

Birmingham City Council

Report to Cabinet

29th October 2019



Subject: PUBLIC CONSULTATION ON THE PUBLICATION OF THE 'DEVELOPMENT MANAGEMENT IN BIRMINGHAM' DEVELOPMENT PLAN DOCUMENT

Report of: DIRECTOR, INCLUSIVE GROWTH

Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council

Relevant O & S Chair: Councillor Tahir Ali, Economy and Skills
Councillor Liz Clements, Transport and Environment

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006883/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 To seek authority to undertake public consultation on the Publication version of the 'Development Management in Birmingham' Development Plan Document (DMB) for a period of 6 weeks starting on 11th November 2019.
- 1.2 To report on the outcome of the previous consultation (Preferred Options) undertaken in January – March 2018 and the key changes made to the document. To set out the next steps following consultation on the Publication version.

2 Recommendations

- 2.1 Approves the DMB Publication document including the accompanying Sustainability Appraisal (attached at Appendices 1 and 2) for public consultation commencing 11th November 2019 for a period of 6 weeks.

3 Background

- 3.1 The DMB, when adopted, will support the Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications. It will replace the existing policies of the Birmingham Unitary Development Plan (2005) (UDP) and be one of the Council's key planning policy documents alongside the BDP.

- 3.2 This current consultation stage (Publication) is the final draft version of the DMB and has been developed having regard to comments received during earlier consultation stages - Issues and Options held in October – November 2015 and Preferred Options carried out in January – March 2019. The outcome of most recent consultation (Preferred Options) is set out in the Consultation Statement (Appendix 4). The Consultation Statement contains details on the engagement that was carried out, the main issues raised and how they have been addressed in the Publication version. In summary, there were approximately 69 respondents providing about 650 different comments on the draft policies in the Preferred Options document. Overall there was general support for all the policy topics covered in the DMB but detailed comments on the content and wording of the policies. The key responses were:

- Policy DM6 'Noise and vibration' and DM5 'Light pollution' to be more aligned with the approach in the National Planning Policy Framework
- Need to strengthen Policy DM9 'Day nurseries and early years provision' in relation to impact on amenity, parking, public and highway safety, and provision of outdoor amenity space.
- Support for Policy DM11 'Houses in Multiple Occupation and other non-family residential uses' with suggestions on how the policy could be strengthened.
- Some objections to the use of the nationally described Space Standards and Part M4(2) Accessible and Adaptable Standard for housing from developers with suggestions of more evidence required to justify the approach.

- 3.3 The comments were analysed and considered in the preparation of the Publication version, which has led to some changes to the draft policies. In summary these changes include:

- Amendments to 'Policy DM6 Noise and vibration' and DM5 'Light pollution' to be more aligned with the approach in the National Planning Policy Framework.

- Additional criteria added to 'Policy DM9 Day Nurseries and early years' provision in relation to impact on 'local amenity, parking, public and highway safety'.
- Splitting of previous policy on 'Houses in Multiple Occupation and other non-family residential uses' into two separate policies – DM11 'Houses in Multiple Occupation' and DM12 'Residential Conversions and Specialist Accommodation'.
- Detail added to DM11 Houses in Multiple Occupation in relation to minimum space standards and provision of an adequate living environment
- Detail added to DM12 Residential conversions and specialist accommodation to clarify policy
- Policy DM8 'Places of worship and faith related community uses' has been simplified.
- Revision of Appendix 4 - Monitoring Framework
- Detailed wording changes to: DM1 Air quality, DM2 Amenity, DM3 Contaminated Land, DM4 Landscape and Trees, DM5 Light pollution, DM6 Noise and Vibration, DM7 Advertisements, DM14 Highway safety and access, DM15 Parking and servicing, and DM16 Telecommunications.

3.4 Consultation will commence on 11th November 2019 for a period of 6 weeks. Its purpose is to invite comments on the final Publication version. Following consultation, a report will be brought back to Cabinet and Full Council to seek approval for its submission (along with supporting evidence and any representations made) to the Secretary of State for Housing, Communities and Local Government for an examination in public. A planning inspector will be appointed to carry out the examination and, if found sound, the DMB can then be adopted by the Council.

3.5 The Publication document is accompanied by a Sustainability Appraisal (SA) (Appendix 2) which assesses the policies within the DMB to ensure they have a positive impact on social, economic and environmental factors. An Equality Impact Analysis has also been carried out and is attached as Appendix 3.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing: Do not consult on the Publication document. This would delay having up to date development management policies in place to help determine planning applications.
- 4.2 Based on the evidence assembled, it is considered that the approach contained in the Publication document is the most appropriate. The recommended proposal is to proceed with consulting on the Publication document.

5 Consultation

- 5.1 The launch of the public consultation on the DMB document will be the start of external consultation on the Publication version. This is the final consultation stage

for the DMB having previously been subject to initial public consultation in 2015 and consultation on Preferred Options earlier in 2019, which has helped to formulate the Publication version of the document now being considered. Public consultation will take place following Cabinet approval. The consultation process will be in accordance with the Council's adopted Statement of Community Involvement, under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 5.2 The consultation document and relevant material will be published online and all those on the Planning Policy Consultation Database will be notified. All representations received will be submitted, alongside the DMB, to the Secretary of State for Housing, Communities and Local Government for examination.

6 Risk Management

- 6.1 The programme for completion and adoption of the DMB allows flexibility to account for any potential issues. This allows time for discussion with stakeholders and for issues to be addressed, as well as the processing of any comments made.
- 6.2 Other risks are addressed elsewhere in this report, including Section 4 on the risks of not having the DMB, and section 7.3 on the financial implications.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The DMB is consistent with the Council Plan 2018-2022 which has been refreshed in 2019 and in particular the outcome; Birmingham is an Entrepreneurial City to learn, work and invest in by providing up to date policies against which planning applications for development will be assessed.

7.2 Legal Implications

- 7.2.1 The preparation of the DMB is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted, it will replace the content of Chapter 8 of the Birmingham UDP 2005.

7.3 Financial Implications

- 7.3.1 The DMB and Sustainability Appraisal have been prepared using existing Inclusive Growth Directorate (Planning and Development) staff resources and specialist external consultants funded from existing approved revenue budgets to prepare specific evidence in support of the DMB. Following this consultation, subsequent stages in the adoption of the DMB will be met

from the Planning and Development revenue budget for 2019/20. There are no additional financial implications to the City Council from the production of the DMB.

7.4 Procurement Implications (if required)

7.4.1 No implications.

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The DMB is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies in the exercise of their functions have due regard to and consider the needs of all individuals in shaping policy. Preparation of the DMB document includes the carrying out of an integrated Sustainability Appraisal (Appendix 2) at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Impact Analysis (Appendix 3).

8 Appendices

- Appendix 1 - Development Management in Birmingham DPD (DMB) (Publication) Consultation Document
- Appendix 2 – Interim Sustainability Appraisal (SA) for the Development Management in Birmingham DPD (DMB) (Publication) Consultation Document
- Appendix 3 – Equality Impact Analysis
- Appendix 4 - Consultation Statement

9 Background Documents

- 9.1 Development Management Development Plan Document: Public Consultation – Cabinet report dated 27th July 2015
- 9.2 Public Consultation on the ‘Development Management in Birmingham’ Development Plan Document - Cabinet Report 22nd January 2019.