

**Public Report**  
**Birmingham City Council**  
**Report to Cabinet**  
22<sup>nd</sup> January 2019



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

**Report of:** CORPORATE DIRECTOR, ECONOMY  
**Relevant Cabinet Member:** Councillor Ian Ward, Leader of the Council  
**Relevant O &S Chair:** Councillor Tahir Ali, Economy and Skills;  
**Report author:** Uyen-Phan Han, Planning Policy Manager, Telephone No: 0121 303 2765  
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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: <b>005424/2018</b>		
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 Development Management in Birmingham Development Plan Document (DMB) for a period of 8 weeks starting in February 2019.
- 1.2 The DMB sets out non-strategic planning policies for the determination of planning applications and, in turn, will replace the existing policies of the Birmingham Unitary Development Plan (UDP) (2005). It will therefore be one of the Council's key planning policy documents.
- 1.3 This current consultation stage (Preferred Options) is the second stage in the plan preparation process for the DMB and attached at Appendix 1. The consultation document is accompanied by a Sustainability Appraisal (SA) (Appendix 2)
- 1.4 It is envisaged that the consultation for the DMB will commence at the beginning of February 2019 for a period of 8 weeks.

## **2 Recommendations**

- 2.1 That Cabinet approves the DMB Preferred Options including the accompanying Sustainability Appraisal (attached at Appendix 1 and 2) for public consultation commencing February 2019 for a period of 8 weeks.
- 2.2 That Cabinet notes that, following consultation, the revised DMB will be reported to Cabinet and Full Council for approval prior to its submission to the Secretary of State for adoption.

## **3 Background**

- 3.1 The DMB, when completed and adopted, will support the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications. The majority of the draft policies proposed will update or modernise existing Unitary Development Plan (UDP) (2005) policies such as those which deal with amenity, contaminated land, advertisements, and telecommunications. It will therefore be one of the Council's key planning policy documents.
- 3.2 This current consultation stage (Preferred Options) is the second stage in the plan preparation process and has been developed having regard to comments received during the first consultation on the document (Issues and Options) which was held in 2015. The production of this Preferred Options document was, in itself, delayed whilst the BDP was awaiting formal adoption. The DMB has since been revised to inform this consultation and is attached as Appendix 1.
- 3.3 The purpose of this consultation document is to invite comments on the preferred approach and alternatives which will then inform the preparation of the next stage of the DMB document. It is envisaged that the consultation will commence at the beginning of February 2019 for a period of 8 weeks.
- 3.4 The consultation 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.

## **4 Options considered and Recommended Proposal**

- 4.1 Do Nothing: It is a legal requirement for a Development Plan Document to be 'sound' at Public Examination. Policies in the DMB have to be up-to-date and aligned with those in the BDP and National Planning Policy Framework (NPPF). This is therefore not deemed an option.
- 4.2 Based on the evidence assembled, it is considered that the approach contained in the DMB Preferred Options Document at Appendix 1 is the most appropriate. The assessment of existing policy material and recommendations on outcomes is set out throughout the consultation document.

## **5 Consultation**

- 5.1 The Leader and Cabinet Members for Clean Streets, Waste and Recycling; Finance and Resources; Transport and Environment; Education, Skills and Culture; Homes and Neighbourhoods; Social Inclusion, Community Safety and Equality; Health and Social Care, and Children's Wellbeing have been briefed on the DMB Consultation

Document, with their views to be sought during the consultation process. All other Members have been informed of the consultation document, with their views to be sought during the consultation process. Officers from Birmingham Property Services, Highways, Transportation, Housing, Environmental Health, Public Health and Leisure have been involved in the DMB document's development.

- 5.2 The launch of the public consultation on the DMB document will be the start of external consultation. This is the second consultation stage for the DMB having previously been subject to initial public consultation in 2015, which has helped to formulate the Preferred Options 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.
- 5.3 The consultation document and relevant material will be published online and all those on the Planning Policy Consultation Database will be notified. All feedback and comments received will be taken into consideration in formulating the next stage of the consultation prior to the eventual adoption of the document.
- 5.4 Officers from Legal and Democratic Services and City Finance have been involved in the preparation of this report.

## **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 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 Consultation Document and Sustainability Appraisal have been prepared using existing Economy 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 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 consider the needs of all individuals in shaping policy. Preparation of the DMB document includes the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Analysis (Appendix 2).

### **8 Background Documents**

8.1 Development Management Development Plan Document: Public Consultation – Cabinet report dated 27<sup>th</sup> July 2015

8.2 List of Appendices accompanying this Report (if any):

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