Birmingham City Council Development Management in Birmingham Examination Main Modifications

Reference	Policy and/ or paragraph number	Proposed Modifications Deleted text is struck through; new text is in bold and underlined.
MM1	Policy DM1 Air Quality	Policy DM1 Part 1 1or increase exposure <u>at the development site or other relevant receptors</u> to unacceptable levels of air pollution will not be considered favourably.
		Policy DM1 Part 2 2. Where required, mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport can to help to reduce and/or manage air quality impacts and will be proportionate to the background air quality
	Paragraph 2.7	Paragraph 2.7 (last sentence) 2.7 'Unacceptable' deterioration and 'unacceptable levels' is are defined as where the development, in isolation or cumulatively, would result in exposure to pollutant concentrations close to the limit values within 5% of 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.
MM2	Policy DM2 Amenity	Add the following footnote to Policy DM2 Amenity: See also Policy DM10 'Standards for Residential Development' where proposals relate to residential development.
	Paragraph 2.20	Paragraph 2.20 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.
ММЗ	Policy DM3 Land affected by contamination, instability and hazardous substances	Policy DM3 Part 2 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 remove unacceptable risks to both the development and the surrounding area and/ or groundwater.

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MM4	Policy DM4 Landscaping and trees	Policy DM4 Part 2 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 multifunctional green infrastructure network, and other green infrastructure, 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.			
		Policy DM4 Part 3 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., or which are designated as 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. or which are designated as 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.			
		Policy DM4 Part 5 (Last sentence) 5 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.			
	Paragraph 2.37	Paragraph 2.37 2.37 Trees of quality classified in line with BS5837 as being of categories A or B in value 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.			
	Paragraph 2.39	Paragraph 2.39 2.39 Where development would result in the loss of a (BS5837) category A, B or C tree(s) and / or other landscaping, 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), pre-development canopy cover and biodiversity considerations. Reasonable deductions will			
MM5	Policy DM6 Noise and vibration	Policy DM6 Part 2 2. <u>Applications for Nnoise</u> and/or vibration-generating development must, <u>where relevant</u> , 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.			

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		Policy DM6 Part 3 3. <u>Applications for Nnoise-sensitive</u> development (such as residential uses, hospitals and schools) must, <u>where relevant</u> , be accompanied 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.				
	Paragraph 2.52	Paragraph 2.52 2.52 In all cases, the assessment will be based on an understanding of the existing and <u>predicted planned</u> levels of environmental noise <u>at both the development site and nearby receptors</u> and the measures needed to bring noise down to acceptable levels for the existing or proposed noise-sensitive development. A noise assessment and scheme 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. <u>Although not a Supplementary Planning</u> <u>Document</u> , the Council also has a detailed guidance note on Noise and Vibration maintained by Environmental Health.				
MM6	Policy DM8 Places of worship and faith related community uses	Policy DM8 Part 1 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 the network of centres these locations will be considered favourably where				
	Paragraph 3.10	Paragraph 3.10 3.10 The <u>preferred</u> most appropriate 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 <u>and as part of any specific allocations in the Local Plan.</u> These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres- 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.				
MM7	Policy DM9 Day nurseries and early years provision	Policy DM9 Part 1 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 of the network of centres these locations will only be considered favourably where				
	Paragraph 3.18	Paragraph 3.18 (4 th sentence) 3.18The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific				

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		allocations in the Local Plan, are is considered the most appropriate preferred locations for such uses, but other locations outside of centres will be considered appropriate where the policy criteria are met				
	Paragraph 3.19	Paragraph 3.19 3.19 If you are using your home (dwellinghouse) for childcare provision and more than seven children are minded, <u>not</u> <u>including your own children</u> , for more than two hours a day, or most of the rooms within your dwellinghouse is used for <u>childcare so that the main use no longer as your home</u> , this will be considered as a day nursery and planning consent would be required.				
	Paragraph 3.20.	Paragraph 3.20 (last sentence) 3.20It 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 in a location that will not endanger other road users or pedestrians.				
MM8	Policy DM10 Standards for residential development	Policy DM10 Part 1 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 4.27 of this document.				
		Policy DM10 Part 6 6. Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional 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 and where it can be demonstrated that residential amenity will not be significantly diminished.				
		Footnote to Policy DM10 * Standards Guidelines are set out in Places for Living SPD which will be replaced by the Birmingham Design Guide.				
	Paragraph 4.5	Add to Paragraph 4.5: 4.5 The Policy will not apply to applications that are already registered prior to the date of adoption of the DMB.				
	Paragraph 4.11	Add additional paragraph at 4.11. 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.				

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MM9	Policy DM13 Self and custom build housing	Policy DM13 Part 3 3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement-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.			
development would not have an <u>unacceptable</u> adverse impact on highway safety. Policy DM14 Part 5 5. On Birmingham's strategic highway network, and other principle and main distributor rou opportunities to remove unnecessary access points. New direct vehicular accesses will be local plan or where there are no practical alternatives (including consideration of impacts or		Highway Safety and Access Transport Access and Safety Policy DM14 Part 1 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.			
	New paragraph 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.			
MM11	Policy DM15 Parking and Servicing	Policy DM15 Part 2 2. New development will <u>need</u> be required to ensure that the operational needs of the development are met and <u>in terms of</u> parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs. <u>is in accordance with the Council's Parking Supplementary Planning Document.</u> Policy DM15 Part 3 3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking <u>and servicing</u> should be designed to be secure and <u>fully</u> accessible to <u>its</u> all users and adhere to the principles of relevant Supplementary Planning Documents."			
	Paragraph 5.14 (formerly 5.13)	Paragraph 5.14 (formerly 5.13) 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			

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		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."					
	Paragraph 5.15 (formerly 5.14)	5.14 The Council will	Paragraph 5. 15 (formerly 5.14) 5.14 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 Paragraph 5. 16 (formerly 5.15) 5.15 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space as defined within the Parking SPD. This will help				
	Paragraph 5.16 (formerly 5.15)	5.15 Garages will on					
MM12	Appendix 2: Monitoring	Appendix 2: Monitoring Framework					
	Framework	Policy	Monitoring Indicator	Target	Trigger		
		Policy DM1 Air Quality	Number of applications refused approved where proposals exceed nationally or locally set objectives for air quality, particularly for nitrogen dioxide, or increase exposure to unacceptable levels of air pollution approved contrary to the policy Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal Number of applications refused on air quality grounds and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold air quality impact as valid reason for refusal	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 refused on amenity grounds and percentage of refusals successfully defended at appeal approved contrary to the policy Use of conditions securing compliance with the policy Number of applications refused on amenity grounds and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold loss of amenity as valid reason for refusal	 10% of applications approved contrary to policy 10% of appeals where inspector rejected amenity as reason for refusal 		

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		Policy DM3 Land affected by Contamination and Hazardous substances	Number of applications where there are outstanding EA/HSE objections and no submission of a preliminary risk assessment, and where appropriate, a risk management and remediation strategy Number of applications approved contrary to the policy Number of applications refused on contamination grounds and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold risk of contamination as a valid reason for refusal	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 providing replacement trees/landscaping approved without tree replacement provision (where relevant)	No loss of ancient trees/ woodland No applications approved without tree replacement provision (where relevant)	10% loss of ancient trees/ woodland 10% of applications approved without tree replacement provision (where relevant)
		Policy DM5 Light Pollution	Number of applications refused on light pollutions grounds and percentage successfully defended at appeal approved contrary to the policy Number of applications refused on light pollution grounds and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold light pollution as a valid reason for refusal	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 successful planning enforcement cases carried out in relation to noise Number of applications approved contrary to the policy Number of applications refused on noise impact grounds and percentage of refusals successfully defended at appeal Number of applications approved with successful mitigation schemes	All relevant applications meet the policy requirements All relevant appeal decisions uphold noise impact as a valid reason for refusal	10% of applications approved contrary to policy 10% of appeals where inspector rejected noise impact as reason for refusal
		Policy DM7 Advertisements	Number of enforcement cases successfully concluded Number of applications approved contrary to the policy Number of applications refused on	All relevant applications meet the policy requirements All relevant appeal decisions uphold the reason(s) for refusal related to the policy	10% of applications approved contrary to policy 10% of appeals where inspector rejected the reason(s) for refusal related

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		Policy DM8 Places	this policy and percentage successfully defended at appeal Percentage of permissions for places	All relevant applications	to the policy
		of Worship	of worship granted inside/outside the network of centres Number of applications approved contrary to the policy Percentage of applications refused on this policy and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold the reason(s) for refusal related to the policy	 10% of applications approved contrary to policy 10% of appeals where inspector rejected the reason(s) for refusal related to the policy
		Policy DM9 Day nurseries and early years provision	Percentage of permissions for day nurseries granted inside/outside the network of centres Number of applications approved contrary to the policy Percentage of applications refused on this policy and successfully defended at appeal	All relevant applications meet the policy requirements All relevant appeal decisions uphold the reason(s) for refusal related to the policy	 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	Percentage of applications refused on space standards not being met successfully defended at appeal Number of dwellings meeting NDSS. Number of dwellings provided as accessible and adaptable Percentage Number of applications refused on 45 Degree Code successfully defended at appeal	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	 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	Percentage of applications refused successfully defended at appeals New areas with over 10% concentration of HMOs	No new areas with over 10% concentration of HMOs	Increase in areas with over 10% concentration of HMOs
		Policy DM12 Residential conversions and specialist accommodation	Percentage Number of applications refused on criteria not being met and successfully defended at appeal approved contrary to policy	All relevant applications to meet the policy requirements	10% of applications approved contrary to the policy
		Policy DM13 Self and custom build ing housing	Number and of individuals and groups listed on the self-build register each year	No specific target	No specific trigger

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			Number of new homes granted exemption from CIL due to self/custom build Status Numbers of plots made available for self and custom build each year		
		Policy DM14 Highway and safety access	Percentage Number of major applications which are accompanied by a Transport Assessment and a Travel Plan approved contrary to the policy Percentage of refused applications successfully defended on appeal	All relevant applications meet the policy requirements	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 on car parking or servicing grounds successfully defended at appeal	All relevant applications meet the policy requirements	10% of applications approved contrary to the policy
		Policy DM16 Telecommunications	Percentage Number of applications refused successfully defended at appeal approved contrary to the policy	All relevant applications meet the policy requirements	10% of applications approved contrary to the policy