

CHAPTER 8 - ADDITIONAL CITY-WIDE POLICIES

Introduction

8.1 There are a number of specific issues which are not dealt with in previous chapters which require detailed development control guidance. These relate to applications for or affecting the following:

- Hot food shops and restaurants/cafes
- Amusement centres and arcades
- Car hire booking offices
- Day nurseries
- Hotels and guest houses
- Houses in Multiple Paying Occupation
- Flat conversions
- Hostels and residential homes
- Places of worship
- Development affecting Archaeological Remains
- Notifiable Installations
- *The 45° Code for House Extensions*
- *Parking of vehicles at commercial and industrial premises adjacent to residential property*
- *Planning Obligations*
- *Telecommunications*
- *Development in the Green Belt*
- *Enforcement Policy*

8.2 Detailed policies for these matters [uses] are set out here. These seek to make proper provision for development whilst at the same time taking account of the need to protect, and wherever possible improve the physical quality of the environment. They therefore give positive guidance on suitable locations for certain uses, where appropriate, and the criteria that will be considered to ensure that the development does not adversely affect residential amenities or the locality generally. Guidance on the use of planning obligations is also provided in this chapter.

8.3 As well as the detailed policies set out here planning applications will be considered in the context of the following:

- Strategic policies set out in chapters two to seven
- Constituency Statements in chapters nine to twenty-one
- Supplementary Planning Guidance (SPG): [current documents are listed in Annex 2.] all current and proposed City-wide SPG documents (at 2001) are listed at the end of this chapter (see Other Policies). Current and proposed area - and site- specific SPG documents (at 2001) are listed at the end of each Constituency Statement. The City Council's policies towards SPG are set out in paragraphs 8.70 - 8.72 below.* This provides further information on the standards and criteria which the City Council will use to assess planning applications, and may be amended/supplemented as necessary.

8.4 Examples of strategic policies from chapters two to seven which will be applied in conjunction with the policies set out below when assessing applications for the uses dealt with in this chapter include the following:

- Applications for service uses in shopping centres (eg. amusement centres, hot food shops) should also be considered in the context of policies for shopping in chapter seven. For example, these state that service uses should not be permitted where they create significant areas of dead frontage or would be at the expense of the primary retail function of the centre.

* N.B. The policy towards SPG in this Chapter pre-dates the Planning and Compulsory Purchase Act 2004. No new SPG has been prepared by the City Council since it came into effect. The lists of SPG in this Chapter and in the Constituency Chapters were accurate at the time that the UDP Alterations were prepared early in 2001. An up-to-date listing of SPG currently in use and new Local Development Documents (LDDs) in preparation may be found in the current Local Development Scheme (LDS) for Birmingham.

- **Applications involving alterations to existing premises and new development should be considered in the context of policies for the built environment in chapter three which states that the design of new buildings should contribute to the enhancement of the City's environment.**

8.5 Finally, the policies set out here are not exhaustive as they do not cover all circumstances, and there may be instances where other matters may be relevant. Each application will therefore be considered on its merits having regard to these guidelines, and any other material considerations.

Hot Food Shops and Restaurants/Cafes

8.6 This policy applies to restaurants, cafes and premises used for the sale of hot food for consumption off the premises (take-away hot food shops), which are uses that fall within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). They will also be largely applicable to wine bars but will not apply to public houses.

8.7 The following criteria have been approved by the ~~[Planning Committee]~~ City Council and give general guidance as to where new hot food shops, restaurants and cafes can acceptably be located. They will therefore be used by the City Council when considering planning applications for such development. However the guidelines will only represent one consideration; the City Council is required to consider each proposal on its individual merits and it must be emphasised that this will be done. There may well be circumstances where, due to the specific type of operation proposed, any likely adverse impact may be lessened and hence consent could be granted to that specific use. More detailed advice on the interpretation and application of these guidelines may be obtained from the Department of Planning and Architecture.

- **Due to the amenity issues usually associated with such development (late night opening, noise, disturbance, smell and litter) and their impact on traffic generation, hot food shops and cafes/ restaurants should generally be confined to shopping areas or areas of mixed commercial development.**
- **Within such areas and wherever similar facilities exist, account will be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation. Where concentrations of facilities exist that are already causing such problems planning consent may well be refused if the additional use would cause further demonstrable harm.**
- **Where a proposal involves evening opening (and this is likely to be the case in most instances), account will be taken of the following factors in**

- addition to other considerations: proximity (to both the premises themselves and areas that are likely to be used for car parking purposes) and extent of any nearby residential accommodation, the nature and character of the centre, and ambient noise levels. With these factors in mind, the Council will be particularly concerned to ensure that proposed hot food shops and cafes/restaurants do not give rise to additional problems of noise and disturbances, such as to cause demonstrable harm, for the occupiers of any nearby dwellings. To ensure this, conditions may be attached restricting evening opening hours, normally requiring the premises to be closed and cleared of customers by 11.30 p.m.
- When considering a proposal, and particularly the change of use from an existing shop, account will be taken of the impact that it will have on the vitality and viability of the frontage and centre of which it forms part. Where a primary retail frontage has been identified within a shopping centre, the change of use of existing retail premises to a hot food shop/restaurant or cafe will not be permitted. Elsewhere, within shopping areas or areas of mixed commercial development, a proposal will be considered on its merits with account being taken of the character and prosperity of the centre (e.g. as evidenced by the number of vacant units) and subject to the other specified criteria.
 - In all cases, account will be taken of proposed opening hours in considering the merits of a proposal.
 - The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety will be important considerations. Where there is insufficient car parking or likely traffic movements are such as to create a traffic hazard planning consent is likely to be refused.
 - If a proposal is for a specific use which it is alleged would not give rise to the problems outlined above, full supporting justification must be given. In such cases, if consent is granted, a condition would normally restrict the use to that applied for.

[Further guidance on likely conditions is outlined in Supplementary Planning Guidance.]

Amusement Centres and Arcades

8.8 Amusement centres are premises used exclusively or predominantly for the conduct of games of chance for profit. Amusement arcades are premises used exclusively or predominantly for the conduct of games for amusement only.

8.9 Amusement centres and arcades may appropriately be located within larger shopping areas and areas of mixed commercial uses. However, regard will need to be paid to the likelihood of noise and disturbance problems for the occupants of any nearby residential accommodation (e.g. above shops) and issues relating to the safety and free flow of pedestrians and vehicles on the adjoining highway.

8.10 Planning permission is likely to be refused for amusement centres or arcades in cases where:

- The site is situated within a predominantly residential area.
- The site forms part of an identified primary retail frontage **or is identified as an area where planning permission will be refused for additional non-retail uses**
- The proposal would generate a degree of noise and disturbance demonstrably greater than existing levels of noise and activity in the surrounding area, and which would adversely affect occupiers of residential accommodation in close proximity to the site, **in particular, living accommodation above shops.**
- It can be demonstrated that noise and disturbance likely to be generated by the proposal would be unduly obtrusive to users of places of worship, schools, hospitals or other community, cultural or institutional premises in the vicinity of the application site.
- The proposal would adversely affect the appearance or setting of a statutorily listed building, or the character or appearance of a conservation area.
- The proposal would prejudice the safety and free movement of pedestrians and motor vehicles due to a combination of circumstances in the vicinity of the site.
- **Proposals would result in the creation or consolidation of areas of “dead frontage” within predominantly retail frontages, which would detract from the shopping character and attractiveness of such areas, or where the loss of a retail use would be detrimental to the maintenance of a local shopping facility for the local community.**

8.10A Any external works, such as alterations to the front elevation of premises, should be sympathetic to the overall character and appearance of the

surrounding area. This includes the treatment of the street frontages of individual units within indoor shopping developments.

[Further guidance on likely conditions is contained in Supplementary Planning Guidance.]

Car Hire Booking Offices

8.11 This policy applies to private car hire booking offices, but not to self drive car hire booking offices.

8.12 Applications will normally be granted where:

- **There is no residential accommodation within 50 metres of the proposed premises.**
- **The proposed development would not adversely affect the amenities of the occupiers of dwellings in the area because of noise and disturbance.**
- **The proposal does not make use of accommodation which could readily be used for housing purposes.**
- **Nearby highways are not subject to ‘no waiting’ restrictions.**
- **Off-street parking is available adjacent to the booking office and is adequate for the number of vehicles used by the applicant.**

8.13 Applications will be likely to be refused where:

- **The proposed premises are within 50 metres of residential accommodation and the hours of operation extend beyond the normal working day.**
- **No parking facilities are provided off the highway or where parking proposals are inadequate or unsuitable for the number of vehicles used by the applicant.**
- **The proposed development would be likely to result in interference with the free flow of traffic in the adjoining highway, or is generally dangerous to traffic.**

Day Nurseries

8.14 Day nurseries fall within the Class D1 - Non-residential Institutions Use Class of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Although a day nursery and child minding use are essentially the same there is a fundamental difference in scale, with a day nursery existing where premises ~~[are used to supervise more than seven children under school age.]~~ have been altered to provide facilities to meet registration standards required under the Children's Act 1989.

8.14A External play areas provided as part of day nurseries should be adequately screened, and a proportion of open area provided with a safe, all-weather finish.

Use of Dwellinghouses

8.15 The following guidelines will be used when considering planning applications for the use of dwellinghouses as day nurseries:

- Day nurseries should generally be confined to detached houses. Properties which may be particularly appropriate are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses and those which have adequate on-site parking with suitable and safe access and egress.
- Semi-detached and terraced residential properties due to their proximity to other adjoining residential property are not generally suitable for the location of day nurseries, except where adjoined by non-residential uses.
- Proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance nuisance to adjoining residential occupiers, and no suitable alternative exists in a particular area.
- Where a proposal relates to a site in an area which already contains premises in a similar use, properties used for hotels, hostels, residential care/nursing homes, self contained flats and houses in multiple paying occupation account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in the Constituency Statements or in Supplementary Planning Guidance planning permission may be refused on grounds that further development of such uses would adversely affect the character of the area.
- Proposals for day nurseries in residential frontages should [normally] retain [an element of] a predominantly residential use on the upper floor(s), with rooms facing onto the street being restricted to residential use. The residential use should provide a viable residential unit capable of being

occupied by a minimum of two people. Any external work, such as alterations to the front and side elevation of residential properties should be sympathetic to the overall character and appearance of the surrounding area.

- **Day nurseries will not be accepted in residential roads which have a general absence of non-residential traffic and contain houses capable of single family occupation.**

The Use of Non Residential Properties and Locations Within Commercial/Mixed Use Frontages

8.16 The following guidelines will be used when considering planning applications for use of non-residential properties and locations within commercial/mixed use frontages:

- Favourable consideration may be given to proposals for day nurseries within mixed use frontages and commercial areas. This will be subject to the availability of convenient on-street and where required off-street parking with satisfactory access; a satisfactory environment must also exist for the location of a day nursery.

~~[8.17 Further Supplementary Planning Guidance is available on detailed requirements including car parking, external play areas and the type of planning conditions which may be appropriate.]~~

Hotels and Guest Houses

8.18 This policy applies to hotels and guest houses which fall within Class C1 of the Town and Country Planning Use Classes Order 1987 (as amended). It will not apply to hostels which are the subject of separate policy guidelines.

Policy for new major hotels

8.19 The following guideline will apply when assessing planning applications:

- In order to provide a balanced range of hotel bedspaces capable of meeting the needs of tourism and business visitors, the provision of additional hotels and extensions will be encouraged subject to local planning, amenity and highway considerations.

Policy for new small hotels and guest houses

8.20 The provision of new facilities will ~~[be encouraged where]~~ normally be refused where proposals do not comply with the following criteria:

- The site is on a major traffic route in the City, and is served by public transport.
- The section of the major traffic route is already predominantly commercial in nature.
- The site is not on a major traffic route but is within a predominantly commercial area.
- The site is on the fringe of an established centre, in a frontage which already contains mixed commercial/ residential uses and it can be demonstrated that the proposal would not adversely affect standards of residential amenity and the existing character of the area.
- The property is not attached to any residential property.
- The existing properties are too large for residential occupation as single family accommodation.
- There is sufficient site area to accommodate car parking and provide physical separation from adjoining uses.

Extensions to existing small hotels and guesthouses

8.21 The following guidelines will apply when assessing planning applications:

- Existing hotel premises which meet the criteria set out in paragraph 8.20 will be permitted to extend and improve existing facilities subject to compliance with ~~[the relevant criteria set out in Supplementary Planning Guidance]~~ other relevant policies.
- Existing premises within predominantly residential areas may be permitted to extend and improve existing facilities where no additional amenity/traffic problems would be created.

Ancillary Facilities

8.22 ~~[Supplementary Planning Guidance sets out detailed requirements for the design and layout of new developments and extensions, car parking, highway issues, and the use of ancillary facilities such as restaurants/bars and conference rooms by non-residents.] Many hotels now provide extensive ancillary facilities~~

such as restaurants, bars, leisure/fitness centres, function rooms and conference facilities. Further car parking may be required to serve these facilities, over and above that associated with the number of bedrooms. The level of parking required will depend on the size and type of facilities, the hours of use, accessibility to public transport and the number of parking spaces already available. In situations where the provision of additional car parking spaces is not possible or acceptable, applications for non-residential uses will be refused.

Houses in Multiple Paying Occupation

8.23 This policy applies to dwellings which are either let in one or more separate tenancies, or are occupied by persons who do not form a single household.

8.24 The following criteria will be referred to in determining planning applications:

- **The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;**
- **The size and character of the property;**
- **The floorspace standards of the accommodation;**
- **The facilities available for car parking;**
- **The amount of provision in the locality.**

8.25 The following guidelines will also apply:

- **Generally, the use of small terraced or small semi-detached houses for multiple paying occupation will cause disturbance to the adjoining house(s), and will *[normally]* be resisted. The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.***

* Sentence in the adopted plan which was proposed for deletion in Deposit Draft Alterations but has been re-instated through the Proposed Modifications

- Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Flat Conversions

8.26 This policy applies to the subdivision or conversion of properties into self-contained dwelling units. *The Supplementary Planning Guidance for the design of new residential developments also applies to flat conversions.*

8.27 The following guidelines will apply when assessing applications for such uses:

- Proposals should not have an unduly adverse effect on the residential amenities of adjoining occupiers. The potential for noise and disturbance nuisance will vary according to the size and type of property involved, the number of flats proposed, the existing use of adjoining properties, and ambient noise levels in the vicinity. Generally, detached properties are most appropriate for flat conversions, semi-detached and terraced properties may be considered suitable 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 sub-division of single dwellinghouses with 3 or less bedrooms into smaller dwelling units). Notwithstanding this, in some parts of the City there are particular shortages of large family accommodation and the City Council will be sensitive to any such need when considering proposals for flat conversions.
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple occupation, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning

Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

- Proposals should not prejudice the safety and free flow of pedestrians and traffic in the adjoining highway. Provision should generally be made for off-street car parking facilities for occupants, but the level of parking provision deemed appropriate in any particular instance will take into account the nature of the road(s) which a site adjoins, existing traffic conditions in the vicinity, the availability of alternative parking provision in the area and the importance of retaining site features which contribute to the character of the area.
- Any external works forming part of a proposal should be sympathetic to the character and appearance of the application property and the surrounding area.

Hostels and Residential Homes

8.28 This policy applies to hostels and to residential care homes as defined by Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). ~~[It also applies to hostels as defined by Class C1 (Hotels and Hostels) but does not apply to hotels and guest houses.]~~

8.29 The following guidelines will apply in assessing planning applications for such uses:

- Proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Hostels and residential care homes are 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 ~~[may also be acceptable, where]~~ will not be acceptable, unless [the amenity of] adjoining occupiers can be safeguarded against loss of amenity due to, for example, undue noise^[7] or disturbance [ete].
- Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on grounds that further development

of hostels, residential care homes or other similar uses would adversely affect the character and appearance of the area.

- Proposals should not prejudice the safety and free flow of traffic in the adjoining highway. The provision made for access for service and emergency vehicles and car parking facilities for staff, residents, and visitors will be taken into account, but these factors will be considered in conjunction with issues such as the retention of adequate outdoor amenity space and site features which contribute to the character and appearance of the area.
- 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, separate from car parking areas, access ways and circulation space, and should take account of factors such as privacy, aspect, shelter and gradient.

8.30 [Further guidance on likely conditions is outlined in Supplementary Planning Guidance.] In order to protect the amenity of occupiers of nearby properties and the character of the area, proposals should take account of other relevant policies in this Plan (e.g. the 45° Code for House Extensions - see paragraphs 8.39-8.44 - and Parking of Vehicles at Commercial, Institutional and Industrial Premises adjacent to Residential Property - see paragraphs 8.45-8.49), and in Supplementary Planning Guidance (e.g. Residential Buildings and Design, Design Guidelines for New Residential Development- "Places for Living", Access for People with Disabilities and Car Parking Guidelines).

Places of Worship

8.31 This policy relates to the use of land and buildings, for, or in connection with, public worship or religious instruction, which are uses which fall within Class D1 (Non-residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Purpose Built Places of Worship and/or Religious Instruction

8.32 The following guidelines will apply in assessing applications for such uses:

- In the case of premises which are intended to serve a wide catchment area and/or are likely to be used for festivals and ceremonies attracting substantial numbers of people, sites should be of sufficient size and

- located so as not to cause loss of amenity to occupiers of nearby residential accommodation through undue noise and disturbance nuisance. Sites which may be particularly appropriate are those which adjoin main roads and/or are on the fringe of commercial areas. Where a site is located in a predominantly residential area, the development should take account of the need to avoid attracting extraneous traffic to quiet residential streets, in order to minimise disturbance to residents.
- The site should be capable of accommodating a development which may be non-domestic in scale and of non-traditional design.
 - In assessing the amount of car parking to be provided regard should be had to the capacity of the road network and proximity of public transport facilities, the availability of alternative parking in the area, the scale of the development and car ownership levels. Off-street car parking spaces should be located so as to minimise noise and disturbance to adjoining occupiers and safeguard the visual amenity of the surrounding area.

Conversion of Existing Buildings to provide Places of Worship serving the needs of more than just the immediate local population

8.33 The following guidelines will apply in assessing applications for such uses:

- Such proposals generally relate to premises of domestic scale, and are intended to serve the needs of more than just the local community. The Council accepts that in principle such uses may be appropriately sited in residential areas. However, in certain instances all buildings e.g. commercial/ industrial may also be suitable for conversion.
- The use of detached dwellinghouses or pairs of semi-detached houses will normally be considered acceptable in principle. Similarly the use of end terraced houses or one half of a pair of semi-detached houses will normally be acceptable where a Priest or other officer of the religious body occupies the adjoining house. The use of terraced houses and semi-detached where the Priest or other official does not live in an adjoining house may be considered favourably. However, in such cases when considering whether a particular proposal is acceptable regard will be had to:-

- Whether the site is within an Area of Restraint (see paragraph 5.19B).

- Results of the public participation exercise.
 - The local population characteristics.
 - The means of pedestrian access.
 - The nature of the immediate surroundings.
 - The likelihood of noise emanating from the premises, and the degree to which it can be prevented.
 - The number of non-residential uses that already exist within a residential area.
- Except where sites adjoin busy traffic routes, proposals for developments of this type will not normally be required to include provision for off street parking.

Local Prayer Houses

8.34 This type of use serves only an immediate local or neighbourhood need and generally occupies smaller premises. The criteria applicable in assessing such properties are those stated in paragraph 8.33. Weddings, festivals and funerals which attract large numbers of people will not ~~[normally]~~ be permitted to take place in this type of facility.

Social, Cultural and Educational Facilities

8.35 The most common type of use in this category is educational establishments and these will usually vary in impact with activity linked to certain hours, noise and traffic generation problems may occur particularly with arrival and departures. The criteria used to assess proposals are listed in paragraph 8.33.

Development affecting Archaeological ~~[Sites and Monuments]~~ Remains

8.36 Development proposals affecting ~~[areas of]~~ archaeological ~~[importance]~~ remains will be considered in the light of the following policies:-

- an assessment of the archaeological aspects of development proposals will be ~~[examined and evaluated]~~ required from applicants before the

planning application is determined. Planning permission will not *[normally]* be granted in cases where the assessment of the archaeological implications is inadequate.

- development proposals which will have an adverse effect on scheduled ancient monuments and other nationally important archaeological *[sites and monuments]* *remains* and their settings will not *[normally]* be allowed.
- development adversely affecting other known *[sites and monuments of archaeological significance]* *archaeological remains* will be resisted although permission may be granted if the applicant has demonstrated that particular archaeological *[sites and monuments]* *remains* will be satisfactorily preserved either in situ or, where this is not feasible, by record.
- *where appropriate, Section 106 agreements will be negotiated to protect, enhance and interpret archaeological remains.*

More detailed policies are contained in the Conservation Strategy (Supplementary Planning Guidance) and will be included in the Archaeology Strategy which is being prepared as Supplementary Planning Guidance.

Notifiable Installations

8.37 Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substance stored or used. The siting of such installations will be subject to planning controls aimed at keeping these separated from housing and other land uses with which such installations might be incompatible from the safety viewpoint. To this end, the advice of the Health and Safety Executive will be sought on the suitability of proposals for development of such notifiable installations in relation to the risks that the notifiable installation might pose to the surrounding population.

8.38 There are a number of installations within the City which handle notifiable substances, including high pressure natural gas transmission pipelines. Whilst these are subject to stringent controls under existing Health and Safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. In determining whether or not to grant consent for a proposed development on land within these consultation distances account will be taken of advice received from the Health and Safety Executive on risks to the proposed development from the notifiable installation.

The 45⁰ Code for House Extensions

8.39 This Code applies to new buildings and extensions to existing premises which might affect adjoining residential occupiers. Its purpose is to achieve a reasonable balance between the interests of those wanting to develop or extend, and the interests of the occupiers of adjoining residential accommodation by ensuring that development would not seriously affect the outlook or daylight of these properties.

8.40 To comply with the Code, new building work should be designed so as to not cross the appropriate 45⁰ line drawn from the nearest front or rear window of the residential accommodation that may be affected. This window must be the main source of light to a habitable room. (e.g. a living room, kitchen, conservatory or bedroom).

8.41 If the extension/building is single storey the line is drawn from the midpoint of the nearest ground floor window of the adjoining premises. If the extension/building is two storey the measurement is taken from the quarter point of the nearest ground floor window.

8.42 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 Code is applied to the original window opening in the wall where the extension has been added.

8.43 The Code will be applied if a further storey is added to an existing single storey extension. The Code is applied to applications for new conservatories built mainly of glass, although this is taken into account when looking at their potential impact.

8.44 Further details and information on applying the Code and circumstances which may affect the use of the Code are contained in a separate explanatory leaflet.

Parking of Vehicles at Commercial, Institutional and Industrial Premises Adjacent to Residential Property

8.45 These guidelines apply to car parking proposals relating to commercial, institutional and industrial premises which could cause noise, disturbance or loss of amenity to the occupiers of adjoining residential property. Parking proposals relating to commercial, institutional and industrial premises which cause unacceptable noise, disturbance or loss of amenity to the occupiers of adjoining

residential property will not be permitted. Such proposals will be expected to comply with the City Council's Supplementary Planning Guidance relating to this issue.

Development adjoining rear gardens of houses

8.46 — Reasonable distance separation should exist by virtue of the length of rear gardens. Where rear gardens are short, consideration will be given to setting the car parking spaces off the boundary to provide a buffer area. To maintain privacy screen fencing or walling should be provided on the boundary.

Development facing houses across the road

8.47 — Whilst the highway should provide adequate distance separation parking areas should be screened by means of fencing/walling and planting. Without prejudice to highway safety a vehicular access if required should be positioned to avoid car headlights shining directly into the windows of houses opposite.

Development adjoining side curtilage of houses

8.48 — Wherever possible a buffer strip of land with good quality planting should be maintained where a car park would otherwise abut the side of the curtilage of a house. Its depth and extent will be dependent on the proximity to the boundary of habitable rooms in the house, the presence of intervening structures e.g. a garage/ outbuilding, and the existing or proposed boundary treatments. As a guide, the minimum distance between the car park surfaced edge and the house gable wall should be 5m where no intervening structure exists. — Screen boundary fencing/walling will be required to provide privacy. Where a vehicular access is required and without prejudice to highway safety, it should normally be positioned away from the boundary to the adjoining house.

Development involving an extension to premises as well as new parking facilities

8.49 — Where development involves an extension to premises as well as new parking facilities, an assessment of the general effect of the car park in conjunction with the extension on the residential area through any overall increase in vehicular traffic will need to be made, with particular reference to amenity and road safety considerations.

Planning Obligations

8.50 This policy relates to the use of planning obligations made under section 106 of the Town and Country Planning Act 1990 (as substituted by Section 12 of the Planning and Compensation Act 1991).

8.51 The City Council will take all appropriate opportunities to negotiate planning obligations (also known as planning benefits or planning agreements) to enable development to proceed, and to secure the proper planning of the development and of the area. The City Council will also encourage developers to provide other planning benefits which are beneficial to the development and the area. However, unacceptable development will not be permitted because of unnecessary or unrelated benefits offered by an applicant.

8.52 This policy applies to all proposed developments. Examples of obligations which may be sought in appropriate circumstances are set out in Figure 8.1. Where the need arises, measures other than those set out in Figure 8.1 will also be sought as planning obligations.

8.53 In determining the type, scale and mix of benefits, the City Council will have regard to the following:

- **This Plan**
- **Relevant Local Action Plans, Development Briefs and other Supplementary Planning Guidance**
- **Other relevant City Council policies**
- **Government Guidance**
- **The views of the community and other consultees, including Ward Sub-Committees**
- **The views of the developer**
- **The type of development**
- **Any specific local needs**

In assessing the appropriate level of benefit, the City Council will also take account of the economic viability of the scheme and any exceptional costs associated with the development - for example land reclamation costs, or exceptional costs associated with the conversion of an existing building.

8.54 The City Council has also produced a Code of Practice, which sets out the procedure for negotiating planning obligations. This aims to ensure that obligations are negotiated in a fair, open and reasonable manner.

FIGURE 8.1 EXAMPLES OF PLANNING OBLIGATIONS WHICH MAY BE SOUGHT

<u>TYPE OF MEASURE/OBLIGATION</u>	<u>EXAMPLES</u>
<u>1. TRANSPORT/PHYSICAL INFRASTRUCTURE</u>	<ul style="list-style-type: none"> • <u>Public transport e.g. park and ride, LRT facilities, bus service improvements</u> • <u>Cycle facilities</u> • <u>Pedestrian facilities</u> • <u>Green Transport Plans</u> • <u>Highways e.g. improvements to road network and access to site</u> • <u>Commuted sums in lieu of parking</u> • <u>Improvements to public parking</u>
<u>2. ENHANCING THE BUILT AND NATURAL ENVIRONMENT</u>	<ul style="list-style-type: none"> • <u>Archaeology – retention/preservation/recording/public interpretation of archaeological remains</u> • <u>Archaeology – retention/recording of other feature</u> • <u>Restoration of listed building (whole or in part)</u> • <u>Restoration of building of local importance</u> • <u>Environmental enhancement/pedestrian facility including off-site landscaping</u> • <u>Public access within development</u> • <u>Public access to open space</u> • <u>Land reclamation</u> • <u>Nature conservation, e.g. retain feature/enhance value</u>
<u>3. MEASURES TO OFFSET IMPACT ON ENVIRONMENT AND LOSS OF/IMPACT ON AMENITY/RESOURCE ON SITE OR NEARBY</u>	<ul style="list-style-type: none"> • <u>Physical measures to alleviate for impact, e.g. traffic management, landscaping, noise insulation</u> • <u>Replacement/retention of recreation/environmental facilities e.g. playing field, nature conservation area</u> • <u>Replacement/retention of social economic facilities, e.g. training scheme, community facilities</u>
<u>4. PROVISION OF FACILITIES/SERVICES TO SUPPORT DEVELOPMENT AND SECURE THE PROPER PLANNING OF THE AREA</u>	<ul style="list-style-type: none"> • <u>Affordable housing and lifetime homes</u> • <u>Public (open) space</u> • <u>Play space</u> • <u>Sports facilities</u> • <u>Community and education facilities to support development</u> • <u>Other community facilities, e.g. primary health care</u>
<u>5. OTHER OBLIGATIONS RELATED TO THE DEVELOPMENT</u>	<ul style="list-style-type: none"> • <u>Public art</u> • <u>Childcare/creche/nursery</u> • <u>Training/employment facilities</u> • <u>Access for people with disabilities e.g. shopmobility</u> • <u>Crime prevention measures</u> • <u>Facilities for children</u> • <u>Toilet facilities, parent and child facilities</u> • <u>Appropriate maintenance provision e.g. for open space, public transport</u>
<u>6. MEASURES TO IMPLEMENT POLICIES/ PROPOSALS IN UDP OR SUPPLEMENTARY PLANNING GUIDANCE</u>	<ul style="list-style-type: none"> • <u>Enabling measures, e.g. infrastructure works</u> • <u>Complete linear open space walkway/country park</u> • <u>Environmental enhancement</u> • <u>Other policy/proposal, e.g. public parking</u>
<u>7. OTHER CONTROLS WHERE MATERIAL TO THE DEVELOPMENT</u>	<ul style="list-style-type: none"> • <u>Phasing/floorspace controls</u> • <u>Use controls, e.g. removal of non-conforming use, user restriction</u> • <u>Other controls where material to the development</u>

Telecommunications

8.55 It is recognised that modern and comprehensive telecommunications systems are an essential element in the life of the local community and the economy of the City. Chapter 3 states that new developments will be expected to contribute, in terms of their design and landscaping, to the enhancement of the City's Environment. Telecommunications infrastructure must take account of this policy. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties.

8.55A Within the City, there are locations that are considered more sensitive than others for the siting of telecommunications equipment. Sensitive locations include transport corridors, predominantly residential areas, listed buildings and conservation areas, historic parks and gardens, public open space, the Green Belt, and locations within or adjacent to the grounds of education and health institutions, and any other location identified in Supplementary Planning Guidance. Telecommunications equipment will only be acceptable in sensitive areas if the applicants are able to demonstrate that there is no other suitable location. The City Council will also seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible. Where applications are submitted within such areas, the City Council will require them to be accompanied by evidence confirming that no reasonable alternatives exist. In all cases, and if the equipment has been should be designed to minimise its impact on the visual amenity of the area.

8.55B Operators will be expected to share masts and sites wherever possible to minimise their visual impact this is desirable. Telecommunications equipment sited on buildings should be sited to minimise obtrusiveness, for example, by the use of permeable and opaque screens. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street will be considered. Detailed guidance on the siting, location and design of telecommunications equipment is contained in Supplementary Planning Guidance (DC24) (see paragraph 8.72).

8.55C Developers and operators will be expected to have regard to the Government's Telecommunications Planning Policy Guidance (PPG8) and any other advice published by the DETR Government.

Development in the Green Belt

8.56 The following policies will apply to proposals for development within the Green Belt. These policies should be considered in conjunction with the Green Belt policy statement in Chapter 3.

New Agricultural Buildings

8.57 In some cases, agricultural buildings require planning permission. Proposals for such buildings will be considered favourably, provided that they are sited so as to minimise the impact on the openness of the Green Belt, and that their design is in keeping with the character of the Green Belt and appropriate to their function.

Re-use of Buildings

8.58 The re-use of buildings which are no longer required for their original purpose will only be acceptable where it has been demonstrated that the buildings are genuinely redundant for agricultural use. In such cases, conversion to uses that are most likely to retain their character, such as riding/livery stables, offices or workshops, will be supported. If these alternative uses have been explored and can be demonstrated not to be viable, other uses may be acceptable in principle. In all cases, proposals for the re-use of agricultural buildings will only be permitted where be acceptable in principle, provided that:

- **The proposal does not conflict with highway safety;**
- **The existing buildings are of permanent and substantial construction, are capable of being converted without major or complete reconstruction, and any alterations to the buildings are in keeping with the character of the buildings, the Green Belt and the surroundings;**
- **There is no adverse effect on the amenity of the surrounding area, and the development does not prejudice the openness of the Green Belt;**
- **The accommodation provided by the conversion is self-contained and the conversion does not involve significant extensions to the buildings.**
- **Where a change to residential use is proposed, it is supported by evidence that every reasonable attempt has been made to secure a suitable business re-use.**

In the case of residential conversions, permitted development rights may be removed by way of a condition, to control future extensions to the buildings. Strict control will also be exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land within it.

New Farm Dwellings

8.59 Proposals for new farm dwellings will only be allowed where:

- **The dwelling is essential for the proper functioning of the farm business, taking into account the processes involved, the number of workers needed, and the availability of existing accommodation;**
- **The dwelling is sited within or immediately adjacent to the farm complex;**
- **The farm business is viable.**

The applicant should provide evidence demonstrating the need for a new dwelling, and that the business is viable, as part of the application. In cases where the applicant is proposing to establish a new farm business, permission will not be granted for a permanent dwelling in the first instance. Permission may be granted for a temporary building for a period of up to three years, in order to allow the applicant sufficient time to demonstrate the viability of the enterprise. An agricultural occupancy condition will be attached to all consents for new farm dwellings.

Extensions to Existing Dwellings

8.60 Proposals for extensions to existing dwellings in the Green Belt will be allowed, provided that the proposed extension would not increase the total habitable floor area of the building by more than 50% or by more than 200 sq.m., whichever is the greater. Extensions approved and constructed within the 20 years preceding the application will be counted towards the 50% or 200 sq.m. figure. Garages will be included within the floor area measurement, where they are physically attached to the dwelling or are sited within 5 metres of it.

Outdoor Recreational Facilities

8.61 New outdoor recreational facilities which cannot be located within the built-up area may be permitted in the Green Belt, provided that they are in keeping with the character and appearance of the area. The most common types of proposals for recreational facilities in the Green Belt involve golf courses, playing

fields and equestrian facilities. These will be assessed according to the policies below.

Golf Courses and Playing Fields

8.62 — New golf courses and playing fields and extensions to existing golf courses and playing fields, will be acceptable in the Green Belt, provided that the layout is sympathetic to the landscape of the area. Applications for new development should comply with the design principles for sustainable development (see Chapter 3, paragraph 3.14E). In respect of high grade agricultural land (i.e. Grade 1, 2 and 3A), consideration should be given within the design stage to a possible future return to agricultural land and the economic use of the land for that purpose. Significant natural features such as woodland, hedgerows and streams should be retained wherever possible. Proposals affecting historic landscapes will be expected to retain in situ any significant historic features and archaeological remains. In such cases, applicants should have regard to the policies set out in Chapter 3 (paragraphs 3.20-3.33), in paragraph 8.36 above, and any relevant guidance issued by English Heritage.

8.62A New golf courses and playing fields and extensions to existing golf courses and playing fields, will be acceptable in the Green Belt, provided that the layout is sympathetic to the landscape of the area. Applications for new development should comply with the principles of sustainable development (see Chapter 3, paragraph 3.14E). In respect of high grade agricultural land (i.e. Grade 1, 2 and 3A), consideration should be given within the design stage to a possible future return to agricultural land and the economic use of the land for that purpose. Significant natural features such as woodland, hedgerows and streams should be retained wherever possible. Proposals affecting historic landscapes will be expected to retain in situ any significant historic features and archaeological remains. In such cases, applicants should have regard to the policies set out in Chapter 3 (paragraphs 3.20-3.33), in paragraph 8.36 above, and any relevant guidance issued by English Heritage.

8.62B Applications for new golf courses and playing fields or extensions to golf courses and playing fields should be accompanied by an assessment of the impact of the development on the landscape and environment. Applicants should provide supporting information demonstrating that facilities such as car parks, changing rooms or club houses are genuinely ancillary to the golf course or playing fields. New buildings and car parks should also be designed so as to minimise the impact on the openness of the Green Belt, and should be visually in scale and sympathy with the character of the area.

Equestrian Facilities

8.63 Riding schools and livery stables should use existing farm buildings wherever possible. New riding schools should also be sited in close proximity to bridle paths. Proposals for new equestrian facilities will be acceptable in the Green Belt, provided that:

- There is safe and adequate means of access to the highway;**
- The siting and design of any new buildings minimises the impact on the openness of the Green Belt, and is in keeping with the surrounding area;**
- The siting and design of jumps and other ancillary equipment is designed to minimise their obtrusiveness, and to enable their removal when not required.**

Enforcement Policy

8.64 The City Council has established procedures to enforce planning legislation and the policies set out in this Plan. Common planning complaints relate to changes of use of land or buildings, development by householders without planning permission, and advertisements. All properly made complaints will be investigated to decide whether or not further action is appropriate. In all cases, records will be kept of action taken, and decisions made.

8.65 It is a criminal offence to lop, top or fell a protected tree without prior consent, to carry out alterations to or demolish a listed building without prior consent, to carry out development affecting a Scheduled Ancient Monument without prior consent, or to display certain types of advertisement without consent. In cases where evidence is obtained in respect of such offences, action will be taken in the Courts.

8.66 It is not an offence to carry out development without planning permission. However, if a breach of planning control occurs, action will be taken if it is considered that demonstrable harm has been caused to interests of acknowledged importance, such as the appearance of the area, the amenities of people living nearby or protected land, trees or buildings, and if it is considered expedient to do so.

8.67 There is no obligation to take action in every case. If the issue can be resolved by means other than enforcement action, such methods will be considered. If formal action is taken, this will be because it has been decided that this is the best way to solve the problem. In such cases, the enforcement procedures will be used to pursue the matter to a conclusion with the minimum of delay.

8.68 *If the City Council believes the situation to be urgent, then immediate enforcement action may be taken. This may include dealing with threats to protected trees or buildings and in cases where public facilities could be seriously affected. Immediate action may also be taken if it is believed that planning regulations were knowingly breached. In such cases, the decision may be to decline any negotiation and instigate immediate legal action.*

8.69 *The City Council will also monitor major and significant developments to ensure that they comply with their planning permission, including any conditions imposed. Sites will be regularly inspected with the aim of preventing problems before they occur.*

Aerodrome Safeguarding

8.69 *Parts of Birmingham fall within the Birmingham International Airport Aerodrome Safeguarding Area. Within this area, planning applications for new development will be considered in the context of, and be subject to, the Aerodrome Safeguarding requirements, as identified in DETR Circular 2/92, Safeguarding Aerodromes, Technical Sites and Explosives Storage Areas: Town and Country Planning (Aerodromes and Technical Sites) Direction 1992. In assessing proposals for development within this area, the City Council will also consider the appropriateness of features that are likely to attract birds, and proposals for lighting that could confuse or distract pilots of landing aircraft. Proposals for the development of tall buildings and other tall structures will also be expected to comply with the Aerodrome Safeguarding requirements identified in Circular 2/92. Any new development or planning application must be considered in the context of, and be subject to, Aerodrome Safeguarding requirements, as laid out in Government Circulars or other national policy guidance relating to Aerodrome Safeguarding. Aerodrome Safeguarding requirements are intended to ensure the continued safe operation of aerodromes (including Birmingham International Airport) and do not constitute an automatic presumption against development.*

8.69B *Proposals for the development of tall buildings and other tall structures should ensure that there is no conflict with Aerodrome Safeguarding requirements as identified in Government Circulars or other national policy guidance.*

8.69C *Other Aerodrome Safeguarding requirements which should be borne in mind when assessing new development and planning applications include bird attracting features and lighting which could confuse or distract pilots.*

Other Policies

8.70 In Birmingham, Supplementary Planning Guidance policies will be a material consideration in determining planning applications. Current Government guidance (e.g. PPG1, PPG12) indicates that development plans should avoid excessive detail, and this is the approach that the City Council has adopted in this Plan. In accordance with Government guidance, the City Council has prepared a series of specific, additional policies as Supplementary Planning Guidance (SPG). These policies contain more detail than it is possible to include in the UDP, and are intended to supplement the policies in the Plan. As they are more flexible than the Plan, they may be updated from time to time, to keep abreast of changed conditions or circumstances (such as new Government guidance). The City Council will prepare new SPG as and when required.*

8.71 There are four main types of SPG as follows:

- **Local Action Plans, Development Frameworks and Land Use Strategies for specific areas;**
- **Development and Planning Briefs for specific sites;**
- **Detailed Development Control Policies for specific types of use;**
- **Environmental, Design and Landscape Guidance.**

8.72 All current and proposed City-wide SPG (at 2001) is listed below. Current and proposed area or site-specific SPG (at 2001) is listed at the end of each Constituency Statement.**

*** N.B. This policy pre-dates the Planning and Compulsory Purchase Act 2004. Following the Act, the City Council will no longer prepare Supplementary Planning Guidance (SPG), but will bring forward new Local Development Documents (LDDs) in accordance with its current Local Development Scheme (LDS).**

**** This list was accurate at the time that the UDP Alterations were prepared early in 2001. An up-to-date listing of SPG currently in use and new LDDs in preparation may be found in the current Local Development Scheme (LDS) for Birmingham.**

Development Control Policies

DC1) Design Guidelines for New Residential Development – “Places for Living”

Chapter 3 emphasises the need for all new developments to achieve a high standard of design, and to respect the character of the area surrounding them. In Chapter 5, the need to provide residential accommodation of all sizes and types in an attractive and safe environment is acknowledged. More detailed guidance on detailed design principles for new housing developments, including crime reduction measures, is provided in the revised residential design guidance, “Places for Living.” The guidance also includes guidance on the development of infill and backland sites.

DC2) Buildings and Design Home Extensions Design Guide - “Extending Your Home”

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. This includes house extensions, which should also complement and harmonise with the existing dwelling. Buildings and Design (SPG) Extending Your Home is being prepared as a Supplementary Planning Document and will provide specific, detailed guidance on altering, converting and extending existing buildings dwellings, including the design of new extensions, windows, doors, porches and roofs. This should be read in conjunction with “Places for Living” (DC1) and the 45° Code policies above. Additional Supplementary Planning Guidance, specifically aimed at residential extensions, is also being prepared.

DC3) Specific Needs Residential Uses: Houses in Multiple Paying Occupation, Hostels and Residential Care and Nursing Homes and Bedroom Sizes for Student Accommodation

Detailed policies on the development of new houses in multiple paying occupation, hostels and residential homes are set out in this chapter. The Specific Needs Residential Uses SPG provides more detailed guidance on the standards that the City Council expects for each of these types of development and for student accommodation.

DC4) Access for People with Disabilities

Chapter 3 states that the design of new developments where the public are admitted or which are employment generating should make provision for the access and other needs of all sectors of the community, including people with disabilities. Access for People with Disabilities (SPG) includes detailed guidance

on access requirements for new buildings, alterations, extensions and changes of use, comprehensive developments, parking standards, and residential developments. The Shop Front Design Guide (SPG - see below) contains more detailed guidelines on access requirements for new shop fronts.

DC5) Shop Front Shopfronts Design Guide

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. Chapter 7 also recognises the need for high design standards in new shopping developments, and the need to provide a pleasant, safe environment in shopping centres. The Shop Front Design Guide (SPG) provides detailed guidelines on the elements of good shop front design, including advertisements, security shutters and access for people with disabilities. A special design guide has been produced for Moseley shopping centre, which is within a Conservation Area. A SPG statement also exists dealing with medium and high level signs in the City Centre. A separate leaflet on the design of roller shutters is also available.

DC6) Electronic Information and Advertisement Signs

Electronic information boards and signs can provide a useful means of conveying information. Electronic Information and Advertisement Signs (SPG) provides detailed guidance on suitable locations and the design of such signs, and the conditions likely to be imposed where they are considered to be acceptable.

DC7) Use of Basement Floors for Entertainment Purposes

Applications involving the use of basement floors for entertainment facilities, such as public houses, wine bars, clubs and restaurants, will be expected to address the relevant public safety issues and should make adequate provision for escape in the case of fire or bomb threat. In assessing such applications, the City Council will have regard to the views of the Police and Fire Service, and the guidelines set out in Use of Basement Floors for Entertainment Purposes (SPG).

DC8) Petrol Filling Stations

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. Chapter 7 contains policies towards new retail development. These policies apply to petrol filling stations, which usually include a variety of signs together with a canopy and a shop. Petrol Filling Stations (SPG) contains detailed guidance on the design of canopies, pole signs, other signs, and the conditions likely to be imposed upon petrol station shops.

DC9) Guidelines for assessing Planning Applications for Development on or near to Landfill Sites

In Birmingham, most new development takes place on “brownfield” sites, i.e. sites which have previously been developed. Some of these sites have been subject to landfill, and to ensure that the development of such sites does not constitute a risk, the City Council has prepared Guidelines for assessing Planning Applications for Development on or near to Landfill Sites (SPG). The City Council will also have regard to the Landfill Sites policy set out in Chapter 3 and the advice in Planning Policy Guidance Note 14: Development on Unstable Land and Planning Policy Guidance Note 23: Planning and Pollution Control.

DC10) Car Parking Guidelines

Chapter 6 contains general policies towards the provision of car parking in different parts of the City. More detailed guidance is will be provided in the Car Parking Guidelines (SPG) which contains a new Development Plan Document setting out the Council’s car parking standards. This will contain guidance on the level of parking expected for different types of development, including significant changes of use of existing buildings. It will also includes detailed guidance on parking for people with disabilities and cycle and powered two wheeler parking provision. The City Council will also have regard to any parking guidelines published in future Local Transport Plans in future reviews of its Car Parking Guidelines preparing this document.

DC11) Car Park Design Guide

Chapter 3 emphasises the need for all new developments to achieve a high standard of design and to respect the surrounding area. The Car Park Design Guide (SPG) includes guidance on the key considerations in car park deign e.g. personal safety, crime prevention, accessibility, management and appearance.

DC12) Development involving Former Public Houses

Public houses can provide an important focal point for the local community. Proposals involving their redevelopment with other uses will be assessed according to the Supplementary Planning Guidance for development involving former Public Houses. This contains detailed guidance on issues such as the loss of leisure/social facilities, impact on adjacent land uses and other related matters.

DC13) Evening Opening of Licensed Betting Offices

The evening opening of licensed betting offices can create amenity problems for local residents. Detailed guidance on suitable locations, and instances where a temporary permission may be granted are included in Evening Opening of Licensed Betting Offices (SPG).

DC14) Development Involving Residential Accommodation Above Commercial Premises (Living Over Above the Shop)

The conversion of redundant non-residential buildings, including vacant upper floors in shopping centres, to residential accommodation is encouraged, both in Chapter 5 and in the Constituency Statements, particularly Chapter 15 - City Centre. The Living above the Shop policy (SPG) contains detailed guidance on residential development above commercial premises, including advice on suitable locations, the need for insulation works, space standards, car parking/highway considerations and external works. The SPG should be read in conjunction the Flat Conversions policy above.

DC15) Proposals involving Isocyanate Paints

Vehicle paint spraying processes involving isocyanate paints in residential areas can have an adverse effect on nearby residents. Proposals for flues to ventilate such processes will be subject to the Proposals involving Isocyanate Paints (SPG) which contains detailed guidance on the appropriate design and siting of ventilation flues, and other issues which the City Council will consider in assessing such proposals.

DC16) Design Guidelines for Bottle and Recycling Banks at Supermarket Car Parks

Chapter 3 contains general policies relating to Waste Treatment and Disposal, including a commitment towards minimising waste through re-use and recycling. New supermarket developments provide a good opportunity for the placement of recycling banks. Detailed guidance on appropriate siting and design of these facilities is set out in this SPG.

DC17) Houseboat Residential Moorings

Chapter 15 seeks to encourage new housing developments along canal frontages in the City Centre. Houseboat moorings can contribute towards the attractiveness of canal frontages, both in the City Centre and elsewhere on the canal network. The Houseboat Moorings policy (SPG) contains detailed guidance on the issues that the City Council will consider in assessing proposals for new residential moorings. The SPG should be read in conjunction with the policies in Chapter 3,

Chapter 5, the Constituency Statements, in particular Chapter 15 - City Centre, and the Canalside Development in Birmingham - Design Guidelines (SPG).

DC18) Policy for Ground Floor Non-Retail Uses in Shopping Centres

To maintain the vitality and viability of shopping centres, the City Council has prepared Supplementary Planning Guidance governing ground floor Non-Retail uses. This policy applies to all centres which do not have their own separate policy, including those where a separate policy is proposed but has not yet been prepared, and provides more detailed guidance than Chapter 7 on the issues which the City Council will consider when assessing proposals for changes of use.

DC19) Guidelines for the Location of Advertisement Hoardings

Advertisement hoardings can be difficult to satisfactorily integrate with their surroundings. This policy aims to improve current practice, by advising prospective advertisers on the type of displays which are likely to be acceptable. It includes guidance on regulating both proposed and existing displays, general land use considerations, and more detailed guidance on landscaping and positioning adjacent to footpaths.

DC20) Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution)

The floodlighting of sports pitches, open storage compounds and car parks can cause problems of light pollution, especially in residential areas. Proposals involving floodlighting should include the minimum level of lighting required for operational purposes and personal safety, and should be designed to minimise light glare and spillage. More detailed guidance on the circumstances where floodlighting is likely to be acceptable may be found in the Supplementary Planning Guidance on light pollution.

DC21) Affordable Housing

Chapter 5 emphasises the need to meet the full range of the City's housing needs, including balanced provision of Market and Social housing across the City. The Affordable Housing Supplementary Planning Guidance is currently being revised and will contain detailed guidance and policies relating to requirements for affordable and social housing.

DC22) Use of Section 106 Agreements to secure provision of Public Toilet Facilities as part of New Retail Developments

The instances where the provision of public toilet facilities will be required for new retail developments by means of Section 106 agreements may be found in the SPG dealing with the above subject.

DC23) Guidelines for Bedroom Sizes for Student Accommodation

Chapter 5 embraces the need to meet the full range of the City's housing needs. Students have specific space requirements. This SPG provides specific guidance on the floorspace standards for new buildings and changes of use.

DC24) Guidelines for the Location of Telecommunications Equipment (Mobile Telephone Infrastructure)

Chapter 3 contains strategic policies designed to protect and enhance the City's environment. This chapter includes a specific policy on Telecommunications (paragraphs 8.55-8.55B). Draft Supplementary Planning Guidance for the Location of Telecommunications Equipment provides more detailed guidance for the location of equipment, listing factors which will be relevant in assessing proposals and locations which are more sensitive than others for the siting of equipment. It also provides detailed guidance on design and appearance considerations.

Environmental, Design and Landscape Guidelines

ENV1) Conservation Strategy for Birmingham – “Regeneration through Conservation”

Chapter 3 contains the City Council's broad strategic policies towards the historic built environment and urban design. The City's 28 existing conservation areas are also identified on the Proposals Map, and proposed conservation areas are allocated as proposals in the Plan. In addition, the policy on development affecting archaeological remains above contains more detailed guidance (a separate Archaeology Strategy is also being prepared as Supplementary Planning Guidance – see below). The Conservation Strategy (SPG), revised in 1999, seeks to raise the profile of conservation in Birmingham, and identifies a series of policy objectives, which provide the foundation for this. The SPG also sets out detailed guidance on listed buildings, the “local list,” conservation areas, historic landscapes, canals and archaeology.

ENV2) Nature Conservation Strategy for Birmingham

Chapter 3 contains the City Council's broad strategic policies towards nature conservation. The City's two Sites of Special Scientific Interest (SSSIs) and forty-one Sites of Interest for Nature Conservation (SINCs) are identified as proposals in the Plan. The Nature Conservation Strategy (SPG) builds on this policy context, providing more detailed guidance on protecting and managing the natural environment resource. The SPG identifies the main habitats and features, and sets out detailed policies, principles and guidelines for nature conservation activity. It also includes a strategy for future work.

ENV3) Canalside Development in Birmingham - Design Guidelines

Chapter 3 recognises the historic importance of the City's canals, and their potential for tourism, recreation and leisure. This is also reflected in the Conservation Strategy (draft SPG). The general design policies in Chapter 3 also emphasise the need for all new developments to achieve a high standard of design and to respect the surrounding area. The Canalside Development in Birmingham - Design Guidelines draft (SPG) is aimed at developers and designers, and will provide detailed urban design principles to guide development adjacent to canals. It will also include a character appraisal for each of the City's canals, and guidance on appropriate uses for canalside settings, access arrangements, conservation issues, and the types of materials to be used in buildings, towpaths and other canalside features.

ENV4) Birmingham Canals Action Plan

Chapter 3 recognises the historic importance of the City's canals, and their potential for tourism, recreation and leisure. Chapter 6 also recognises that the canals may have potential for the transportation of freight. The Birmingham Canals Action Plan will be a strategy for future environmental improvements to the canal network, and will identify the main principles and priorities for action. It will examine the scope for the use of canals for freight purposes, and will include detailed guidance on towpath improvements, interpretation, moorings, access, development opportunities, maintenance, safety, community involvement and other related issues.

ENV 5) Open Space Requirements for New Residential Developments

Chapter 5 establishes the need for new public open space to serve the needs of the occupiers of new residential developments. This SPG will set out the detailed requirements.

ENV6) Archaeology Strategy

The importance of the City's archaeological resource is recognised in Chapter 3, which contains broad strategic policies towards protecting remains. There are additional development control policies in this Chapter. The future Archaeology Strategy will include more detailed guidance on the City's archaeological resource, including the main types of surviving remains. It will also contain detailed policies towards protecting and managing archaeology within the City. It will be derived from reflects the West Midlands Regional Archaeology Strategy, which is currently being prepared.

ENV7) Sustainable Development – “Places for the Future”

Chapter 3 recognises the need to move towards a more sustainable pattern of development. This will be examined in more detail in SPG a Supplementary Planning Document for sustainable development. This SPG will consider opportunities to secure more sustainable forms of development, such as renewable energy, waste minimisation, and more careful use of scarce resources.

ENV8) General Urban Design Principles – “Places for All”

Chapter 3 contains general policies towards the design of new development, including a series of Good Design Principles. As well as the special guidance for canalside developments and residential developments, a more detailed draft Supplementary Planning Guidance policy has been prepared, to provide more general guidance on the design of all types of development, City-wide.

ENV9) Lighting Strategy – “Lighting Places”

It is important that any new lighting is part of a co-ordinated strategy, particularly in the City Centre, that brings together all aspects of lighting. Detailed Supplementary Planning Guidance will be prepared that provides a framework for lighting the City and general guidance on the design of lighting proposals.

ENV10) Tall Buildings Policy – “High Places”

In certain localities, and in the City Centre in particular, pressures exist to develop tall buildings. Chapter 3 (paragraph 3.14D) recognises the need for new developments to be considered in relation to their impact on the local character of an area. The Birmingham Urban Design Studies and City Centre Strategy recognised the need to accommodate tall buildings and provides guidance for their design and location in the City Centre. The development of tall buildings also needs to be considered in the context of the policy on Aerodrome Safeguarding set out elsewhere in this Chapter, and the Aerodrome Safeguarding

~~requirements identified in DETR Circular 9/92. any requirements identified in Government Circulars or other national policy guidance relating to Aerodrome Safeguarding. More detailed Supplementary Planning Guidance on tall buildings City-wide (“High Places”) will be has been prepared.~~