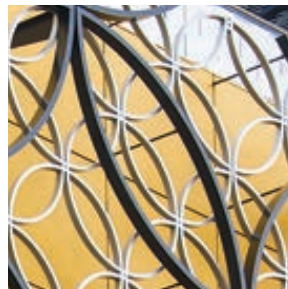


BIRMINGHAM PLAN 2031



DEVELOPMENT MANAGEMENT
IN BIRMINGHAM

Development Plan Document

December 2021



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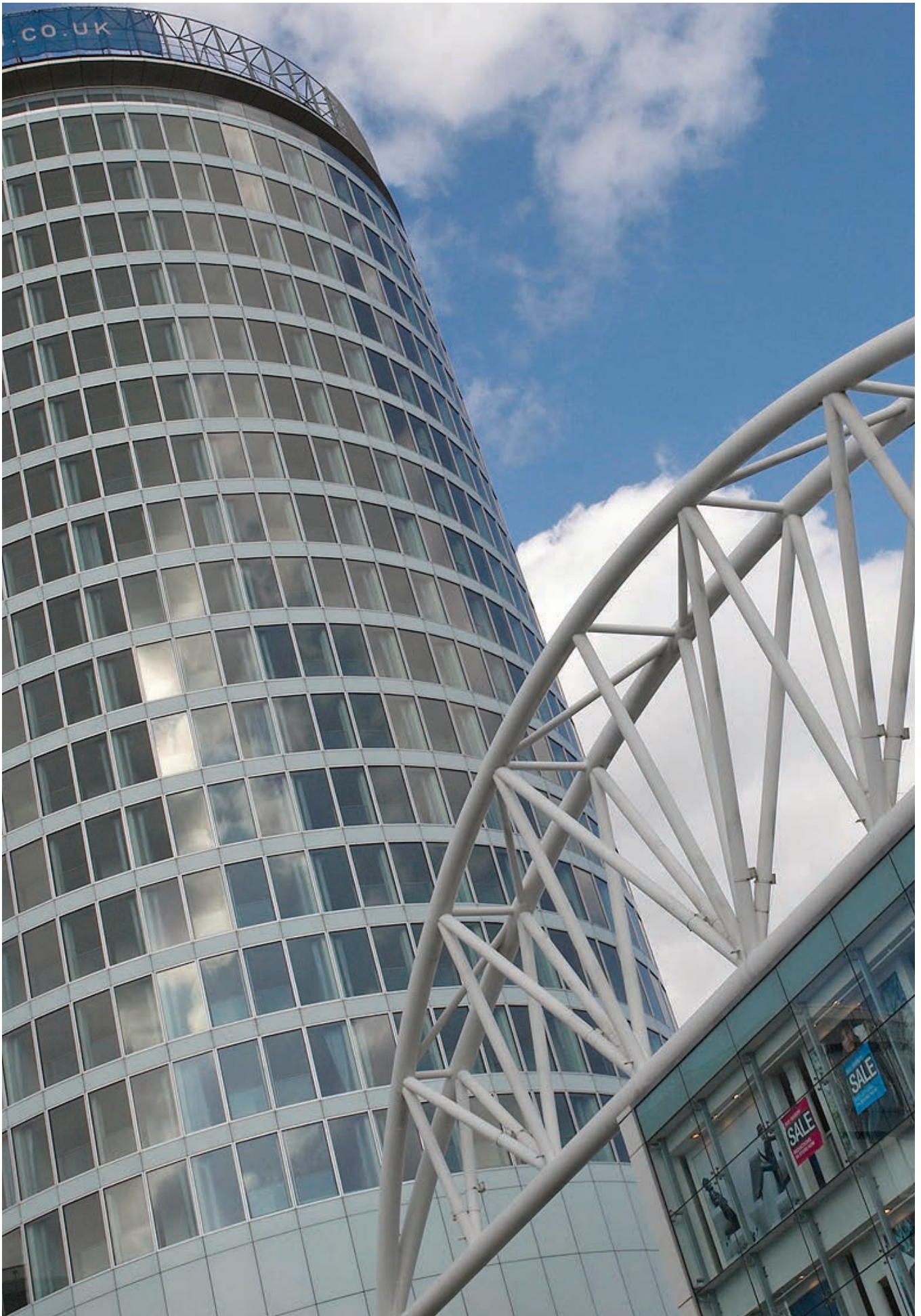
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Foreword

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

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

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

Growth must therefore be managed in the most positive, effective and sustainable way possible, which is why this document is important in providing detailed planning policies to support the implementation of the Birmingham Development Plan.

Ian Ward

Leader
Birmingham City Council

Building on the Birmingham Development Plan, which sets out the overall spatial strategy for the city, the Development Management in Birmingham (DMB) document will provide detailed development management policies that will be used to guide future development and determine planning applications. Overall, these policies will ensure that development is guided to the right location, is of a high standard, and that inappropriate development is deterred.

The DMB will help to ensure that the development which takes place in our city makes our city better and enhances and protects what is good, contributing to our vision and objectives for sustainable growth and development.

Ian MacLeod

Director of Planning, Transport and Sustainability

1 Introduction

Birmingham's Local Plan

1.1 Birmingham has established a clear agenda to deliver sustainable growth meeting the needs of its population and securing high quality development and infrastructure. This agenda is set out through Birmingham's Local Plan which consists of a series of documents containing the strategy and policies for growth.

All proposals for development that require planning permission will be determined in accordance with the relevant policies in the Local Plan, which consists of the:

- Adopted Birmingham Development Plan (BDP).
- Adopted Aston, Newtown and Lozells Area Action Plan.
- Adopted Longbridge Area Action Plan.
- Adopted Balsall Heath Neighbourhood Development Plan.
- Adopted Bordesley Park Area Action Plan.

1.2 The Development Management in Birmingham Development Plan Document (DMB) replaces the 2005 Birmingham Unitary Development Plan policies and form part of Birmingham's Local Plan.

1.3 Other relevant planning documents which provide guidance on how planning policies will be applied include Supplementary Planning Documents and Guidance (SPD/ SPG) and non-statutory area frameworks. The Council is in the process of updating and consolidating existing design related SPDs and SPGs into one new SPD called the Birmingham Design Guide. A revised Parking SPD is also currently being prepared to replace the Council's existing Parking Guidelines SPD (2012). The Council also has Local Validation Requirements for Planning Applications which can be found at: https://www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_2018

Development Management in Birmingham

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

1.5 This document contains 16 policies arranged in themes to reflect the BDP. They are informed by national policies and guidance which set out Government's planning policies for England and how it expects them to be applied.

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

Objectives

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



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

- To ensure that the City has the infrastructure in place to support its future growth and prosperity.

Principles

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

- **Additionality** - the DMB will provide detailed policies to support the delivery of the BDP. Where principles for development are addressed by national or BDP policies, they are not repeated. Some areas of policy will be supported by supplementary planning documents to provide more detailed advice about how particular policies will work in practice.
- **Justification** - the development management policies are based on an appropriate and deliverable strategy when considered against alternatives and relevant, proportionate and up-to-date evidence.
- **Conformity** - the development management policies have been developed in consultation with the relevant statutory consultees and other key stakeholders in accordance with the Duty to Co-operate and the Statement of Community Involvement. The policies are consistent with national policy and the BDP.

Structure of the document

1.9 The policies have been organised on a topic basis mirroring the structure of the BDP. Each policy begins with

an introduction setting out the purpose of the policy. The policy text is shown in a box. The explanatory supporting text provides a reasoned justification for the policy and important information on how the policy will be applied. Other relevant links are made including reference to BDP policies, relevant Supplementary Planning Documents (SPDs) and other guidance

Stages in producing the DMB Initial Consultation Document

consultation: September - October 2015

Preferred Options document

consultation: February - March 2019

Publication document

consultation:

November - December 2019

Submission to the Secretary of State: July 2020

Examination in Public:

November 2020

Main Modifications:

May 2021

Adoption:

December 2021

Duty to co-operate

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

Sustainability appraisal

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

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

1.15 Copies of the SA report and the Habitats Regulations Assessment Screening are available at www.birmingham.gov.uk/DMB.

Equality Duty

1.16 The Council has a commitment to equality which is also a statutory duty under the Equality Act 2010. The Act aims to promote equality, eliminate discrimination and encourage good relations between different groups. Engaging with residents and other stakeholders is key to meeting this duty in order to better understand the needs of diverse groups. Consultation on the DMB has been undertaken with a wide range of groups and an Equality Assessment has been undertaken.

Evidence base

1.17 The DMB has been informed by national and local planning policies, guidance and evidence produced by the Government, the Council and its partners. It has also drawn upon the evidence base which informed the development of the BDP. Evidence reports have also been specifically prepared for this DMB which form background evidence to the policy formation process. The evidence base

supporting the DMB can be found on the DMB page of the Council's website at www.birmingham.gov.uk/DMB.



2 Environment and sustainability

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

DM1 Air quality

Introduction

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

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

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

2.4 In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions

particularly NO₂. The Council's Cabinet has approved the preferred measures for a Birmingham Clean Air Zone that will seek to achieve air quality compliance with UK and EU statutory NO₂ limits in the shortest time possible, as part of a longer term air quality programme.

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

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

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

POLICY DM1 Air quality

1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone particularly for nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, or increase exposure at the development site or other relevant receptors to unacceptable levels of air pollution, will not be considered favourably.
2. Where required, mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport to help to reduce and/or manage air quality impacts will be proportionate to the background air quality in the vicinity, including Clean Air Zone designations.
3. The development of fuelling stations for low emission and electric vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision, demonstrate compliance with Part 1 of this policy and provide fuelling for low emission and electric vehicles.

*As defined in paragraph 2.7

Implementation

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

costs and identify mitigation. 'Unacceptable' deterioration and 'unacceptable levels' are defined as where development in isolation or cumulatively, would result in exposure to pollutant concentrations within 5% below the nationally or locally set objectives at the development site and/ or other relevant receptors; and where development would result in further exceedances where pollutant concentrations are already over the limit values.

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

2.9 Mitigation measures will include ensuring that developments are designed to ensure walking and cycling is an obvious choice for short trips and that there is good public transport access to contribute towards the reduction in emissions, particularly nitrogen oxides and particulate matter. Where appropriate, new development should include low

emission vehicle charging points as part of their parking provision, and consideration should be given to options to introduce car clubs as an alternative model of car ownership. Further details will be set out in an updated Parking Supplementary Planning Document.

2.10 Developments for sensitive uses such as schools, hospitals and residential units should be located away from major sources/areas of air pollution. However, where this is not possible, developments must be designed and sited to reduce exposure to air pollutants by incorporating mitigation measures.

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

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

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

2.14 Recent studies have shown that petrol fuelling stations are a source of higher rates of air pollution immediately adjacent to their operation and should therefore be subject to an AQA and subsequent mitigation requirements. New fuelling stations must also be capable of meeting the needs of new alternative fuel vehicles as well as electric vehicles to help meet growing demand.

2.15 Birmingham and the West Midlands have particular expertise and a strong skills base in relation to manufacturing processes, autonomous vehicles and energy technologies. These offer the opportunity to develop innovations and products in the ultra-low emissions and autonomous vehicles sector. The City is well placed to capitalise on the opportunity that this presents and put in place the infrastructure needed to support this policy.

Policy links

Birmingham Development Plan

- PG3 Place making
- TP1 Reducing the City's carbon footprint
- TP2 Adapting to climate change
- TP3 Sustainable construction
- TP4 Low and zero carbon energy generation
- TP5 Low carbon economy
- TP7 Green infrastructure network
- TP37 Health
- TP38 A sustainable transport network
- TP43 Low emission vehicles
- TP44 Traffic congestion and management

DM2 Amenity

Introduction

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

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

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

2.18 Each development will have its own considerations, both within the site itself and its impact on the character of the area in which it is set. These factors will influence how amenity needs to be addressed. The careful design of development can ensure that proposals help to maintain or improve amenity. Development proposals should mitigate and reduce to a minimum, potential adverse impact on the amenity of nearby occupiers and neighbours. The Birmingham Design Guide, which will replace existing design guidance once adopted, will provide detailed design guidance relating to the policy criteria.

2.19 The built up nature of Birmingham presents opportunities for new uses to address and improve the amenity of the city. This can be achieved by ensuring that all developments are suitably located, well designed, adequately separated from neighbouring uses and operate in an appropriate way for the area in which they are located. Unless otherwise stated, this policy applies to all forms of development within the

city, including changes of use and smaller proposals such as extensions.

2.20 Consideration should not only be given to the impact of individual developments, but also to cumulative impacts of development proposals in the vicinity. As a minimum, the definition of ‘in the vicinity’ is the area immediately adjoining and directly opposite the application site; but each proposal will be assessed on a site-by-site basis with scope agreed between the applicant and the Council through the planning application process. This will include committed and planned development proposals meaning those with planning permission and allocated in an adopted local plan.

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

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

Policy links

Birmingham Development Plan

- PG3 Place making, TP1-TP46.

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:
 - a. Visual privacy and overlooking.
 - b. Sunlight, daylight and overshadowing.
 - c. Aspect and outlook.
 - d. Access to high quality and useable amenity space.
 - e. Noise, vibration, odour, fumes, dust, air or artificial light pollution.
 - f. Safety considerations, crime, fear of crime and anti-social behaviour.
 - g. Compatibility of adjacent uses.
 - h. The individual and cumulative impacts of development proposals in the vicinity on amenity.

See also Policy DM10 ‘Standards for Residential Development’ where proposals relate to residential development.

Implementation

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



DM3 Land affected by contamination, instability and hazardous substances

Introduction

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

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

2.24 With the re-use of previously developed land in urban areas such as Birmingham, the potential for land contamination and instability is commonplace. The contamination of land can have adverse impacts on human health, wildlife and contribute to the pollution of water bodies. The pollution of land can have an adverse impact on its suitability for certain types of development. There is often a link between the contamination and stability of land. New development, however, presents an opportunity to bring contaminated land back into use.

2.25 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. When development is proposed on or adjacent to land that is known or suspected to be affected by contamination and/ or instability, or where development is proposed that would be sensitive to these risks, proposals for development should be accompanied by an appropriate level of supporting information. Early engagement with the local planning authority and environmental health, particularly if the land is determined as contaminated land under Part 2A of the Environmental Protection Act 1990, will clarify what assessment is needed to support the application and issues that need to be considered in the design of a development.

2.26 A preliminary risk assessment will be required to identify the nature and extent of contamination and/ or instability. Where the assessment identifies significant harmful risk to human health or the environment, the Council will require a full ground investigation and a risk assessment management and remediation strategy. Any remedial measures must be agreed by the Council before the development is commenced and completed prior to occupation. Planning conditions may be applied to ensure remedial measures are submitted to and approved by the Local Planning Authority. As part of this, the developer will be required to provide a report verifying that the works have been carried out as approved. The Planning Practice Guidance: Land affected by contamination provides further detail on how contamination may be identified, mitigated and remediated.

2.27 The Environment Agency will also have an interest in the case of ‘special sites’ designated under Part 2A of the Environmental Protection Act 1990 and all sites where there is a risk of pollution to controlled waters. Remediation will

POLICY DM3 Land affected by contamination, instability and hazardous substances

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

Implementation

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

need to meet their requirements. The developer should also check whether an environmental permit is required before development can start. See also BDP Policy TP6 Management of flood risk and water resources.

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

2.29 When a new development is proposed that could cause land to become contaminated and/or unstable, for instance by nature of the proposed use or by reason of specific elements of the proposed development, the development should be designed in such a way as to minimise the risk of contamination or instability occurring. Advice on how to ensure that development is suitable to its ground conditions and how to avoid risks caused by unstable land or subsidence is provided in the Planning Practice Guidance on Land Stability.

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

2.31 The Council will consult with the COMAH competent authority, which in most cases is the Health and Safety Executive (HSE) and Environment Agency acting jointly and for nuclear sites the Office of Nuclear Regulation and the Environment Agency, acting jointly. The Council will need to be completely satisfied that the proposal will not constitute a hazard to existing communities or the local environment.

2.32 Hazardous substances consent is required for the presence of certain quantities of hazardous substance stored or used. The hazardous substances consent process ensures that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. The list of substances and controlled quantities are set out in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015. An application for hazardous substances consent must provide the information set out at regulation 5 of the Regulations. The Council will consult the COMAH competent

authority and others as required by legislation. It will consider the comments received and take account of local needs and conditions, the local plan, and any other material considerations. Further guidance is set out in the Planning Practice Guidance on Hazardous Substances.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP37 Health.



DM4 Landscaping and trees

Introduction

2.33 Maintaining and expanding the green infrastructure network

throughout Birmingham is important to the city's growth agenda and provide net gains for biodiversity. Green landscaping (including trees, hedgerows and

woodland) forms a critical part of this network and provide a multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.

POLICY DM4 Landscaping and trees

Landscaping

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. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees in appropriate locations within a multi-functional green infrastructure network, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.

Trees, woodland and hedgerow protection

3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order. Development resulting in the loss or deterioration of Ancient Woodland or Ancient/ Veteran Trees will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Where trees and/or woodlands are proposed to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.
4. Where a proposed development retains existing trees or hedgerows on site, or where there is an incursion into a tree root protection area, provision must be made for their protection during the demolition and construction phase of development with monitoring and mitigation measures being put in place to ensure that development works do not have an adverse impact on retained trees, hedgerows and associated wildlife.
5. To ensure that the benefits of proposed development outweigh the harm resulting from the loss of any trees, woodlands or hedgerows, adequate replacement planting will be required to the satisfaction of the Council. Replacement should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. The method of calculating these contributions will be contained within the city's Tree Strategy.

* see the adopted Local Validation Criteria

Implementation

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

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

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

2.35 New development has a clear role in supporting the city's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location. The ecological network is currently described in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022, which identifies opportunities for habitat creation, restoration and enhancement within Core Ecological Areas, Ecological Linking Areas and Ecological Opportunity Areas. This strategy, and subsequent revisions, should be referenced to ensure new development is in keeping with the surrounding landscape and supports the maintenance of a resilient and coherent ecological

network.

2.36 Protected trees, woodland and hedgerows should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional circumstances such as, where the tree is considered to be imminently dangerous or its loss is significantly outweighed by the benefits of the proposed scheme and there are no viable development alternatives. Sufficient consideration must be given to retained trees and the proposed new use of the land around them, especially in respect of their long term viability, beneficial or adverse shade to buildings, perceived threat and building distances.

2.37 Trees of quality classified in line with BS5837 as being of categories A or B in quality and woodland and/or hedgerows of visual or nature conservation value should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.

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

2.39 Where development would result in the loss of (BS5837) category A, B or C tree(s), adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.

The Council will provide detailed guidance in a Tree Strategy.

2.40 New trees, including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure. Where appropriate, the maintenance of a Landscape Management Plan will be required through a planning condition. Planting should be maintained in accordance with the plan and follow Secured by Design principles.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP7 Green infrastructure network.
- TP8 Biodiversity and geodiversity.



DM5 Light pollution

Introduction

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

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

2.42 Well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities, creating landmarks out of existing buildings and developing way-finding opportunities through the city. It can also improve safety by lighting dark places and enhance the visual appearance of buildings and townscapes. Through careful planning and design, adverse impacts of light pollution, including glare, light spill and sky

glow can be avoided.

2.43 In applying the policy the Council will seek to limit the impact of artificial lighting on local amenity and nature conservation (including ecological networks and blue and green infrastructure).

2.44 BDP policy TP11 Sports facilities provides policy on sports facilities lighting. Advice and guidance is provided by and should be sought from Sport England on sports lighting proposals.

2.45 Proposals involving or adjacent to designated and non-designated heritage assets, must apply a lighting design appropriate to the asset, considering the architecture of the building to be illuminated and the impact this may have on the character of its surroundings.

2.46 Where appropriate, the Council will require applicants to submit a Lighting Assessment Report/ Strategy (as set out in the Local Validation Requirements) to detail the measures which will be implemented to minimise and control the level of illumination,

glare, and spillage of light and retain dark landscapes to protect wildlife. Planning conditions may be imposed to restrict lighting levels and hours of use or require measures to be taken to minimise adverse effects.

2.47 Lighting associated with new developments should be designed in accordance with established industry standard guidance which is currently set out by the Institute of Lighting Professionals. In particular, the use of low energy light sources will be encouraged. Detailed guidance on the design of lighting proposals will be included in the Birmingham Design Guide. The Planning Practice Guidance on Light Pollution also provides detailed guidance on how light pollution should be managed.

Policy links

Birmingham Development Plan

- TP8 Biodiversity and geodiversity.
- TP11 Sports facilities.
- TP12 Historic Environment
- TP37 Health.

POLICY DM5 Light pollution

1. Development incorporating external lighting should make a positive contribution to the environment of the city and must seek to avoid or mitigate any potential adverse impacts from such lighting on amenity and public safety.
2. Proposals for external lighting will need to demonstrate that the lighting is:
 - a. Appropriate for its purpose in its setting.
 - b. Designed to avoid or limit its impact on the privacy or amenity of its occupiers, nearby residents and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation.
 - c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected.
 - d. Designed to a high standard and well integrated into the proposal.
 - e. Energy efficient.

Implementation

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



DM6 Noise and vibration

Introduction

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

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

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

2.50 Proposals for noise sensitive developments in areas of existing

and/or planned sources of major noise will be subject to a case by case analysis with reference to expert advice from the Council's Environmental Health Team. As far as is practicable, noise sensitive developments should be located away from major sources of existing and/or planned sources of noise unless an appropriate and robust scheme of mitigation is provided and the benefits of the proposal in terms of regeneration are considered to outweigh the impacts on amenity and biodiversity. 'Planned' sources of noise mean sites in the nearby vicinity that are under construction; sites with extant consents; sites that have planning consent which are not yet started; and sites which are allocated in the development plan.

2.51 New development should be sited and designed so that it can be integrated effectively with existing businesses, cultural, entertainment and community facilities (such as places of worship, pubs, music venues, and sport clubs). Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') is required to provide suitable mitigation.

2.52 In all cases, the assessment will be based on an understanding of the existing and predicted levels of environmental noise at both the development site and nearby receptors and the measures needed to bring noise down to acceptable levels for the existing or proposed noise-sensitive development. A noise assessment and scheme of mitigation will be required as part of the planning application. The determination of noise impact will be based on the Noise Policy Statement for England and the Planning Practice Guidance on Noise. Although not a Supplementary Planning Document, the Council also has a detailed guidance note on Noise and Vibration maintained by Environmental Health.

POLICY DM6 Noise and vibration

1. Development should be designed, managed and operated to reduce exposure to noise and vibration. The following will be taken into account when assessing development proposals:
 - a. The location, design, layout and materials.
 - b. Positioning of building services and circulation spaces.
 - c. Measures to reduce or contain generated noise (e.g. sound insulation).
 - d. Existing levels of background noise.
 - e. Hours of operation and servicing.
 - f. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.
2. Applications for noise and/or vibration-generating development must, where relevant, be accompanied by an assessment of the potential impact of any noise and/or vibration generated by the development on the amenity of its occupiers, nearby residents and other noise sensitive uses/areas, including nature conservation. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.
3. Applications for noise-sensitive development (such as residential uses, hospitals and schools) must be accompanied, where relevant, by an assessment of the impact of any existing and/or planned sources of noise and vibration in the vicinity of the proposed development including transport infrastructure, entertainment/ cultural/community facilities and commercial activity. Where potential adverse impact is identified, the development proposal shall include details on how the adverse impact will be reduced and/or mitigated.

Implementation

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

2.53 The design of mitigation measures should have regard to the need to provide a satisfactory environment for future occupiers and take account of other material planning considerations such as urban design.

2.54 Noise and vibration can have a significant impact on amenity and on wildlife and habitats. For large or prolonged development, consideration should also be given to the potential noise and vibration impacts during construction as well as the post development phase.

2.55 Sources of vibration include transportation (especially railways) and industrial processes. Where the proposed works will include piling, vibro-compaction or blasting (demolition) the applicant shall assess the impact of vibration on any structure in the vicinity of works. Where an adverse impact is predicted development proposals shall include details of any vibration monitoring and precautions to prevent damage to any structure.

Environmental Health can advise where a vibration assessment will be required.

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

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

Policy links

Birmingham Development Plan

- PG3 Placemaking
- TP37 Health.



3 Economy and network of centres

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

DM7 Advertisements

Introduction

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

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

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

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

3.4 The display of advertisements is subject to a separate planning consent process as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Through the planning system, advertisements are subject to the consideration of impacts in the interests of amenity and public safety. The Planning Practice Guidance: Advertisement explains the control of the advertisement regime and provides detail in relation to consideration affecting public safety and amenity.

3.5 Policy DM7 applies to all types of advertisements, including hoardings, freestanding signs, those attached to buildings, telecommunication assets, totems and other signs. It also applies to internally and externally illuminated signs, and digital signs.

POLICY DM7 Advertisements

1. Proposals for advertisements should be designed to a high standard and meet the following criteria:
 - a. Suitably located, sited and designed having no detrimental impact on public safety or amenity, taking into account cumulative impact.
 - b. Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination.
 - c. Avoid proliferation or clutter of signage on the building and in the public realm.
 - d. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry.
 - e. Not create a dominant skyline feature when viewed against the immediate surroundings.
 - f. Designed to preserve or enhance the character or appearance of any heritage assets which are affected.
2. Illuminated advertisements and signs should seek to avoid or mitigate any potential adverse impact on uses/ areas sensitive to light such as nearby residential properties and other light sensitive uses/ areas, intrinsically dark landscapes, and nature conservation.
3. The siting of advertisement hoardings will be resisted where visible from the M6 motorway or A38 Aston Expressway and purposefully designed to be read from the roadway and where the attention of drivers is likely to be distracted.

Implementation

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

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

Policy links

Birmingham Development Plan

- PG3 Place making.



DM8 Places of worship and faith related community uses

Introduction

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

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

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

3.9 The Council recognises the important and valuable contribution of places of worship to communities across the city and wishes to ensure that the needs of faith communities in Birmingham are appropriately met in the context of a growing and increasingly diverse population.

3.10 The preferred locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan. These are the most sustainable locations in terms of transport accessibility and parking. Other locations will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance.

3.11 Development should be designed, managed and operated to reduce and/ or mitigate any potential adverse impact from noise on nearby residents. Consideration will be given to attaching conditions to any

planning permission granted, which would help to reduce or eliminate such problems.

3.12 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.

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

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

3.15 The information to be submitted in support of a planning application for a place of worship or faith related community use is set out in the Local Validation Requirements for planning applications.

Policy links

Birmingham Development Plan

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

POLICY DM8 Places of worship and faith related community uses

1. Except for any specific allocation in the Local Plan, the Council’s preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of these locations will be considered favourably where:
 - a. It is well located to the population the premises is to serve by means of walking, cycling and public transport.
 - b. It will not have an unacceptable adverse impact on local amenity, parking, public and highway safety.
 - c. It does not conflict with any other policies in the Local Plan.

Implementation

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



DM9 Day nurseries and early years provision

Introduction

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

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

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

3.18 Early years facilities bring benefits to the community by reducing barriers to work for parents and carers and can provide an environment conducive to the development of the children who attend. Investment in the expansion and improvement of educational facilities is supported, in accordance with the BDP (Policy TP36 Education). However, such facilities must be provided in appropriate locations and suitable premises to ensure high standards of provision and prevent harm to the amenity of neighbours. The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific allocations in the Local Plan, are considered the preferred locations for such uses, but other locations will be considered appropriate where the policy criteria are met. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between buildings and/ or that mitigation measures will be put in place to minimise the impact from noise and disturbance.

3.19 If you are using your home (dwellinghouse) for childcare provision and more than seven children are minded, not including your own children, this will be considered as a day nursery and planning consent would be required .

3.20 There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided, following the guidance set out in the Council's Parking Guidelines and Car Park Design Guide Supplementary Planning Documents and any subsequent revision.

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

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP21 The network and hierarchy of centres
- TP36 Education.

POLICY DM9 Day nurseries and early years provision

1. Except for any specific allocation in the Local Plan, the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside these locations will be considered favourably where:
 - a. It is well served by means of walking, cycling and public transport.
 - b. It will not have an unacceptable adverse impact on local amenity, parking, public and highway safety.
 - c. Sufficient useable outdoor play space to meet the needs of the children is provided.
 - d. The property can accommodate satisfactorily the number of children proposed.
 - e. It does not conflict with any other policies in the Local Plan.

Implementation

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



4 Homes and neighbourhoods

4.1 The provision of the right amount and right type of housing in the right location is essential to supporting the city's growing population and creation of sustainable neighbourhoods. The BDP sets out the overall approach to developing new homes and promoting sustainable communities in the city. The policies in this section offers an approach to ensure the delivery of a good standard of housing and addressing the impacts and issues of certain forms of housing.

DM10 Standards for residential development

Introduction

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

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

4.3 In delivering Policy PG3 Place making, amenity is an important consideration as it contributes to peoples' physical and mental health and well-being. Homes should meet occupiers' needs in terms of the size and layout of internal and external spaces.

4.4 The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

POLICY DM10 Standards for residential development

1. All residential development will be required to meet the minimum Nationally Described Space Standards (Appendix 1). This does not include specialist accommodation covered by Policy DM12 and defined in paragraph 4.28 of this document.
2. Housing developments of 15 or more dwellings, should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable.
3. Separation distances* between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance.
4. All new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development and adequate provision for recycling/refuse storage and collection*.
5. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected.
6. Exceptions to the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with site specific issues or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must demonstrate that residential amenity will not be significantly diminished.

* Guidelines are set out in Places for Living SPD which will be replaced by the Birmingham Design Guide.

Implementation

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

4.5 Where space standards are to be met, applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement. The Policy will not apply to applications that are already registered prior to the date of adoption of the DMB.

4.6 All new development, including extensions of properties within residential areas has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities.

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

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

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

Existing guidance on the 45 degree code will be merged into the forthcoming Birmingham Design Guide SPD.

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

4.9 Outdoor private space is highly valued and it is important for both children and adults to have access to some private outdoor space for play and relaxation as well as more practical requirements such as for garden tools/ furniture, drying clothes and outdoor toys. The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing. Any proposal affecting an existing dwelling will also need to ensure that private external open spaces are retained in accordance with the standards set out in the policy.

4.10 Existing guidance on outdoor amenity space and separation distances is set out in Places for Living SPD, which will be updated through the forthcoming Birmingham Design Guide SPD.

4.11 'Physical constraints', as described in Part 6 of the policy, may include (but are not limited to) site specific constraints such as topography, flood risk, ground conditions, location of services or heritage and character considerations.

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP27 Sustainable neighbourhoods.
- TP28 Location of new housing
- TP30 The type, size and density of new housing.
- TP37 Health.

DM11 Houses in multiple occupation (HMO)

Introduction

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

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

4.13 A House in Multiple Occupation, commonly known as a HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but share facilities such as a bathroom and kitchen. Planning use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of seven or more occupants which are Sui Generis.

4.14 The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the city. All developments should achieve a high quality design contributing to a strong sense of place (BDP Policy PG3), and new homes should contribute towards achieving mixed and balanced communities (BDP policy TP30). The City Council will seek to prevent the loss to other uses of housing which is in good condition (BDP Policy TP35).

4.15 The conversion and reuse of existing buildings for housing can help to meet the changing housing needs of the city. There has been a significant trend for this form of housing in the private rented market in Birmingham in recent years. This trend has emerged in

part due to the accommodation needs of the city's substantial student population, but also to cater for transient populations and to address a general need for low cost accommodation for young professionals unable to afford home ownership.

4.16 It is important that such proposals take account of effects on the surrounding area. Over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including the loss of family housing, effects to the

POLICY DM11 Houses in multiple occupation (HMO)

1. Proposals for the conversion of existing dwellinghouses 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:
 - a. Would not result in this type of accommodation forming over 10% of the number of residential properties* within a 100 metre radius of the application site**.
 - b. Would not result in a C3 family dwellinghouse being sandwiched between two HMOs or other non-family residential uses***.
 - c. Would not lead to a continuous frontage of three or more HMOs or non-family residential uses***.
 - d. It would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies.
 - e. Would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking.
 - f. Provide high quality accommodation with adequate living space including:
 - Bedrooms of at least 7.5 sq.m. (single) and 11.5 sq.m. (double).
 - Communal living space comprising lounge, kitchen and dining space either as distinct rooms or in an open plan format.
 - Washing facilities.
 - Outdoor amenity space.
 - Recycling/ refuse storage.
2. Where a) and c) has already been breached, planning permission will only be granted in exceptional circumstances****.
3. Proposals for the intensification or expansion of an existing HMO should comply with (e) and (f) above, having regard to the size and character of the property.

* Paragraph 4.22 sets out the residential properties identified for the purposes of calculating the percentage concentration of HMOs and the data sources for the purposes of identifying HMOs.

** Measured from the centre point of the property

*** For the purposes of this policy a non-family residential use is defined as a HMO, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats.

**** Exceptional circumstances are set out in paragraph 4.25.

Implementation

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

residential character, appearance, and amenity of an area as a result of excessive noise and disturbance to residents and increased parking pressures.

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

4.18 A planning policy for the Article 4 Direction Area of Selly Oak, Harborne and Edgbaston was adopted in November 2014. This will be replaced by Policy DM11 Houses in Multiple Occupation in the DMB when adopted.

4.19 Where additional bedrooms are created in both new build HMOs and conversions of existing buildings, these will be expected to meet the internal space standards set out in the policy. Appropriately sized, proportioned and equipped communal areas and adequate bathroom and cooking facilities should be provided, relative to the expected number of occupants in accordance with the Council's adopted guidance on Property and Management Standards applicable to Private Rented Properties including HMOs. Communal living space should be provided within the main structure of the building and not within conservatories due to the inferior noise insulation and consequent effect on amenity of neighbours. Insufficient communal areas increase the time occupants must spend in their individual bedrooms and can therefore hinder social cohesion within the property. The size of the bedrooms and the extent of their ability to function as social areas will be taken into account in determining whether communal space provision is sufficient. Planning applications must be supported by a full set of floor plans that includes details showing the internal measurements for each room; for bedrooms

indicating if they are intended to be single or double; and any areas of reduced ceiling heights.

4.20 The City Council, local residents, universities, private landlords and other partners will continue to work together to support the best management, maintenance and provision of residential accommodation, and to ensure that a good standard of amenity is maintained.

4.21 In the right location, good design of development and its future operation can help to limit any negative impacts. This includes ensuring the proposal can be delivered in line with best practice and Government guidance.

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

Stage 1

Identifying residential properties

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

property). For the purposes of assessing applications for HMO development, dwelling houses and HMOS that are located within blocks of flats or subdivided properties are counted as one property. Residential institutions, care homes, hostels and purpose built student accommodation and other specialist housing are also counted as one property per block. This will ensure that calculations of HMO concentration are not skewed.

Stage 2

Count HMOs

HMOs are identified from the following sources:

- Properties licensed as a HMO
- Properties with C4 or Sui Generis HMO planning consent or issued with a Certificate of Lawful Development
- Declared C4 HMOs recorded in the 12 month notice period for the city-wide Article 4 Direction 2019
- Council tax records – student exemptions for council tax excluding purpose built student accommodation and private flats



Stage 3

Calculate concentration

The concentration of HMOs surrounding the application site is calculated as a percentage of the total estimated number of existing HMO units against the total number of residential properties. It is accepted that although the HMO sources listed above provide the most robust approach to identifying the numbers and locations of HMOs in an area, it will not identify all HMOs.

4.23 Additional HMOs can also impact on residential amenity where they lead to concentrations in the immediate vicinity of an application site, as well as creating other impacts where they proliferate at a broader neighbourhood level. Planning permission would not be granted where the introduction of a new HMO would result in an existing C3 dwelling being 'sandwiched' by any adjoining HMOs or non-family residential uses on both sides. This would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets. Planning permission would not be granted where it would result in a continuous frontage of 3 or more HMOs or non-family residential uses. In situations where properties are not traditional houses situated along a street frontage, the policy can be applied flexibly depending on the individual circumstances of the proposal.

4.24 The Council's Strategic Housing Market Assessment (SHMA) (2013) indicates a need for accommodation of all sizes but it also shows that the highest net change in the number of homes needed is for 3 and 4 or more bedroom homes. Where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for HMOs which would result in the loss of such housing.

Exceptional circumstances

4.25 The concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use. In these circumstances the retention of the property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to a HMO would not further harm the character of the area.

Policy links

Birmingham Development Plan

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



DM12 Residential conversions and Specialist accommodation

Introduction

4.26 The development of any new type of housing should help contribute to creating sustainable neighbourhoods and provide good quality accommodation to meet the needs of people in the city. This policy seeks to ensure that such development is well located, achieves a high standard of design, protects local character and achieves good levels of amenity.

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

4.27 The BDP (Policies TP27 and 30) seeks to ensure that new housing provision is made in the context of creating sustainable communities which contain a wide mix of housing. New housing should add to the choice of accommodation available to people, whatever

their circumstances. A strong and sustainable community responds to the needs of all residents, including those who are considered to be most vulnerable and requiring access to housing that meets their specific needs.

4.28 Specialist residential accommodation is a generic description used to describe housing that meets the needs of specific groups of people. This can comprise of hostels, shared housing, care homes and supported accommodation for older people and people with mental health, learning disabilities, dementia, physical and sensory impairment, ex-offenders and drugs and alcohol dependency. It does not include age-restricted general market housing, retirement living or sheltered housing.

4.29 It remains a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents and older people in

Birmingham. All applications for specialist housing including extensions to existing facilities should have regard to the Council's latest housing needs strategies.

4.30 The Council will resist proposals for residential conversion and specialist accommodation where it would result in an over-concentration of similar uses in the immediate area, if it is considered that the proposal will cause demonstrable harm to the character and function of an area, and/or local amenity. Planning permission may be refused on grounds that further development of such uses will have a harmful impact on local character, appearance, amenity and sustainable communities.

4.31 Specialist accommodation is normally most appropriately located in large detached properties set in their own grounds. The development of such uses in smaller detached or large semi-detached or terraced houses will not be acceptable, unless the amenity of adjoining occupiers can be safeguarded. Proposals should include within the site boundary adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their particular needs. This should normally be a minimum of 16 sq.m. of space per resident. Details of the management arrangements of such developments should be submitted with an application.

4.32 Conversions are a useful way of maximising the efficient use of the existing housing stock and land. It may also enable many large, old properties to be retained which are important to the character of many residential areas.

4.33 However, it is important that development is carefully managed in order not to detract from the character of the area and/or amenity of nearby residents; and

POLICY DM12 Residential conversions and Specialist accommodation

1. This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation*. Such development will be supported where:
 - a. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area.
 - b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers.
 - c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers.
 - d. The scale and intensity of the proposed use is appropriate to the size of the building.
 - e. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

* Specialist accommodation is defined in para 4.28

Implementation

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

that the size of the property or site is suitable and can provide a good living environment for occupants. The conversion of a single dwelling house into several separate units may result in an increased intensity of use and possible adverse effects on the adjacent properties, including increased amount of traffic, on-street parking and poor waste management. This should be fully assessed and adequate mitigation measures will be required to address any adverse impacts.

4.34 Generally, detached properties are most appropriate for flat conversions. Semi-detached and terraced properties may be

considered but the potential effect on adjoining occupiers will be assessed particularly carefully. Properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout. Favourable consideration will not normally be given to the subdivision of single dwellinghouses with 3 or less bedrooms into smaller dwelling units.

4.35 The Council's Strategic Housing Market Assessment (SHMA) (2013) indicates a need for accommodation of all sizes, but it also shows that the highest net change in the number of homes needed to 2031 is for 3 and 4 or

more bedroom homes. Where there are particular shortages of large family accommodation, the City Council will be sensitive to any such need when considering proposals for flat conversions and the specialist accommodation.

Policy links

Birmingham Development Plan

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



DM13 Self and custom build housing

Introduction

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

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

4.37 Self-build and custom build housing can be defined as homes built or commissioned by individuals or groups of individuals for their own use. There is a strong push at a national level to increase self-build activity and a number of requirements have been placed on local councils, including keeping a register of those seeking to acquire a plot for self-building and having regard to the register in carrying out their planning, housing, land disposal and regeneration functions.

4.38 The National Planning Policy Framework requires local planning authorities to clearly understand need and plan for a mix of housing, including for people wishing to build their own homes.

4.39 The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-build and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions.

4.40 The Housing and Planning Act introduced a duty on local authorities to “give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period”. The Act defines ‘demand’ as evidenced by the number of entries added to the register during the relevant period.

4.41 The Council has been operating its self-build register since November 2014 and the

number of entries on the register is increasing. The number of new homes granted exemptions from the Community Infrastructure Levy due to their self/custom build status also indicates that there is considerable self-build activity in the city.

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

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

4.44 While the Council is generally supportive of proposals for self or custom build units, it is important that applications for self or custom build do not compromise the strategy of the BDP. Planning applications for this type of housing will still need to comply with other relevant policies in the Local Plan.

Policy links

Birmingham Development Plan

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

POLICY DM13 Self and custom build housing

1. The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan.
2. The Council will encourage developers to consider incorporating an element of self-build plots into development schemes as part of the housing mix. The Council’s self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals.
3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing mix provided on larger sites (200 dwellings or more) where it is demonstrated to meet an identified need and is not substituted for needed social rented and affordable rented housing.

Implementation

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



5 Connectivity

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

DM14 Transport access and safety

Introduction

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

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

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

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

POLICY DM14 Transport access and safety

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

Implementation

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

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

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

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



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

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

5.8 Where construction activity is likely to have an impact on the highway network (physical highway occupation or increased traffic due to site construction or servicing) a Construction Traffic Management Plan (CTMP) will be required. This should meet the Council's CTMP guidance notes and ensure safe and efficient operation of the highway. This should include consideration of communications in relation to travel impact, in liaison with the Transportation Demand Management Team. It is the developer's responsibility to ensure the impact on the highway network is reduced as far as reasonably possible and any necessary Highways Act licenses are obtained before construction takes place.

5.9 With all development, the existing network and proposed access points to the site will need to be suitable for future traffic levels. The main parts of the highway network within Birmingham, including the strategic Birmingham network and the West Midlands key route network, are more sensitive to traffic impacts

from development. Any new or amended access arrangements need to be carefully considered to ensure the efficient, effective and safe operation of the highway infrastructure across the City.

5.10 In relation to criteria 6.e. of the policy, 'necessary or future transport improvements' are defined as those included in policies, strategies and programmes published by Birmingham City Council, West Midlands Combined Authority, West Midlands Rail Executive, Network Rail, Highways England, National Government and other relevant public sector organisations.

Policy links

Birmingham Development Plan

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





DM15 Parking and servicing

Introduction

5.11 Managing parking in the right way can play a crucial role in creating a balanced, efficient and sustainable transport network. The Council recognises that a flexible and balanced approach is needed to prevent excessive car parking provision and not increasing parking pressure on existing streets.

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

5.12 It is estimated that the growth in the city's population will result in 1.2 million additional daily trips across the network by 2031

(by all transport modes). It is not possible or indeed desirable to accommodate all these by private car due to existing constraints on our highway capacity and because of the significant detrimental impact of traffic on our environment.

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

5.14 The Council's parking standards currently set out in the Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document . It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The Parking SPD will be used as a guide in the determination of planning applications. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking provision. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.

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

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

POLICY DM15 Parking and servicing

1. Parking and servicing should contribute to the delivery of an efficient, comprehensive and sustainable transport system. Development should promote sustainable travel, reduce congestion, and make efficient use of land.
2. New development will need to ensure that the operational needs of the development are met in terms of parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking and servicing should be designed to be secure and accessible to its users and adhere to the principles of relevant Supplementary Planning Documents.
4. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems.

Implementation

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

5.17 It is essential that a design led approach is adopted to ensure parking functions satisfactorily for all users including disabled drivers, pedestrians, cyclists and service vehicles and does not impact negatively on the surrounding streetscape. Well planned and designed parking can have a determining influence on the streetscape, can influence development density and is important to the success of all developments. The existing Car Park Design Guide will be replaced by the forthcoming Birmingham Design Guide SPD, providing detailed guidance on parking design.

Policy links

Birmingham Development Plan

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



DM16 Telecommunications

Introduction

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

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

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

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

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

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

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

POLICY DM16 Telecommunications

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

Implementation

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

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

Policy links

Birmingham Development Plan

- PG3 Place making.
- TP46 Digital communications.



6 Implementation and monitoring

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

6.2 The Birmingham Authority Monitoring Report (AMR) will monitor the effectiveness of the Development Management policies. Updates of the AMR will normally be published annually.

6.3 The Development Management policies support the delivery of the BDP. Each Development Management policy identifies links to BDP policies. The effectiveness of the Development Management policies will be monitored using indicators set out in Appendix 2 of this document, many of which link with BDP monitoring indicators.

6.4 Once the Development Management in Birmingham DPD is adopted, a review of the document will be undertaken at least every five years.





7 Appendices

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

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

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

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

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

The Standard requires that:

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

Compliance

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

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

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

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

Appendix 2: Monitoring Framework

Policy	Monitoring indicator	Target	Trigger
Policy DM1 Air Quality	Number of applications approved contrary to the policy. Number of applications refused on air quality grounds and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold air quality impact as valid reason for refusal. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected air quality as a reason for refusal.
Policy DM2 Amenity	Number of applications approved contrary to the policy. Number of applications refused on amenity grounds and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold loss of amenity as valid reason for refusal. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected amenity as reason for refusal.
Policy DM3 Land affected by Contamination and Hazardous substances	Number of applications approved contrary to the policy. Number of applications refused on contamination grounds and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements All relevant appeal decisions uphold risk of contamination as a valid reason for refusal. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected contamination as reason for refusal.
Policy DM4 Landscaping and Trees	Ha/sq.m. in loss of ancient woodland. Number of applications approved without tree replacement provision (where relevant).	<ul style="list-style-type: none"> No loss of ancient trees/ woodland. No applications approved without tree replacement provision (where relevant). 	<ul style="list-style-type: none"> 10% loss of ancient trees/ woodland. 10% of applications approved without tree replacement provision (where relevant).
Policy DM5 Light Pollution	Number of applications approved contrary to the policy. Number of applications refused on light pollution grounds and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold light pollution as a valid reason for refusal. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected light pollution as reason for refusal.
Policy DM6 Noise and Vibration	Number of applications approved contrary to the policy. Number of applications refused on noise impact grounds and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold noise impact as a valid reason for refusal. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected noise impact as reason for refusal.
Policy DM7 Advertisements	Number of applications approved contrary to the policy. Number of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.
Policy DM8 Places of Worship	Number of applications approved contrary to the policy. Percentage of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.

Policy	Monitoring indicator	Target	Trigger
Policy DM9 Day nurseries and early years provision	Number of applications approved contrary to the policy. Percentage of applications refused on this policy and successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. All relevant appeal decisions uphold the reason(s) for refusal related to the policy. 	<ul style="list-style-type: none"> 10% of applications approved contrary to policy. 10% of appeals where inspector rejected the reason(s) for refusal related to the policy.
Policy DM10 Standards for Residential Development	Number of dwellings meeting NDSS. Number of dwellings provided as accessible and adaptable. Number of applications refused on 45 Degree Code successfully defended at appeal.	<ul style="list-style-type: none"> 100% of dwellings meet NDSS. 100% of development of 15 or more dwellings provide 30% accessible homes. All relevant appeals on 45 Degree Code policy successfully defended. 	<ul style="list-style-type: none"> Provision of NDSS compliant homes falls below 80%. Provision of accessible and adaptable homes falls below 80% 10% of appeals where inspector rejected 45 Degree Code policy as reason for refusal.
Policy DM11 House in multiple occupation	New areas with over 10% concentration of HMOs.	<ul style="list-style-type: none"> No new areas with over 10% concentration of HMOs. 	<ul style="list-style-type: none"> Increase in areas with over 10% concentration of HMOs.
Policy DM12 Residential conversions and specialist accommodation	Number of applications approved contrary to policy.	<ul style="list-style-type: none"> All relevant applications to meet the policy requirements. 	<ul style="list-style-type: none"> 10% of applications approved contrary to the policy.
Policy DM13 Self and custom build housing	Numbers of plots made available for self and custom build each year.	<ul style="list-style-type: none"> No specific target. 	<ul style="list-style-type: none"> No specific trigger.
Policy DM14 Transport access and safety	Number of applications approved contrary to the policy.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> 10% of applications approved contrary to the policy.
Policy DM15 Parking and servicing	Number of applications approved contrary to the policy. Number of applications refused on this policy successfully defended at appeal.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> 10% of applications approved contrary to the policy.
Policy DM16 Tele-communications	Number of applications approved contrary to the policy.	<ul style="list-style-type: none"> All relevant applications meet the policy requirements. 	<ul style="list-style-type: none"> 10% of applications approved contrary to the policy.

Appendix 3: Glossary of Terms

45 Degree Code: a well-established approach in Birmingham applied to house extension proposals in order to protect daylight levels and outlook for occupiers, particularly of existing houses.

Accessibility: ability of people or goods and services to reach places and facilities.

Active frontages: street frontages where there is an active visual engagement between those in the street and those on the ground floors of buildings. This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street. This is not the same as attractive frontages, such as art walls, green walls or display boxes. Active frontages are often taken to mean continuous rows of highly-glazed Shopfronts with frequent entries and cafes.

Affordable Housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

Air Quality Action Plan (AQAP): Air Quality Action Plans are produced by local authorities (in collaboration with national agencies and others) to state their intentions and objectives towards achieving air quality targets through the use of the powers they have available.

Air Quality Management Area (AQMA): areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites.

Arboricultural Impact Assessment (AIA): a study to assess the impacts to trees caused by any development.

Area Action Plan (AAP): Development Plan Documents used to provide a planning framework for areas of change (e.g. major regeneration) and areas of conservation.

Article 4 Direction: a power available under the 1995 General Development Order allowing the Council, in certain instances, to restrict permitted development rights.

Authority Monitoring Report (AMR): a report published by the Council which provides updates on the preparation of the Council's Local Plan and other planning documents and assesses performance of adopted planning policies.

Biodiversity: encompasses the whole variety of life on earth (including on or under water) including all species of plants and animals and the variety of habitats within which they live. It also includes the genetic variation within each species.

Birmingham Connected: Birmingham's long-term transport strategy for the city.

Birmingham Connected Business Travel Network: a framework for the range of transport information, resources, services and activities that businesses and other organisations can access. This includes general advice around encouraging sustainable travel along with specific elements relating to road safety, air quality, freight and smarter working.

Birmingham Design Guide: a Supplementary Planning Document being prepared by the Council as the primary planning guidance used to assess and guide the design of all new development across the city.

Birmingham Development Plan (BDP): adopted by the Council in January 2017, it sets out a spatial vision and strategic policies for the sustainable growth of Birmingham for the period 2011 to 2031.

Brownfield Land: previously developed land which is or has been occupied by a permanent structure.

Capital Asset Value for Amenity Trees (CAVAT): a tool for measuring the value of trees as public assets developed in 2008 and now used widely by local authorities across the UK.

Car Clubs: schemes which facilitate vehicle sharing.

Clean Air Zone (CAZ): an area where targeted action is taken to improve air quality, in particular by discouraging the most polluting vehicles from entering the zone. No vehicle is banned in the zone, but those which do not have clean enough engines will have to pay a daily charge if they travel within the area.

Community Infrastructure Levy (CIL): a per square metre tariff on new development seeking to raise revenue to fund new infrastructure.

Compulsory Purchase Order (CPO): an order which enables a statutory authority to purchase an area of land compulsory for an approved project.

Conservation (for heritage policy): the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Conservation Area: area designated by the Council under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as possessing special architectural or historic interest.

Development Plan Documents (DPD): statutory planning documents that form part of the Local Plan including the Strategic Policies, Development Management Policies and Site Allocations Documents.

Environmental Protection Act 1990: deals with issues relating to waste on land, defining all aspects of waste management and places a duty on local authorities to collect waste.

Geodiversity: the range of rocks, minerals, fossils, soils and landforms.

Green Infrastructure: a network of connected, high quality, multi-functional open spaces, corridors and the links in between that provide multiple benefits for people and wildlife.

Groundwater: water held underground in the soil or in pores and crevices in rock.

Habitats Regulations Assessment Screening: assesses whether a plan or a planning proposal will impact upon a European protected ecological site such as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites which are afforded strict protection under the Conservation of Habitats and Species Regulations 2017.

Heritage asset: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic Parks and Gardens: Parks and gardens containing historic features dating from 1939 or earlier registered by English Heritage. These parks and gardens are graded I, II or II* in the same way as Listed Buildings.

Houses in Multiple Occupation (HMOs): a property rented out by at least 3 people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. (Housing Act 2004).

International Commission on Non-Ionising Radiation Protection (ICNIRP): Organisation providing scientific advice and guidance on the health and environmental effects of non-ionizing radiation (NIR) to protect people and the environment from detrimental exposure. Activities include determining exposure limits for electromagnetic fields used by devices such as cellular phones.

Landmarks: buildings and structures which are visually or culturally prominent

Landscape: The character and appearance of land, including its shape, form, ecology, natural features, colours and elements and the way these elements combine.

Listed Buildings: Locally listed buildings are those which satisfy one or more of the following criteria: historic interest, architectural interest or environmental significance. Statutory listed buildings are buildings of special architectural or historic interest, they are graded as I, II* or with grade I being the highest. English Heritage is responsible for designating buildings for statutory listing in England.

Local Plan: a plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Local Validation Requirements: document which sets out the information that Birmingham City Council will require to be able to register, assess and determine planning applications.

Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Market Housing: private housing for rent or for sale, where the price is set in the open market.

National Planning Policy Framework (NPPF): sets out the Government's planning policies for England and how they are expected to be applied.

Noise-sensitive Development: development which increases noise exposure or may have a detrimental impact for residents or users.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Open Space: all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Public realm: the space between and within buildings that is publicly accessible, including streets, squares, forecourts, parks and open spaces.

Regeneration: the economic, social and environmental renewal and improvement of a rural or urban area.

Remediation strategy: to manage environmental liabilities – specifically land and water contamination risks in order for land to be brought forward for development.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Road to Zero: UK Government strategy which sets out measures to clean up road transport and lead the world in the developing, manufacturing and using zero emission road vehicles.

Section 106 Agreement (S106)/Planning Obligations: These agreements confer planning obligations on persons with an interest in land in order to achieve the implementation of relevant planning policies as authorised by Section 106 of the Town and Country Planning Act 1990.

Secured by Design: The planning and design of street layouts, open space, and buildings so as to reduce the likelihood of crime, fear of crime, and anti-social behaviour.

Self-build and Custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Modeshift STARS: an Accreditation system run by Birmingham City Council to encourage schools to review their travel plans to reduce congestion and encourage more active travel to and from school.

Statement of Community Involvement (SCI): the Council's policy for involving the community in the preparation, review and alteration of LDDs and planning applications. It includes who should be involved and the methods to be used.

Sui Generis: A term used to categorise buildings that do not fall within any particular use class for the purposes of planning permission. The different use classes are set out in the Town and Country Planning (Use Classes) Order 1987.

Supplementary Planning Documents (SPD): documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainability Appraisal (SA): a systematic and continuous assessment of the social, environmental and economic effects of strategies and policies contained in the DPDs, which complies with the EU Directive for Strategic Environmental Assessment.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

The National Planning Practice Guidance: Government guidance to accompany the National Planning Policy Framework.

Transport Assessment (TAs): a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport Statement (TSs): a simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel Plan: a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Tree Preservation Order (TPO): made under the Town and Country Planning Act 1990 by the local planning authority to protect trees of importance for amenity, landscape and nature conservation.

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