

Appendix 1

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 <u>bold and underlined</u> . |
|-----------|---|---|
| MM1 | Policy DM1 Air Quality Paragraph 2.7 | <p>Policy DM1 Part 1</p> <p>1. ...or increase exposure <u>at the development site or other relevant receptors</u> to unacceptable levels of air pollution will not be considered favourably.</p> <p>Policy DM1 Part 2</p> <p>2. <u>Where required</u>, mitigation measures such as low and zero carbon energy, green infrastructure and sustainable transport can <u>to</u> help to reduce and/or manage air quality impacts and will be proportionate to the background air quality...</p> <p>Paragraph 2.7 (last sentence)</p> <p>2.7 ...'Unacceptable' deterioration and <u>'unacceptable levels' is are</u> defined as where the development, <u>in isolation or cumulatively</u>, would result in exposure to pollutant concentrations close to the limit values <u>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.</u></p> |
| MM2 | Policy DM2 Amenity Paragraph 2.20 | <p>Add the following footnote to Policy DM2 Amenity: <u>See also Policy DM10 'Standards for Residential Development' where proposals relate to residential development.</u></p> <p>Paragraph 2.20</p> <p>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. <u>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.</u></p> |
| MM3 | Policy DM3 Land affected by contamination, instability and hazardous substances | <p>Policy DM3 Part 2</p> <p>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 <u>minimise and mitigate</u> remove <u>unacceptable</u> risks to both the development and the surrounding area and/ or groundwater.</p> |

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| | Paragraph 2.52 | <p>Policy DM6 Part 3</p> <p>3. Applications for noise-sensitive 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.</p> <p>Paragraph 2.52</p> <p>2.52 In all cases, the assessment will be based on an understanding of the existing and <u>predicted</u> planned 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 Document</u>, the Council also has a detailed guidance note on Noise and Vibration maintained by Environmental Health.</p> |
| MM6 | Policy DM8 Places of worship and faith related community uses Paragraph 3.10 | <p>Policy DM8 Part 1</p> <p>1. <u>Except for any specific allocation in the Local Plan</u>, 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 <u>these locations</u> will be considered favourably where...</p> <p>Paragraph 3.10</p> <p>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.</p> |
| MM7 | Policy DM9 Day nurseries and early years provision Paragraph 3.18 | <p>Policy DM9 Part 1</p> <p>1. <u>Except for any specific allocation in the Local Plan</u>, 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 <u>these locations</u> will only be considered favourably where...</p> <p>Paragraph 3.18 (4th sentence)</p> <p>3.18....The network of centres as defined by Policy TP21 of the Birmingham Development Plan <u>and as part of any specific</u></p> |

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| | <p>Paragraph 5.15 (formerly 5.14)</p> <p>Paragraph 5.16 (formerly 5.15)</p> | <p><u>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.</u> The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.”</p> <p>Paragraph 5.<u>15 (formerly 5.14)</u> 5.14 The Council will support and promote the provision of <u>on-street and off-street</u> charging points for ultra-low emission vehicles and car clubs. The availability of...</p> <p>Paragraph 5.<u>16 (formerly 5.15)</u> 5.15 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space <u>as defined within the Parking SPD.</u> This will help...</p> | | | | | | | | | | | | | | |
| MM12 | Appendix 2: Monitoring Framework | Appendix 2: Monitoring Framework | | | | | | | | | | | | | | |
| | | <table><tr><th>Policy</th><th>Monitoring Indicator</th><th>Target</th><th>Trigger</th></tr><tr><td>Policy DM1 Air Quality</td><td><ul style="list-style-type: none">• 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 <u>approved contrary to the policy</u>• Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal<u>Number of applications refused on air quality grounds and successfully defended at appeal</u></td><td><ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold air quality impact as valid reason for refusal</u></td><td><ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected air quality as a reason for refusal</u></td></tr><tr><td>Policy DM2 Amenity</td><td><ul style="list-style-type: none">• Number of applications refused on amenity grounds and percentage of refusals successfully defended at appeal <u>approved contrary to the policy</u>• Use of conditions securing compliance with the policy<u>Number of applications refused on amenity grounds and successfully defended at appeal</u></td><td><ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold loss of amenity as valid reason for refusal</u></td><td><ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected amenity as reason for refusal</u></td></tr></table> | Policy | Monitoring Indicator | Target | Trigger | Policy DM1 Air Quality | <ul style="list-style-type: none">• 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 <u>approved contrary to the policy</u>• Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal <u>Number of applications refused on air quality grounds and successfully defended at appeal</u> | <ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold air quality impact as valid reason for refusal</u> | <ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected air quality as a reason for refusal</u> | Policy DM2 Amenity | <ul style="list-style-type: none">• Number of applications refused on amenity grounds and percentage of refusals successfully defended at appeal <u>approved contrary to the policy</u>• Use of conditions securing compliance with the policy <u>Number of applications refused on amenity grounds and successfully defended at appeal</u> | <ul style="list-style-type: none">• <u>All relevant applications meet the policy requirements</u>• <u>All relevant appeal decisions uphold loss of amenity as valid reason for refusal</u> | <ul style="list-style-type: none">• <u>10% of applications approved contrary to policy</u>• <u>10% of appeals where inspector rejected amenity as reason for refusal</u> | | |
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| | | Policy DM3 Land affected by Contamination and Hazardous substances | <ul style="list-style-type: none"> • 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 • <u>Number of applications approved contrary to the policy</u> • <u>Number of applications refused on contamination grounds and successfully defended at appeal</u> | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold risk of contamination as a valid reason for refusal</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected contamination as reason for refusal</u> |
| | | Policy DM4 Landscaping and Trees | <ul style="list-style-type: none"> • Ha/ sq. m. in loss of ancient woodland • Number of applications providing replacement trees/landscaping <u>approved without tree replacement provision (where relevant)</u> | <ul style="list-style-type: none"> • <u>No loss of ancient trees/ woodland</u> • <u>No applications approved without tree replacement provision (where relevant)</u> | <ul style="list-style-type: none"> • <u>10% loss of ancient trees/ woodland</u> • <u>10% of applications approved without tree replacement provision (where relevant)</u> |
| | | Policy DM5 Light Pollution | <ul style="list-style-type: none"> • Number of applications refused on light pollution grounds and percentage successfully defended at appeal • <u>approved contrary to the policy</u> • Number of applications refused on light pollution grounds and successfully defended at appeal | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold light pollution as a valid reason for refusal</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected light pollution as reason for refusal</u> |
| | | Policy DM6 Noise and Vibration | <ul style="list-style-type: none"> • 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 <u>impact</u> grounds and percentage of refusals successfully defended at appeal • Number of applications approved with successful mitigation schemes | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold noise impact as a valid reason for refusal</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected noise impact as reason for refusal</u> |
| | | Policy DM7 Advertisements | <ul style="list-style-type: none"> • Number of enforcement cases successfully concluded • <u>Number of applications approved contrary to the policy</u> • Number of applications refused <u>on</u> | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> • <u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to policy</u> • <u>10% of appeals where inspector rejected the reason(s) for refusal related</u> |

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| | | | this policy and percentage successfully defended at appeal | | <u>to the policy</u> |
| | Policy DM8 Places of Worship | <ul style="list-style-type: none">Percentage of permissions for places of worship granted inside/outside the network of centres<u>Number of applications approved contrary to the policy</u>Percentage of applications refused <u>on this policy and</u> successfully defended at appeal | <ul style="list-style-type: none"><u>All relevant applications meet the policy requirements</u><u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u> | <ul style="list-style-type: none"><u>10% of applications approved contrary to policy</u><u>10% of appeals where inspector rejected the reason(s) for refusal related to the policy</u> | |
| | Policy DM9 Day nurseries and early years provision | <ul style="list-style-type: none">Percentage of permissions for day nurseries granted inside/outside the network of centres<u>Number of applications approved contrary to the policy</u>Percentage of applications refused <u>on this policy and</u> successfully defended at appeal | <ul style="list-style-type: none"><u>All relevant applications meet the policy requirements</u><u>All relevant appeal decisions uphold the reason(s) for refusal related to the policy</u> | <ul style="list-style-type: none"><u>10% of applications approved contrary to policy</u><u>10% of appeals where inspector rejected the reason(s) for refusal related to the policy</u> | |
| | Policy DM10 Standards for Residential Development | <ul style="list-style-type: none">Percentage of applications refused on space standards not being met successfully defended at appeal<u>Number of dwellings meeting NDSS.</u><u>Number of dwellings provided as accessible and adaptable</u>Percentage <u>Number</u> of applications refused on 45 Degree Code successfully defended at appeal | <ul style="list-style-type: none"><u>100% of dwellings meet NDSS</u><u>100% of development of 15 or more dwellings provide 30% accessible homes</u><u>All relevant appeals on 45 Degree Code policy successfully defended</u> | <ul style="list-style-type: none"><u>Provision of NDSS compliant homes falls below 80%</u><u>Provision of accessible and adaptable homes falls below 80%.</u><u>10% of appeals where inspector rejected 45 Degree Code policy as reason for refusal</u> | |
| | Policy DM11 House in multiple occupation | <ul style="list-style-type: none">Percentage of applications refused successfully defended at appeals<u>New areas with over 10% concentration of HMOs</u> | <ul style="list-style-type: none"><u>No new areas with over 10% concentration of HMOs</u> | <ul style="list-style-type: none"><u>Increase in areas with over 10% concentration of HMOs</u> | |
| | Policy DM12 Residential conversions and specialist accommodation | <ul style="list-style-type: none">Percentage <u>Number</u> of applications refused on criteria not being met and successfully defended at appeal <u>approved contrary to policy</u> | <ul style="list-style-type: none"><u>All relevant applications to meet the policy requirements</u> | <ul style="list-style-type: none"><u>10% of applications approved contrary to the policy</u> | |
| | Policy DM13 Self and custom building housing | <ul style="list-style-type: none">Number and of individuals and groups listed on the self-build register each year | <ul style="list-style-type: none"><u>No specific target</u> | <ul style="list-style-type: none"><u>No specific trigger</u> | |

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| | | | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Percentage <u>Number</u> of major applications which are accompanied by a Transport Assessment and a Travel Plan <u>approved contrary to the policy</u> • Percentage of refused applications successfully defended on appeal | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u> |
| | | Policy DM15 Parking and servicing | <ul style="list-style-type: none"> • <u>Number of applications approved contrary to the policy</u> • Number of applications refused <u>on this policy</u> on car parking or servicing grounds successfully defended at appeal | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u> |
| | | Policy DM16 Telecommunications | <ul style="list-style-type: none"> • Percentage <u>Number</u> of applications refused successfully defended at appeal <u>approved contrary to the policy</u> | <ul style="list-style-type: none"> • <u>All relevant applications meet the policy requirements</u> | <ul style="list-style-type: none"> • <u>10% of applications approved contrary to the policy</u> |