured by Design' standards to ensure that all new residential development complies with national and local plan objectives of designing out crime.

45. The Council's response to the previous representations in relation to this policy suggests that Policy PG3 of the adopted Birmingham Plan already states that new development '...should create safe environments that design out crime' and that therefore the suggested addition to Policy DM13 is unnecessary. As indicated in paragraph 4.22 of the supporting text to Policy PG3, this policy sets the scene for how development should be brought forward, with further detail envisaged in additional guidance and advice. The CCWMP contends that the DMB provides the further guidance referred to in the supporting text to Policy PG3 and that the inclusion of the suggested wording will add focus to the significance of the issues of minimising the risk of crime, fear of crime and anti-social behaviour.
46. The CCWMP requests that the following additional bullet point is added to the policy as follows (new text shown in bold):

**'...4. 'All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

### **Omission of policies objected to by the CCWMP**

47. In addition, the CCWMP **OBJECTS** to the omission of certain policy areas in the DMB. It is noted that paragraph 1.4 of the DMB document states that the purpose of the DMB *'is to provide detailed development management policies which are non-strategic and provide detailed policies for specific types of development'*, saved policies of the 2005 UDP, namely policies contained in chapter 8 and paragraphs 3.14 to 3.14D of that plan, yet many are not specifically contained in the DMB. For example, the Regulation 18, 'Preparation' June 2018 version of the DMB, indicated in Table 1 of the Appendix, that UDP paragraphs 8.6-8.7 would be replaced with separate policies in the DMB. That indication is not reflected in the Published version of the DMB. The CCWMP needs to be assured that there are policies to ensure planning applications are properly considered, including addressing any concerns over crime, anti-social behaviour and fear of crime.
48. Specifically, the DMB does not contain a policy referring to restaurants, bars, public houses and hot food takeaways (Use Classes A3/A4/A5). This is despite the fact that the Regulation 18 Consultation DMB document (June 2015), clearly indicated at that stage that it was necessary to include a number of separate policies in the DMB dealing with Takeaways (proposed policy DM01), and Restaurants, Cafes and Pubs (proposed policy DM03). The Publication version of the DMB gives no explanation as to why these proposed policies have been omitted from the DMB. In relation to 'hot food shops and restaurants/cafes', Appendix 3 (page 51) of the Published version simply notes that paragraphs 8.6-8.7 of the UDP will be replaced

by DMB policies DM2 'Amenity', DM6 'Noise and vibration', DM14 'Highway safety and access, DM15 'parking and servicing'. Unfortunately, Policies DM2 (page 12 DMB), DM6 (page 20 DMB) and DM14 (page 38) do not adequately address the potential crime, safety, antisocial behaviour and fear of crime issues arising from restaurant, bar, public house and hot food takeaway proposals, particularly in terms of their evening activities.

49. Whilst it is accepted that the Shopping and Local Centres Supplementary Planning Document March 2012 does include reference to these types of developments, that document pre-dates the latest version of the NPPF and revised PPG. The SPG does not refer to proposals which may generate anti-social behaviour, crime or fear of crime in a community. This omission and lack of reference in the DMB is regrettable. It is not considered that the reliance on other policies in the DMB is sufficiently robust. Therefore, a specifically worded policy is required, common with other local authorities, to cover hot food takeaways, restaurants and public houses etc., in the same way that specific policies are proposed for Houses in Multiple Occupation.

50. The CCWMP requests that a policy is included as follows: -

#### **Hot Food Takeaways, Drinking Establishments, Restaurants and Cafes**

**A3/A4/A5 outlets should be located within defined centres and will normally be discouraged outside those locations. Proposals within defined centres will be permitted provided they: a) would not result in significant harm to the amenity of nearby residents or highway safety; b) would not result in harmful cumulative impacts due to the existence of any existing or consented proposed outlet, including in terms of anti-social behaviour, crime and the fear of crime; and c) are in accordance with the Shopping and Local Centres Supplementary Planning Document.'**

51. The CCWMP also considers that the policy wording should refer to the Council attaching conditions to restrict opening hours, normally requiring the premises to be closed and cleared of customers by 11.30pm, to ensure there is no demonstrable harm to any nearby residents.

52. In addition, there are a number of other notable omissions in the DMB that were previously raised at paragraphs 20-50 in the CCWMP's earlier letter of representation (dated 19<sup>th</sup> October 2015), attached at Appendix 1. The CCWMP **OBJECTS** to this omission. In summary, these are as follows: -

- Listed Buildings and Conservation Areas
- Maintenance following completion of development
- Automatic Teller Machines (ATM)

53. The CCWMP contends that for the reasons set out above, without the inclusion of policies dealing with the matters outlined above, the DMB is unsound.

## **Summary**

54. The CCWMP has a statutory duty to secure the maintenance of an efficient and effective police force in its area and the City Council has a statutory duty to consider crime and disorder and community safety in the exercise of its planning functions.

55. The CCWMP encourages the Council to ensure that the theme of community safety and crime prevention is given prominence in the Development Management in Birmingham DPD on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities, as set out in the NPPF and PPG.

56. It is imperative that the ability of the West Midlands Police to continue to undertake their functions is fully taken into account in considering and formulating detailed policies in the future. The CCWMP suggests that in order to achieve the objectives and realise its strategy, the policies of the Development Management in Birmingham DPD must include greater reference to community safety, reducing crime, fear of crime and anti-social behaviour, as well as greater detail on measures aimed at designing out crime. Furthermore, there are notable omissions to key policy areas in the DPD, including policies on the evening economy, hot food takeaways, restaurants and public houses, heritage planning and ATMs. Without these changes to the document, the CCWMP considers the document to be unsound.

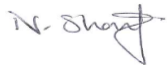
57. The CCWMP formally requests that relevant officers are invited to be involved in formulating appropriately worded policies. Joint working in partnership with the West Midlands Police will help to ensure a sustainable plan which meets the requirements of the NPPF.

58. Our Client would be grateful if these representations and suggested revised wording for the relevant policies referred to above and/or supporting text could be reflected in the final consideration of the Development Management in Birmingham Development Plan Document. We would be delighted to meet with you to discuss our Client's representations, if considered necessary.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,





Nadia Sharif BA (Hons) Law  
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Encl.

**APPENDIX 1: Letters of 19<sup>th</sup> October 2015 and 27<sup>th</sup> March 2019**



Planning and Architecture | advice | applications | drawings

Our ref. 8976 SF SPD1 HRW

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19<sup>th</sup> October 2015

Dear Sir/Madam

**Development Management Development Plan Document:  
Formal Representations on behalf of the Police and Crime  
Commissioner for West Midlands (PCCWM)**

We act for the Police and Crime Commissioner for West Midlands (PCCWM), formerly known as the West Midlands Police Authority, and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Promoting a safe and secure entertainment, leisure and evening economy;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on the PCCWM as a consequence of development proposals and growth;
- Ensuring the timely and effective engagement of the police and other emergency services in the planning processes in relation to matters likely to affect crime and fear



tylerparkes drawing on experience. planning for approval.

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of crime; and

- Ensuring the timely and effective engagement of the police and other emergency services in relation to Counter-Terrorism matters. For example, Counter Terrorism Security Advisors can give appropriate advice concerning Vehicle-Borne Devices (VBD) mitigation and the Crowded Place agenda (particularly in relation to shopping areas and the night-time economy).

In addition, you will appreciate that PCCWM has a number of properties across the West Midlands area and new development proposals should not impact upon their operational functionality.

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'.

The PCCWM clearly has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

To this end, we confirm we have already made representations on behalf of PCCWM in respect of the emerging local plan documents including the Birmingham Development Plan (BDP). We are grateful for the opportunity to comment on the initial ideas version of the Development Management Development Plan Document (DPD).

The PCCWM would welcome the opportunity to become actively involved in the policy formulation process for the DPD and in the implementation and delivery of the policies once adopted. The PCCWM would be pleased to meet with you to discuss any of the matters raised in this letter of representation.

This letter includes detailed justification and explanations for the need for, and importance of, appropriate crime prevention and safety policies.

In light of this, and the continued need for community safety, the PCCWM would wish to make the representations set out in the following paragraphs, many of which are a repetition of the general themes and areas of concerns previously raised in respect of the emerging planning policy documents.

## National Planning Policy Framework

1. The National Planning Policy Framework (NPPF), March 2012, paragraph 156 sets out the strategic priorities for local planning authorities when Plan-making, including, 'the provision of health, security, community and cultural infrastructure...'. Security is therefore a national strategic planning objective for local authorities.
2. Paragraph 58 in subsection 7, Requiring Good Design, requires that planning policies and decisions should aim to ensure that developments '... create safe and secure environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...'
3. Paragraph 69 in subsection 8, Promoting Healthy Communities, emphasises that planning policies and decisions should aim to achieve places which promote '... safe and accessible environments where crime and disorder, and



the fear of crime, do not undermine quality of life or community cohesion... and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.'

4. Paragraph 17, requires local authorities, as one of their 'Core Planning Principles', to 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.' Included within this would inevitably be a requirement that local authorities ensure there are appropriate levels of police infrastructure to meet the needs of the community.
5. Paragraph 134 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'
6. It is therefore clear that the Framework requires local planning authorities to make provision for security issues and prioritise the need to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

## Planning Practice Guidance

7. Last year the government launched the web-based Planning Practice Guidance which is updated on an on-going basis. The section on 'Design', Paragraph 006 Reference ID: 26-006-20140306, requires a number of specified issues to be considered, these include: crime prevention; security measures; and safe, connected and efficient streets.
8. Paragraph 007 (Reference ID: 26-007-20140306) points out that good landscape design can help the natural surveillance of an area and enhance security. Paragraph 009 (Reference ID: 26-009-20140306) requires developments to promote public spaces and routes that are attractive, accessible, safe and uncluttered which work effectively for all users. It observes that space left without a function can detract from a place's sense of identity and can increase the likelihood of crime and anti-social behaviour occurring.
9. Paragraph 10 (Reference ID: 26-010-20140306) is sub-titled 'Planning should address crime prevention'. It states that 'Designing out crime and designing in community safety should be central to the planning and delivery of new development.' It emphasises that it is important that crime reduction-based planning measures are based upon a clear understanding of the local situation and consideration needs to be given to how planning policies relate to wider policies on crime reduction, crime prevention and sustainable communities.
10. Paragraph 10 suggests that local authorities may wish to consider how they will consult with their Police and Crime Commissioner on planning applications where they are Statutory Consultees and agree how they will work together on other planning matters. There is a requirement for the local planning authorities to work closely with the police force to analyse and share information and good practice.
11. Paragraph 011 (Reference ID: 26-011-20140306) sub-titled 'Planning should promote appropriate security measures' requires taking proportionate security measures to be a central consideration to the planning and delivery of new developments and substantive retrofits. Crime includes terrorism, and good counter terrorism protective security is also seen as good crime prevention.



## Technical Housing Standards Review

12. The importance the Government attaches to the need for issues of safety and security to be addressed was most recently highlighted on 27<sup>th</sup> March 2015, with the Technical Housing Standards Review and the publication of changes to the Building Regulations 2010, which came into force on 1<sup>st</sup> October this year. Part Q addresses the need for minimum levels of built security measures in the construction of new dwellings (including dwellings formed by a material change of use). Requirement Q1 of the Building Regulations includes detailed security requirements for doors and windows.

## Comments on the Development Management Development Plan Document (DPD)

### Comments on Proposed Policies

13. The National Planning Policy Framework (NPPF) highlights security infrastructure as one of strategic importance in paragraph 156. It would therefore be entirely appropriate that issues of safety and security are integral to the strategy within the DPD. It is extremely important to ensure that appropriate crime prevention measures are both funded and put in place to ensure the maintenance of effective levels of crime prevention. Clearly, success in this objective will contribute significantly to the attainment of many of the emerging Birmingham Development Plan, including: supporting regeneration, creating a family friendly destination, stimulating ongoing investment and mixed use development, improving connectivity, and helping improve the wellbeing of the citizens of the area.
14. The PCCWM therefore support the DPD objective 1. which seeks to ensure that '...development makes a positive contribution to community safety, health and well-being.'
15. The PCCWM welcome the reference within the proposed policy DM23 Design explanation that there is a need to consider crime and disorder. They support the statement that, '...This is an important policy, which is likely to contain several subsections addressing general design considerations such as ... crime and disorder...' The PCCWM would encourage reference being made to the requirement for proposals to meet 'Secured by Design' principles when considering specific design elements such as shop fronts, housing, tall buildings, hard and soft landscaping etc.
16. The PCCWM request that reference be made to the need to design out crime, and to introduce, where appropriate, additional measures and infrastructure – such as CCTV and/or lighting – to ensure the community feel safe during an extended business/leisure day. This would be particularly relevant when drawing up policy wording for Policy DM02 Sheesha Lounges and DM03 Restaurants/Cafes/Pubs.
17. The PCCWM request that Policies DM12 Houses in Multiple Occupation and DM13 Houses in Multiple Occupation – Article 4 Areas, address the need for appropriate crime prevention measures in terms of location, design, layout and other infrastructure to reduce crime and the fear of crime. An overconcentration of Houses in Multiple Occupation can potentially place increased pressure on police resources.





18. The PCCWM welcome the inclusion of Policy DM17 Planning Obligations and request that reference be made, either within the policy or within the supporting justification, to the potential requirement for contributions to be made towards Police infrastructure.
19. The PCCWM Senior Leadership Team and Local Policing Unit are likely to have detailed knowledge about site specific issues in respect of crime and safety. The PCCWM request that they are engaged in the ongoing DPD preparation process. Additionally, the centrally-based Crime Prevention Design Advisor team (CPDAs) have extensive knowledge of security measures and 'Designing Out Crime' and the PCCWM requests that they are also engaged in the ongoing DPD preparation process.

## Request for Additional Policies

### Listed Buildings and Conservation Areas

20. The PCCWM request that an additional policy be included in the DPD which will address the development management issues specific to Listed Buildings and Conservation Areas. Heritage Crime is a major safety and security problem for the PCCWM with, for example, the theft of lead flashing, cast-iron down pipes and other historic artifacts. The PCCWM request that a policy be introduced which would adopt a flexible approach in respect of replacement building materials lost or stolen from listed structures or those of historical interest.
21. The PCCWM are keen for the new policy to allow flexibility in the use of materials where appropriate. Instead of insisting in all cases on a like-for-like reinstatement of materials where they have been removed, consideration could be given to the use of alternative materials and/or artifacts which are less likely to be vulnerable to repeat theft. This approach would be a positive response aimed towards reducing heritage crime and the fear of crime.
22. Research in 2012 suggests that there are around 75,000 crimes affecting designated historic buildings and sites annually – around 200 a day. Offences range from damage to listed buildings and other sites, theft of artefacts, theft of metal, antisocial behaviour and damage to conservation areas. 18.7% of all listed buildings were physically affected by crime last year. That is over 70,000 listed buildings. Heritage crime generally is also a significant threat in conservation areas with an incidence rate of 14.9% last year.
23. The PCCWM request that a new development management policy should require consideration of:
  - the particular circumstances of a heritage environment, site context, and merits of the case. In particular whether repeat crime (such as theft of materials from a building) is highly likely.
  - the potential damage to an historic asset that may result from repeated theft of existing and subsequent like-for-like replacement materials. For example metal theft (roof, gutters and down pipes) from historic churches. And,



- the significance of that particular element of the building (to be re-instated in the event of theft) in terms of its contribution to the value of that particular heritage asset. For example the lead roof on one building may not be as important to the historic asset as another due to its size, aspect or prominence on the building.
24. There will be cases where the use of alternative materials is the most appropriate way of avoiding such crime. For instance if the site is open, has no defensible boundaries, is not subject to natural surveillance, poorly lit, and the design of the building offers offenders a number of potential routes up to the roof to target metal fixtures and fittings. This makes it difficult to install suitable measures to prevent access to the roof. Any defensive anti-climb measure, such as metal spikes, would potentially not be in keeping with the historic or architectural status of the site and would certainly not be aesthetically pleasing.
  25. The use therefore of replacement material (along with the installation of signage around the site indicating the material has been replaced by a 'no theft value' option) that proves valueless to any potential thief may be the only suitable measure, or an important part of a range of measures, to deter crime.
  26. The principle of this approach is accepted by English Heritage (the 3rd paragraph in Section 3 of the document 'English Heritage Guidance Note: Theft of Metal from Church Buildings' (2011)) states:

*"Every case is assessed on its merits, but we appreciate that there will be instances in which a change of material will be appropriate, especially when the area of roof is not visible from ground level. After a theft, the first priority must be to provide emergency cover whilst the permanent replacement is arranged. In some situations, a durable replacement such as terne-coated stainless steel, tiles or slates, rather than lead, might be the most prudent way to repair the building".*

27. Rather than seeking 'like for like' replacement, use of 'alternative' products available on the market, such as those produced by Rain Guard, might be accepted as a suitable alternative in appropriate instances. Replacement of stolen goods effectively by 'replica' products which visually match items stolen (with signage to indicate that they have no value), would prevent repeat theft and mean that the building owner was not vulnerable to this crime again.
28. The PCCWM request that the new policy includes reference to the favourable consideration of the use of approved 'alternative' materials to replace building materials and artefacts stolen to reduce crime and the fear of crime.

#### Maintenance following Completion of Development

29. The PCCWM request that a second additional policy be included in the DPD which will address the need for effective long-term measures and management to be in place to ensure the continued sustainability of development schemes on the short, medium and longer-term.





30. It is important that new developments should include a comprehensive maintenance programme to offer sustainability for buildings once they have been constructed, this might include, for example:
- The regular pruning and trimming of trees and bushes to encourage surveillance and prevent concealment (subject to the requirements arising from regulations in respect of trees in Conservation Areas or subject to Tree Preservation Orders (TPOs))
  - The removal of graffiti and signs of vandalism (Broken Windows Theory - links disorder and incivility within a community to subsequent occurrences of serious crime); and
  - Regular litter and waste patrols.
31. The PCCWM has evidence that in many cases two or three years after large-scale developments are operational, there are signs of graffiti and damage due to a lack of effective maintenance. This can quickly lead into the spiral of decline/neglect if not maintained quickly and effectively. The PCCWM believe the need to design out crime and ensure its continued maintenance in all new developments and redevelopments is a cornerstone to successful sustainable communities.

#### Automated Teller Machine Installations (ATMs)

32. The PCCWM request a third additional policy is included in the DPD which will seek to control the design and location of ATMs. Detailed information, set out below, has been provided by the PCCWM to explain why there is a need for a specific policy to address this escalating crime and safety issue through the planning system to try to better protect the safety and security of the community.
33. For some time the West Midlands' Police area, covering seven local authorities, has been the UK 'hot spot' for ATM crime, accounting for 31% of all 'cash in transit' robberies, where cash vans are attacked, either entering or leaving a bank with cash bags, or replenishing ATMs. Across the UK, including the West Midlands, there have been an increased number of physical attacks on ATMs, including the use of gas.
34. Nationally, since January 2014 there have been 717 attacks on ATM's with a loss of £6,915,270. Including:
- 82 attacks during replenishment with the loss of £1,346,400;
  - 77 'gas attacks' whereby gas is pumped into an ATM and then exploded remotely causing colossal damage and risk to life;
  - 137 'rip outs', 'ram raids' and attempt 'rip outs' where plant machinery, such as a fork lift truck, has been used to demolish part of the building then lift out the machines and place them onto get away lorries. High tension straps are also used to wrap around free standing ATM's and in turn affixed to a vehicle in order to tear it from its plinth;
  - Attacks using angle grinders, oxyacetylene equipment, and hydraulic cutting equipment often carried out by organised criminal gangs using increasing levels of violence with attacks on police officers attending the scenes not uncommon.



35. Both 'hole in the wall' and 'stand-alone' ATMs are often situated in night time economy areas where they can become 'crime-generators' with drunk/intoxicated people using cash machines vulnerable to becoming victims of attack and theft.
36. A significant proportion of street crime offences, such as personal robbery and snatch theft, are geographically connected to ATMs in Birmingham. The reasons for this are evident – potential victims are cash-rich when they have used an ATM and offenders can also identify and observe victims for future identity theft and credit card fraud.
37. Violent robberies of ATM replenishment staff are also a considerable problem in Birmingham and the West Midlands. As the number of ATM installations increase, the potential for this type of crime is ever increasing.
38. There is a particular concern where 'Hole in the Wall' ATMs are installed in retail premises, where an apartment or dwelling is above the shop. In the last 18 months the gas attacks on ATMs across the UK have become more sophisticated and serious, therefore there is a fear that residents will be injured or killed if this practice continues.
39. More recent statistics from August 2015 further confirm the increasing problem of ATM-related crime (statistics provided by the British Bankers' Association):
  - ATM attacks – overall ATM related attacks (physical and ATM replenishment) are up 6% compared to the same period in 2014. Replenishment incidents are up 21%;
  - Physical attacks against ATMs – incident numbers are up 4%, losses are almost double those for the same period in 2014. 28% of incidents resulted in a cash loss; and
  - Top locations for attacks – convenience stores (37%), petrol stations (10%) and branches (13%).
40. The West Midlands is one of the 4 police forces experiencing the greatest number of ATM's attacks in the country, the others being the Metropolitan Police, Greater Manchester and Avon & Somerset.
41. There are a number of different types of external ATM installations, including: through-the-wall; in columns/pods; and in public telephone kiosks etc. Each type of installation can bring different security issues and can require different measures to secure them.
42. The location of ATMs, and the physical security measures which are incorporated in and around them, can have a substantial impact on the safety and security of users and those who replenish ATMs. If an ATM is well-positioned and is protected by appropriate, risk-commensurate measures, it can reduce the opportunities for criminals to exploit and influence the selection of potential victims by offenders.
43. The PCCWM has identified a number of general 'good practice principles' which might be incorporated within a new Policy within the emerging DPD. Matters which should be considered when assessing the location of any proposed ATMs include the need to:



- Position ATMs to benefit from maximum levels of surveillance from surrounding buildings and busy pedestrian or vehicle thoroughfares;
  - Position in well-lit, open locations where users and replenishment teams can rapidly survey the immediate area;
  - Position as far as possible from doorways, recesses, passageways, secondary roadways, shrubbery, hoardings or other features that may provide potential hiding places for criminals to exploit or allow ATM users to be 'boxed-in';
  - Only install ATMs in areas served by wide footpaths or thoroughfares, free from street furniture and away from building entrance, in order to avoid funnelling pedestrians into close-proximity with ATM users;
  - Locate away from bus stops, public telephones, pedestrian crossing or other features where criminals may have a legitimate reason to gather or loiter;
  - Ensure that where ATMs are to be installed within the frontage of retail/commercial units the units themselves and any adjacent units, are in a good state of repair with an appropriate level of physical security;
  - Ensure cash-in-transit servicing vehicles are able to park within the immediate vicinity of the ATM and, where appropriate, dedicated parking spaces should be provided.
  - Ensure ATM servicing is able to take place in a secure area within the host building, away from the general public. Where this is not possible, such as in smaller retail units, the public should be excluded from the building while ATM servicing is carried out.
44. The points above give a brief overview of the generic criteria the PCCWM use to assess the locations of proposed ATMs. However, when their advice is sought on planning applications, it is always site specific and risk commensurate. As well as the above criteria, the PCCWM would also refer to local crime statistics and trends, Local Police Unit Neighbourhood Policing Teams and ATM Security Working Group Guidelines. The PCCWM are able to use all of this information to assess the risk and determine not only whether the location of a proposed ATM is appropriate, but also which, how many and in what combination physical security measures are required.
45. It is essential that the West Midlands Police Crime Reduction Unit/Crime Prevention Design Advisors are consulted on all ATM installations. The PCCWM requests that the Police Crime Prevention Design Advisor (CPDA) is consulted before any ATM installation and that this requirement be included in the Policy supporting text.
46. Whilst not strictly for inclusion within the planning policy itself, the PCCWM have suggested the following model planning condition which they recommend be used as the starting point for any ATM planning permission. This may be useful to have in mind when drawing up the



wording of the requested new policy in the DPD. It might also feed into a Supplementary Planning Document should one be considered necessary to effectively address the current and escalating safety and security issue presented by ATM installations.

47. The model conditions set out below include the most common types of physical security measures, which could be included, deleted or added to as appropriate on a case-by-case basis. A suggested informative is also provided to cover more detailed measures which are perhaps outside of the scope of the planning process (e.g. anchoring, alarming, bank note degradation systems etc.):
- A scheme shall be submitted for approval in writing by the local planning authority (LPA) within two months of the date of this decision, detailing the security measures to be adopted and therein maintained to the satisfaction of the LPA, including (add to or delete as appropriate)
  - Lighting should be provided to the area around the proposed ATM to an adequate and uniform level, to prevent any areas of pooling/shadowing.
  - Defensible space ground markings (e.g. 1m painted area or change in surface texture) should be employed and maintained at the front of the ATM to indicate that only one user at a time may enter the space.
  - The proposed ATM should be protected by a closed circuit television system that should view the area and the users of the ATM, but not the ATM keypad itself.
  - The ATM should be protected by anti-ram bollards, or similar, to deter against ram-raid type attacks.
  - Replenishment of the ATM should be carried out from a secure area inside the host building or while the public are excluded from the building (delete as appropriate).
  - A dedicated parking area should be provided for the cash-in-transit vehicle within the immediately vicinity of the ATM.

REASON: To reduce the risk of crime pursuant to (add Council Policy as appropriate) and the Council's duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions.

48. INFORMATIVE: ATM installers should always refer and adhere to the detailed best practice guidance produced by the ATM Security Working Group – a group that includes independent ATM deployers, financial institutions, insurers and others.
49. It is important that operators seeking retrospective planning permission are subject to the same minimum planning requirements. Some ATM companies appear to have a policy of installing their machines without first obtaining planning permission; this practice leaves the shopkeeper and wider community vulnerable to increased crime without the planning controls highlighted above.
50. The PCCWM believe planning policy control over the location and design of ATM installations and their surroundings is a vital tool for reducing crime and the fear of crime and improving community safety.





## Summary

51. The PCCWM has a statutory duty to secure the maintenance of an efficient and effective police force for its area and, of course, the Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties.
52. The PCCWM is keen that the theme of community safety and crime prevention is given prominence in the Development Management DPD, as improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities. They therefore welcome the recognition in the DPD of the need to consider crime and disorder.
53. The PCCWM request that three additional policy areas be included in the DPD to address the need for the effective longer-term management of developments, the need to reduce Heritage Crime and the need to control the location and design of ATM installations to reduce crime and the fear of crime.
54. The PCCWM requests that relevant officers are invited to be involved in formulating appropriately worded policies and, following adoption, ensuring effective implementation of the DPD policies. Joint working in partnership with the police and other emergency services will help to ensure a sustainable plan which meets the requirements of the NPPF.
55. The request by the PCCWM to be actively involved in the on-going planning policy and development management process is in line with the Paragraph 10 of the national Planning Practice Guidance which states that there is a requirement for the local planning authorities to work closely with the police force to analyse and share information and good practice. It also suggests that local authorities may wish to agree how they will work together on planning matters.
56. Our client would be grateful if you could reflect these representations when preparing the detailed wording for the proposed policy areas. We would be delighted to meet with you to discuss my client's representations, if considered necessary.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,

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28<sup>th</sup> March 2019

Dear Sir/Madam

## **Development Management in Birmingham Preferred Options Consultation January 2019 - Representations on behalf of Chief Constable of West Midlands Police**

### **Introduction, Background and Executive Summary**

We act for the Chief Constable of West Midlands Police (CCWMP) and are instructed to make representations on local development documents in respect of securing policy reference in such documents to matters including:

- Recognising the community need for securing safe environments with crime reduction made a priority;
- Requiring developers to demonstrate how proposals address community safety and crime prevention in Design & Access Statements, or other relevant planning application documents;
- Ensuring the timely and effective engagement of the police and other emergency services to ensure effective delivery of infrastructure projects required as a result of development growth with the recognition that the police are a social infrastructure delivery agency;
- In appropriate cases, seeking financial contributions towards the additional expenditure burden placed on West Midlands Police as a consequence of development proposals and growth; and
- Ensuring the timely and effective engagement of the police and other emergency services in the planning processes in relation to matters likely to affect crime and fear of crime.

The CCWMP has a statutory duty to secure the maintenance of an efficient and effective police force for its area and Birmingham City Council (BCC) is required by statute to

consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The CCWMP is grateful for the opportunity to comment on the Development Management in Birmingham Preferred Options Consultation (DMB). We have previously made comments on the Issues and Options consultation – our letter of 19<sup>th</sup> October 2015 is attached for reference at Appendix 1 to this letter. The CCWMP comments on the DMB Preferred Options Consultation are set out below. In summary, the comments are as follows: -

- National and local planning policy and guidance supports reductions in crime, disorder and fear of crime. Community safety and reducing crime are key considerations in the exercise of the duties of both the West Midlands Police and Birmingham City Council;
- As previously indicated the CCWMP welcomes the opportunity to become actively involved in the policy formulation process for the DMB and in the implementation and delivery of the policies once adopted;
- The CCWMP **SUPPORTS** the objectives/ policies in the DMB that refer in their wording to safety and security, including crime, fear of crime and anti-social behaviour, namely: Objective 1.7, Policy DM2 Amenity, Policy DM13 Highway Safety and Access and Policy DM14 Parking and Servicing;
- Notwithstanding the inclusion in some policies of the DMB of reference to safety and security themes, it is noted that other policies fail to contain explicit reference to same. The CCWMP recommends additional wording to be consistent with other drafted policies in the document. The CCWMP therefore **OBJECTS** to:
  - o Policy DM4 Landscaping and trees and considers the policy requires reference to the need for a management plan in line with ‘Secured by Design’ objectives to maintain vegetation and thereby reduce opportunities for crime and anti-social behaviour.
  - o Policy DM5 Light Pollution and considers the policy requires explicit reference to the need for lighting to improve safety and reduce the fear of crime in dark places.
  - o Policy DM7 Advertisements and considers reference should be made to advertisements also having no detrimental impact on crime, anti-social behaviour or the fear of crime.
  - o Policy DM8 Places of Worship and faith based related community uses and considers reference should be made to the need for proposals to consider traffic management plans, car parking and measures to minimise opportunities for crime, fear of crime and anti-social behaviour.
  - o Policy DM10 Houses in Multiple Occupation and considers the policy should be amended to include reference, in considering cumulative impacts of HMOs, to safety and security, crime, anti-social behaviour and the fear of crime.
  - o Policy DM11 Standards for Residential Development and DM12 Self and custom build housing due to their omission of reference to the need for



residential development to comply with crime prevention measures, including 'Secured by Design' Standards;

- As the DMB is proposed to replace, inter alia, the saved policies of the 2005 UDP, the CCWMP OBJECTS to the omission of certain policy areas from the Preferred Options, as raised in his previous consultation response, including policies on the evening economy, hot food takeaways, restaurants and public houses, heritage planning and ATMs. These policy areas should be specifically addressed in the DMB to achieve sustainable development and to realise the objectives of the Birmingham Development Plan; and
- Without these changes to the document, the CCWMP considers the document to be unsound.

### **Planning Policy Background**

#### **National Planning Policy Framework, February 2019**

1. The National Planning Policy Framework (NPPF), February 2019, paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
2. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include identifying and coordinating the provision of infrastructure and fostering a well-designed and safe built environment.
3. Chapter 8 'Promoting Health and Safe Communities' at Paragraph 91 identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.
4. Paragraph 95 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements. This should be achieved by:
  - a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate

steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

- b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

- 5. Paragraph 127 states that planning policies and decisions should ensure that developments, amongst other requirements, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Planning Practice Guidance**

- 6. The national 'Planning Practice Guidance' (PPG), paragraph 10 (Reference ID: 26-010-20140306 Revision date: 06 03 2014) is sub-titled 'Planning should address crime prevention'. It states that designing out crime and designing in community should be central to the planning and delivery of new development. It emphasises that it is important that crime reduction-based planning measures are based upon a clear understanding of the local situation and consideration needs to be given to how planning policies relate to wider policies on crime reduction, crime prevention and sustainable communities. The guidance states that this means working closely with the police force to analyse and share relevant information and good practice.
- 7. Paragraph: 008 Reference ID: 26-008-20140306 of the PPG confirms that planning should promote safe, connected and efficient streets. Planning policies and decisions should look to create streets that support the character and use of the area. Development proposals should promote accessibility and safe local routes by making places that connect appropriately and are easy to move through. For this reason, streets should be designed to be functional and accessible for all and to be safe, attractive public spaces. Streets should be designed to support safe behaviours.
- 8. The PPG also states (Paragraph: 011 Reference ID: 26-011-20140306) that planning should promote appropriate security measures, identifying that proportionate security measures should be central to planning and the delivery of new developments and substantive retrofits. The objective is to create safer places and buildings that are less vulnerable to attack and should an attack take place, where people are better protected from its impact.

### **Chief Planning Officer Letter, July 2017**

- 9. On the 12<sup>th</sup> July 2017, a letter from the Chief Planning Officer was published by the

Department of Communities and Local Government to remind local planning authorities of the important role the planning system plays in ensuring appropriate measures are in place in relation to counter-terrorist and crime prevention security. It encourages, where appropriate, pre-application discussions between planning officers and security advisors, such as Counter Terrorism Security Advisors and Police Designing Out Crime Officers, to ensure that authorities and applicants share an understanding right at the beginning of the design process, of the level of risk and the sort of measures available to mitigate the risk in a proportionate and well designed manner. In addition to the need for reference to be made to the requirements in the NPPF and the PPG, the letter also states that reference should be made to the guidance 'Protecting crowded places: design and technical issues'.

#### **'Protecting crowded places: design and technical issues', April 2014**

10. 'Protecting crowded places: design and technical issues'. Updated April 2014, is aimed at anyone involved in the planning, design and development of the built environment to give advice about counter-terrorism protective security design.

#### **Birmingham Development Plan (BDP), January 2017**

11. At a local level, Birmingham Development Plan (BDP) adopted January 2017, provides in Policy PG3 'Place making' that all new development will be expected to demonstrate high quality design, contributing to a strong sense of place. New development should, amongst other criteria create safe environments that design out crime and make provision for people with disabilities through carefully considered site layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.
12. BDP Policy TP37 'Health' states that the City Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life by undertaking a number of objectives, including providing safe residential environments and addressing the fear of crime.
13. Policy TP21 of the BDP identifies a hierarchy of centres which are preferred locations for retail, office and leisure developments, community facilities and residential development. Alongside new development, proposals that enhance the quality of the environment and improve access are encouraged.
14. Policy TP24 of the BDP supports a diverse range of facilities and uses in the centres set out within the hierarchy, including restaurants, takeaways, pubs and bars, community uses and cultural facilities.
15. Policy TP27 of the BDP relates to sustainable neighbourhoods and provides that they are characterised by inter alia, attractive safe and multifunctional public spaces and the effective long term management of buildings and public spaces.

16. BDP Policy TP47 'Developer contributions' states that development will be expected to provide, or contribute towards the provision of:

- Measures to directly mitigate its impact and make it acceptable in planning terms.
- Physical, social and green infrastructure to meet the needs associated with the development.

### **Supplementary Planning Documents (SPD)**

17. There are also a number of adopted SPDs that are of relevance, including Places for All, November 2001, which confirms part of the approach to general design guidance as places being safe and attractive with a clear division between public and private space.

18. In addition, the Shopping and Local Centres Supplementary Planning Document, March 2012, contains guidance on submitting planning applications for new development or change of use of premises out of A1(retail) use in centres and on planning applications for hot food takeaway anywhere in Birmingham.

### **Detailed Comments on the Development Management in Birmingham Preferred Options Consultation**

#### **Objectives/ Policies supported by the CCWMP**

19. It is noted that the topic areas under consideration in the document are wide ranging. The CCWMP is delighted to note that the following policy wording appears to be helpful and we can confirm the CCWMP **SUPPORTS** the inclusion of the following:

- Objective 1.7 'To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse, and inclusive with locally distinctive character.' and 'To protect and enhance the City's heritage assets and historic environment.'
- 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... h. Safety considerations, crime, fear for crime and anti-social behaviour.'
- 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...'

- Policy DM14 Parking and servicing: '...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....'

### **Policy wording objected to by the CCWMP**

20. However, notwithstanding the inclusion in some policies of reference to safety and security, it is considered that the wording of other policies should explicitly contain the same for consistency and robustness. The CCWMP therefore **OBJECTS** to the absence of key wording in the policies set out in the following paragraphs.

21. Consultation Questions 4a and 4b: Policy DM4 Landscaping and Trees seeks to maintain and increase the green infrastructure for the city, however, it does not address the need for an ongoing management plan to be in place. The CWMP considers that it is vital, from a safety and security perspective, for trees and shrubs to be maintained in accordance with the guidance set out within the 'Secured by Design' documents. For example, the maximum height of bushes should be 1 metre, the minimum height of tree canopies should be 2 meters and any planting scheme should not adversely impact existing lighting and CCTV schemes. The CCWMP requests the following additional paragraph be added after the first paragraph beneath sub-section 'Landscaping' as follows (new wording shown in bold):

'...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. All landscaping schemes should be accompanied by a management plan to ensure that planting is maintained in accordance with the guidance set out in 'Secured by Design' documents to reduce crime, the fear of crime and anti-social behaviour.'**

22. Consultation Questions 5a and 5b: Policy DM5 Light Pollution is welcomed by the CCWMP, however, it is respectfully requested that the safety and security benefits of lighting dark places is included within the policy. This is important to ensure that crime, safety and the fear of crime are taken fully into consideration when assessing lighting proposals. The CCWMP requests that the recognition in the supporting text at paragraph 2.46 that, '...It can also improve safety by lighting dark places...' is expanded upon and set out as a new bullet point between a. and b. beneath paragraph 2 as follows (proposed new text shown in bold):

'...2. Proposals for external lighting will need to demonstrate that the

lighting is:

**...b. Designed to improve safety and reduce the fear of crime by lighting dark places to provide colour rendering and uniformity...**'

23. Consultation Questions 7a and 7b: Policy DM7 Advertisements is welcomed with the recognition that safety as well as amenity considerations are important when considering advertisement proposals. However, the CCWMP respectfully requests that the potential safety considerations are expanded upon to address the problems created by advertising on Telephone Kiosk for example. It is requested that the following additional wording be added to the policy as follows (new text shown in bold):

**'...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 crime, anti-social behaviour or the fear of crime, public and highway safety or to the amenity of the area...**'

24. Consultation Questions 8a and 8b: Places of worship and faith based related community uses provides an opportunity for crime and safety considerations, not least that of the congregation, to be included as a policy requirement. For example, the proposed use can potentially impact the surrounding road network: with vehicles parked inappropriately in and around the site; and congestion caused when large numbers of people arrive and leave a site at the same time by car and on foot. There have also been recent well publicised instances of crime and anti-social behaviour directed towards congregations and premises. The CCWMP therefore requests that the following additional wording is included as a new bullet points 5.and 6. within the policy (new text shown in bold):

**'...5. Proposals will need to demonstrate that appropriate measures have been put in place to minimise the risk of crime, fear of crime and anti-social behaviour.**

**6. Proposals will need to include travel plans where appropriate and management plans to reduce the risk of vehicles parking inappropriately and causing an obstruction or having a detrimental impact on highway safety.'**

25. Consultation Questions 10a and 10b: Policy DM10 Houses in multiple occupation (HMO) and other non-family housing, seeking to control the amount and location of HMO, should be amended to include clear reference to the need to ensure that proposals for HMOs should not give rise to adverse cumulative impacts on safety, security and the fear of crime. An overconcentration of HMO can potentially place

increased pressure on police resources. The CCWMP respectfully request an addition to the final paragraph of the policy (shown in bold) as follows: -

'...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, safety and security, crime and the fear of crime.**'

26. Consultation Questions 11a and 11b: Policy DM11 Standards for Residential Development requires all residential development to comply with various standards such as, minimum space standards, Building Regulations, separation distances, outdoor space standards and the 45 degree rule. The CCWMP considers it appropriate for this policy to require residential development to comply with 'Secured by Design' Standards and request that an additional point is included in this policy as follows: -

**'All new development should include consideration of crime prevention measures and Secured By Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

27. Consultation Questions 12a and 12b: DM12 Self and custom build housing should also address the need for proposals to meet 'Secured by Design' standards to ensure that all new residential development complies with national and local plan objectives of designing out crime. The CCWMP requests that the following additional bullet point be added to the policy as follows (new text shown in bold):

**'...4. 'All new development should include consideration of crime prevention measures and Secured By Design principles to reduce crime, the fear of crime and anti-social behaviour.'**

#### **Omission of policies objected to by the CCWMP**

28. In addition, the CCWMP **OBJECTS** to the omission of certain policy areas in the DMB. It is noted that whilst the aim of the DMB document is to replace the saved policies of the 2005 UDP, namely policies contained in chapter 8 and paragraphs 3.14 to 3.14D of that plan, the matters included in those saved policies are not contained in the DMB. These include those set out below. The CCWMP needs to be assured that there are policies to ensure planning applications are properly considered, including addressing any concerns over crime, anti-social behaviour and fear of crime.



29. The DMB does not contain a policy referring to restaurants, bars, public houses and hot food takeaways (Use Classes A3/A4/A5). Whilst it is accepted that the Shopping and Local Centres Supplementary Planning Document March 2012 does include reference to same, there is no reference in that document to proposals which may generate anti-social behaviour, crime or fear of crime in a community. This omission and lack of reference in the DMB is regrettable. It is not considered that the reliance on other policies in the DMB is sufficiently robust. Therefore a specifically worded policy is required, common with other local authorities, to cover hot food takeaways, restaurants and public houses etc., in the same way that specific policies are proposed for Houses in Multiple Occupation etc.

30. The CCWMP requests that a policy is included as follows: -

#### **Hot Food Takeaways, Drinking Establishments, Restaurants and Cafes**

**A3/A4/A5 outlets should be located within defined centres and will normally be discouraged outside those locations. Proposals within defined centres will be permitted provided they: a) would not result in significant harm to the amenity of nearby residents or highway safety; b) would not result in harmful cumulative impacts due to the existence of any existing or consented proposed outlet, including in terms of anti-social behaviour, crime and the fear of crime; and c) are in accordance with the Shopping and Local Centres Supplementary Planning Document.'**

31. The CCWMP also considers that the policy wording should refer to the Council attaching conditions to restrict opening hours, normally requiring the premises to be closed and cleared of customers by 11.30pm, to ensure there is no demonstrable harm to any nearby residents.

32. In addition, there are a number of other notable omissions in the DMB that were previously raised in the CCWMP's earlier representation, attached at Appendix 1. The CCWMP OBJECTS to this omission. In summary, these are as follows: -

- Listed Buildings and Conservation Areas
- Maintenance following completion of development
- Automatic Teller Machines (ATM)

#### **Summary**

The CCWMP has a statutory duty to secure the maintenance of an efficient and effective police force for in its area and the City Council has a statutory duty to consider crime and disorder and community safety in the exercise of its planning functions.

The CCWMP encourages the Council to ensure that the theme of community safety and crime prevention is given prominence in the Development Management in Birmingham

DPD on the basis that improving community safety, reducing crime, fear of crime and anti-social behaviour are vitally important to the creation of sustainable communities.

It is imperative that the ability of the West Midlands Police to continue to undertake their functions is fully taken into account in considering and formulating detailed policies in the future. The CCWMP suggests that in order to achieve the objectives and realise its strategy, the policies of the Development Management in Birmingham DPD must include greater reference to community safety, reducing crime, fear of crime and anti-social behaviour, as well as greater detail on measures aimed at designing out crime. Furthermore, there are notable omissions to key policy areas in the DPD, including policies on the evening economy, hot food takeaways, restaurants and public houses, heritage planning and ATMs. Without these changes to the document, the CCWMP considers the document to be unsound.

The CCWMP formally requests that relevant officers are invited to be involved in formulating appropriately worded policies. Joint working in partnership with the West Midlands Police will help to ensure a sustainable plan which meets the requirements of the NPPF.

Our Client would be grateful if you could reflect these representations when considering the Development Management in Birmingham Development Plan Document. We would be delighted to meet with you to discuss our Client's representations, if considered necessary.

We should be grateful if you would acknowledge receipt of this letter of representation.

Yours faithfully,



Helen R Winkler BSc (Hons) DipTP MRTPI  
Senior Planning Consultant  
[h.winkler@tyler-parkes.co.uk](mailto:h.winkler@tyler-parkes.co.uk)

Encl.

**APPENDIX 1: Letter of 19<sup>th</sup> October 2015**

# Representation Form (Part A)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received		Date acknowledged		Ref:	
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### How to use this Representation Form

Please complete this Part A in full. Please note that anonymous comments cannot be accepted. Then please complete a Part B form for each representation that you wish to make.

The Development Management in Birmingham DPD (DMB), including all supporting and accompanying documentation, is available to view in full online at [www.birmingham.gov.uk/DMB](http://www.birmingham.gov.uk/DMB)

Representations on the Publication version of DMB can be made from **Thursday 9<sup>th</sup> January 2020 to 17:00hrs on Friday 21<sup>st</sup> February 2020**. Please note that the Council is unable to accept representations after this point.

The Council strongly recommends the use of this Representation Form for submitting any comments. This will help to ensure that any formal representations that are made are matters of relevance to the subsequent examination by the Planning Inspectorate – an Inspector will only consider issues relating to the ‘soundness’ or ‘legal compliance’ of the DMB at examination.

### PART A

#### 1. Personal Details\*

*\* if an agent is appointed, please complete only the Title, Name and Organization boxes below but complete the full contact details of the agent in Section 2*

Title:

First Name:

Last Name:

Job title (where relevant):

Organisation (if relevant): TYLER-PARKES PARTNERSHIP (REPRESENTATION ON BEHALF OF CHIEF CONSTABLE OF WEST MIDLANDS POLICE)

Address Line 1: 66 STRATFORD ROAD

Address Line 2: STIRLEY

Town: SOUTHULL

County:

Postcode: B90 3LP

Telephone: 0121-744-5571

Email address:

n.sharif@tyler-parkes.co.uk



## 2. Agent Details\*

*\* only complete this section if an agent has been appointed*

Title: NS

First Name: NADIA

Last Name: SHARIF

Job title (where relevant): SENIOR PLANNING CONSULTANT

Organisation (if relevant): TYLER-PARKES PARTNERSHIP

Address Line 1: 66 STRATFORD ROAD

Address Line 2: SHIRELEY

Town: SOLIHULL

County:

Postcode: B90 3LP

Telephone: 0121-744-5511

Email address: n.sharif@tyler-parkes.co.uk

## 3. Requests for Notifications

*This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.*

**I wish to be notified of the following stages of the DMB (please tick/check all that apply):**

Submission to the Secretary of State for Communities and Local Government Y/N

Publication of the Planning Inspector's Report on the Publication Version Y/N

Adoption by the Council Y/N

## 4. Declaration

If you are submitting Part B form(s), please confirm how many:

1

### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

### Declaration:

I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.

Name: NADIA SHARIF

Date: 18<sup>th</sup> February 2020

Please ensure that you submit this form no later than **17:00hrs** on Friday 21<sup>st</sup> February 2020

Email completed forms to: [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323

# Representation Form (Part B)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received		Date acknowledged		Ref:	
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### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

Full Name:

NADIA SHARIF

Organisation (if relevant):

TULER-PARKES PARTNERSHIP (ON BEHALF OF CHIEF CONSTABLE OF WEST MIDLANDS POLICE)

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

Q1. Do you consider the DMB to be legally compliant?	YES	<input checked="" type="checkbox"/>	NO	
Q2. Do you consider the DMB to be sound?	YES		NO	<input checked="" type="checkbox"/>
Q3. Does the DMB comply with the Duty to Cooperate?	YES	<input checked="" type="checkbox"/>	NO	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	
c/ It is not effective	
d/ It is not consistent with national policy	<input checked="" type="checkbox"/>



**Q5. Which part of the DMB are you commenting on?**

Page Number 16, 18, 22, 24, 28, 30, 36

Policy Number DM4, DM5, DM7, DM8, DM10, DM11, DM13

Paragraph Number

Table / Figure / Appendix

Other

**Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

*Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.*

Enter your reply here

PLEASE SEE ATTACHED LETTER OF REPRESENTATION DATED 18<sup>TH</sup> FEBRUARY 2020

**Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?**

*Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.*

Enter your reply here

PLEASE SEE LETTER OF REPRESENTATION DATED 18<sup>TH</sup> FEBRUARY 2020

**Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?**

*If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person*

Enter your reply here

PLEASE SEE LETTER OF REPRESENTATION DATED 18<sup>TH</sup> FEBRUARY 2020

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

Enter your reply here

PLEASE SEE LETTER OF REPRESENTATION DATED 18<sup>TH</sup> FEBRUARY 2020

### 3. Declaration

#### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

Name: NADIA SHARIF

Date: 18<sup>th</sup> FEBRUARY 2020

Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.

Email completed forms to: [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323

