



**Development Management in Birmingham
Development Plan Document**

**Consultation Statement
(Regulation 22)(1)(c)**

May 2020

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1. Introduction

Purpose

- 1.1 This Consultation Statement has been prepared as a supporting document to the Development Management in Birmingham Development Plan Document (DMB for short). It has also been produced to comply with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (thereafter called the Regulations) and been prepared in accordance with Birmingham's Statement of Community Involvement (SCI). The SCI sets out how the Council will consult and involve the public and statutory consultees in planning matters. Full details of the current adopted SCI can be viewed here: <https://www.birmingham.gov.uk/sci>
- 1.2 This Consultation Statement describes how the Council has undertaken community participation and stakeholder involvement in the production of the DMB document; the main issues raised through the consultations/ representations; and how these have shaped the document. In particular, and in line with the requirements of Regulation 22 (1) (c) of the Regulations, this statement sets out:
- who was invited to make representations and how (Regulation 22 (1) (c)(i) and (ii));
 - a summary of the main issues raised by those persons (Regulation 22) (1) (c)(iii) in Plan order;
 - how those issues have been addressed in the preparation of the DMB document (Regulation 22 (1)(c)(iv); and
 - how the Regulation 19 DMB consultation was undertaken and the number of representations made including a summary of the main issues (Regulation 22 (1)(c)(v) with a Council response to the issues raised.
- 1.3 This report is one of the submission documents for the DMB and builds on the October 2019 Consultation Statement published as part of the consultation on the Publication version of the DMB.

Background

- 1.4 The Birmingham Development Plan (BDP) was adopted in January 2017 and sets out the city's spatial strategy for growth over the period 2011-2031. The BDP replaced the saved policies of the Unitary Development Plan 2005 (UDP) with the exception of the development management policies contained in chapter 8 and paragraphs 3.14 to 3.14D of the UDP. Paragraph 1.10 and 1.12 of the BDP refers to the Council's intention to prepare a Development Management DPD to replace these UDP policies.
- 1.5 The purpose of the DMB document is, therefore, to provide up-to-date development management policies that will be used to determine planning applications in Birmingham. The proposed policies contained within the DMB document will support the delivery of the strategic policies set out in the BDP.

- 1.6 The BDP was submitted for examination in July 2014. Preparation of the DMB began in July 2014. As can be seen in Section 2 of this document 'Plan production timeline', there was a large time gap between the first and second Regulation 18 consultations during the preparation of the DMB. This was due to the lengthy examination of the BDP and the delay of its adoption. The BDP Inspector had issued a final report in March 2016 concluding that the plan was sound subject to modifications. The Council subsequently prepared to adopt the BDP with the recommended modifications. However, at the request of Andrew Mitchell MP, the government issued a holding direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016), preventing the Council from adopting the BDP. The holding direction was eventually withdrawn by the government on 24 November 2016, after which the City Council adopted the BDP on 14 January 2017.
- 1.7 The DMB Publication Document (the Council's proposed submission document) and supporting documents, including the Sustainability Appraisal, were published in accordance with Regulation for a 6-week consultation period lasting from the 9 January – 21 February 2020. The Council consulted specific consultation and statutory bodies, local amenity and residents' groups, businesses and individual residents. A variety of consultation techniques were used in accordance with the SCI.

Structure of the document

- 1.8 This Consultation Statement comprises six sections:
- Section 1 – provides an introduction, sets the background, and explains the Statement of Community Involvement and the Planning Policy Consultation Database.
 - Section 2 - sets out the timeline which has been followed in preparing the DMB which is in accordance with the up to date Local Development Scheme <https://www.birmingham.gov.uk/lds>
 - Sections 3 to 5 – details how consultation was undertaken, summarises the main issues raised during the course of each of the consultations carried out under Regulations 18 and 19 and how the comments received have been taken into account by the Council. These sections are supported by the Appendices which contain a summary of all the representations and the Council's detailed response to the issues raised. The appendices also include other documents to evidence the consultation that took place.
 - Section 6 – sets out how the duty to co-operate has been fulfilled.

Statement of Community Involvement

- 1.9 Birmingham City Council has an adopted Statement of Community Involvement (SCI), which sets out how the Council will involve the local community, stakeholders and other interested parties on the preparation of the Local Plan, Supplementary Planning Documents and the determination of planning applications.
- 1.10 Birmingham's first SCI was adopted in April 2008. An updated SCI was adopted by the City Council on 21 January 2020 following a 12-week public consultation. The update mainly reflects legislative changes in relation to plan making that have taken place since 2008. The updated SCI was adopted and published following consultation on the DMB Publication Document (9 January – 29 February 2020). However, consultation on the DMB Publication Document is considered to meet the requirements of both the 2008 SCI and the 2020 SCI.
- 1.11 The Council considers that it has complied with the SCI and the Regulations at each stage of consultation on the DMB.

Planning Policy Consultation Database

- 1.12 The Council maintains a database of organisations and individuals who have expressed a wish to be consulted on the preparation of planning policies or whom the Council considers should be consulted. Currently this list contains approximately 780 entries.
- 1.13 The database includes:
- All of the bodies prescribed for the purposes of the Duty to Co-operate in regulation 4 of the Regulations, apart from those which are not relevant to Birmingham.
 - The 'specific consultation bodies' listed in regulation 2 of the Regulations apart from those which are not relevant to Birmingham.
 - A range of bodies falling within the description of 'general consultation bodies' of the Regulations.
 - All adjoining and nearby County, District and Unitary Councils and all Parish Councils within or adjoining Birmingham.
 - All local elected members and MPs.
 - Private individuals who have previously commented on a planning policy consultation or who have expressed a wish to be included.
- 1.14 The database is a 'living' document which is updated on an ongoing basis, and organisations or individuals can be added to it on request at any time. The Council does its best to ensure that the information contained in the database is accurate, but it is inevitable that the names of organisations or contact details will sometimes change, and the Council may only be aware of this if notification is received.

2. Plan production timeline

2.1 The DMB has been subject to an extensive process of consultation that has played an important role in helping to shape the policies in the plan. The timetable below outlines each of the consultation stages undertaken on the DMB up until the date of submission. The key stages in the production of the DMB have been:

- **Stage 1 – Development Management DPD Consultation Document (Regulation 18) (June 2015)**

The Council consulted the Environment Agency, Natural England and Historic England on the scope of the Sustainability Appraisal (SA) report between 12 December 2014 – 22 January 2015 (5 weeks).

Having reviewed the results of the scoping exercise, existing policies, gaps in policies, national policy and guidance and other relevant evidence, the Council prepared and consulted on an initial Consultation Document which identified potential policies to be included in the DMB.

Formal consultation period: 7 September - October 2015 (6 weeks)

- **Updated Sustainability Appraisal Scoping Report (May 2018)**

Due to the time that had elapsed between the SA Scoping Report (December 2014) and the subsequent stage in the preparation of the DMB (due the reasons set out in paragraph 1.6 above), the Council re-consulted the above statutory bodies on the scope of the SA report between 22 May 2018 – 29 June 2018 (5 weeks). The statutory bodies' responses to the 2014 scoping exercise were summarised and addressed within the updated SA Scoping Report 2018. The main changes to the SA report were updates to the evidence base, updated DMB objectives (which were proposed to be consistent with the BDP objectives) and an updated review of relevant policies and programmes.

- **Stage 2 - Development Management in Birmingham Preferred Options Document Consultation (Regulation 18) (January 2019)**

Having taken account of the consultation responses received at the first Regulation 18 consultation; results of the SA scoping exercises; the evidence base; national policy and guidance; internal comments and other relevant information; an assessment of alternative policy approaches was undertaken (including SA). The preferred approach to policies and the reasons for rejecting the alternatives identified was set out in the Preferred Options Document. This contained a full draft of the preferred/ proposed policies. A Sustainability Appraisal of the Preferred Options Document accompanied the Preferred Options Document and was open to public consultation at the same time.

Formal consultation period: 4 February - 29 March 2019 (8 weeks).

- **Stage 3 – Development Management in Birmingham Publication Document Consultation (Regulation 19) (October 2019)**

All the comments received on the Preferred Options Document and on the SA were analysed and further technical work was undertaken in response. A submission ready version of the DMB was subsequently prepared and made available for stakeholders and the public to comment on for a statutory 6-week period. This was accompanied by a SA of the DMB Publication Document. The purpose of the consultation at this stage focuses on the plan's soundness and legal compliance. While the DMB Publication Document was approved by Cabinet on 29 October 2019, consultation was delayed due to purdah.

Formal consultation period: 9 January – 21 February 2020 (6 weeks)

- **Stage 4 Submission to the Secretary of State (August 2020)**

The Council has assessed the comments received during the Regulation 19 formal consultation and considers that the DMB can be submitted for Examination in Public (EIP). Subject to approval by Cabinet in June 2020 and full Council approval in July 2020, the DMB will be submitted to the Secretary of State for examination.

- **Stage 5 Examination (Winter 2020/21)**

The DMB will be examined by an independent Planning Inspector.

- **Stage 6 Adoption (Spring 2021)**

Adoption of the final DMB by the City Council.

3. Development Management Development Plan Document Consultation (Regulation18) (June 2015)

Introduction

- 3.1 Following scoping of the Sustainability Appraisal Report (12 December 2014 – 22 January 2015); a review of existing policies and guidance; analysis of the evidence base; and internal consultation - work on preparing an initial consultation document commenced. Presentations were given to Planning Committee in August and December 2014 to raise awareness and inform Members about the preparation of the document. An initial consultation – ‘Development Management DPD Consultation Document’ was approved for consultation by the Council’s Cabinet Member for Transport, Development and the Economy on 27 July 2015. The document set out the broad topics to be covered in the DMB and informed readers that future consultations would follow that will set out the detailed policies and seek comments on these.
- 3.2 The Development Management DPD Consultation Document consulted on:
- the proposed purpose and aims of the DMB;
 - the objectives of the DMB;
 - the proposed policy list/ topics to be covered by the DMB;
 - views on what the policy/ topics should cover and the approach they should take; and
 - any policy gaps that are missing.
- 3.3 The document was prepared and published in accordance with the Regulation 18 of the Regulations and made available for public consultation between 7 September and 19 October 2015 (a period of 6 weeks). Paras. 3.5-3.6 below clarifies which bodies and persons were invited to make representations and how that was undertaken.
- 3.4 During the 6-week consultation period, a total of 26 individuals/ organisations responded, generating 91 comments/ representations. A precis of the main issues raised is contained in para. 3.7 – 3.24 below. This includes a summary of the Council responses indicating how the comments were taken into account in the next stage of the plan. The full schedule of the representations, including the Council’s detailed response to each comment is included as Appendix 1 in the Consultation Statement Appendices. All the comments received, and the Council’s responses were reported to, and approved, at the Council’s Cabinet meeting of 22 January 2019.

Who was consulted under Regulation 18 and how that was undertaken

- 3.5 The Council consulted the community and other stakeholders using the methods detailed in Table 1 below. A formal notification letter or email was sent to around 700 persons or organisations to invite them to make representations on the consultation document (Appendix 5 of the Consultation Statement Appendices).

- 3.6 Arrangements were made for representations on the DMB to be submitted on-line, by email and by letter with the option of using a consultation form that could be downloaded from the Council's website or supplied by the Planning Policy Team.

Table 1: Initial Consultation Document consultation methods

Method	Action Taken
Direct consultation	<p>Letters/ emails were sent out to all contacts on the Planning Policy Consultation Database informing them of the consultation, how to access it and how to make representations. This included:</p> <p>Specific Consultation Bodies</p> <ul style="list-style-type: none"> - the Coal Authority - Environment Agency - Historic England - Marine Management Organisation - Natural England - Network Rail Infrastructure Limited - Highways Agency, - Relevant local authorities and County Councils - Primary Care Trusts/ Clinical Commissioning Groups - Utility and telecommunication companies/ undertakers <p>General Consultation Bodies</p> <ul style="list-style-type: none"> - Voluntary, ethnic, religious and disability groups - Environmental groups and Local Nature Partnership - Business groups and Local Enterprise Partnerships <p>Duty to Cooperate bodies</p> <p>Other</p> <ul style="list-style-type: none"> - Councillors/ MPs - Housing associations - Parish/ town councils - Individual members of the public - Individual local businesses including planning consultants, developers, agents, surveyors and architects
Hard copies for inspection	<p>Hard copies of the consultation document were placed at Council's main planning offices at 1 Lancaster Circus, Queensway, Birmingham B4 7DJ for the duration of the consultation period.</p>
Online	<p>A full copy of the Consultation Document and method of submitting representations was published on the Council's website on Friday 4th September 2015 and maintained for the duration of the consultation.</p> <p>The facility to make comments online was also provided, at https://www.birminghambeheard.org.uk/economy/dmdpd on the</p>

	same day, in line with the Council's consultation policies and practice.
Publicity	The following additional publicity was undertaken to help promote the consultation: - a Public Notice was placed in the local press on 7 September 2015 - a Press Release was issued to the local newspapers on 7 September 2015
Events	No specific events were held during the consultation process. The invitation was extended to consultees for officers to attend meetings but no offers were received.

Summary of the main issues raised and of the Council's responses

- 3.7 A summary of the responses received and the Council's responses to these were published in a Consultation Statement that was reported to the Council's Cabinet on 22 January 2019.
- 3.8 A precis of the main issues raised during this consultation and how the Council has taken these into account and the Council's responses is set out below.
- Respondents generally supported the purpose, aims and objectives of the DMB.
 - The principle of all the policies received general support.
 - Minor detailed comments were made on the majority of policies, except for DM1 Hot food takeaways, DM8 Taxi booking offices, DM19 Aerodrome safety, DM16 45 Degree Code, DM20 Tree protection, DM22 Places of worship, DM24 Residential amenity and Space standards where no detailed comments were made.

Policy DM3 Restaurants, Cafés and Pubs

- 3.9 Policies should be sufficiently flexible as to ensure that high quality niche offerings are not unduly restricted by broad blanket policies (Calthorpe Estates)

Council response: It is proposed that a policy specifically on Restaurants, Cafes and Pubs will no longer be included in the DMB. The justification is set out in the Council response to 016/3 and the Preferred Options Document.

Policy DM4 Environmental Protection – Air Quality

- 3.10 Support the principle of the policy, but not clear if and how it will apply to road improvement schemes (Highways England)

Council response: Noted and to be investigated.

Policy DM4 Environmental Protection – Light

- 3.11 Recommend that the policy accords with requirements of the Institute of Lighting Engineers (Highways England).

Council response: Comments have been taken into account and reference to the guidance set out by the Institute Lighting of Engineers is included in the Preferred Options Document.

Policy DM7 Environmental Protection – Land contamination

- 3.12 The policy is welcomed. Recommend that the precautionary principles are incorporated into a separate policy entitled Environmental Protection of Water, in addition to Policy DM7 so as to deliver the Water Framework Directive. (Environment Agency)

Council response: Adopted BDP Policy TP6 Management of Flood Risk and Water Resources already addresses and provides policy in relation to the Agency's concerns. The Agency's principles in managing risks to groundwater has been incorporated into the supporting text of the proposed policy on contamination, cross-referencing to BDP TP6.

Policy DM12 Houses in Multiple Occupation – city-wide

- 3.13 a. The policy should consider cumulative impact and restrict the development of HMOS where they will impact on residential amenity and character. (Selly Park Property Owners' Association).
- b. Request the introduction of an Article 4 Direction in part of Ladywood ward. Concerned by issues of parking pressure, anti-social behaviour and impact on appearance on neighbourhoods associated with HMOs. (Summerfield Residents Association).
- c. Strong support expressed at the Ladywood District Committee for the policy.

Council response:

- a. Comments have been taken into account and the individual and cumulative impacts of HMOs on residential amenity have been incorporated into the proposed policy.
- b. At the time of responding to the comments, a city-wide analysis was being undertaken to consider the need for further Article 4 Direction Areas. Subsequently, a city-wide Article 4 Direction has been confirmed and will come into force on 8 June 2020.

Policy DM13 Houses in Multiple Occupation – Article 4 Areas

- 3.14 Concern about exclusion of Bournbrook from the Article 4 area. Supplementary planning guidance should ensure the standards of residential amenity and character of an area are maintained and cumulative impact is taken into account.

Council response: The city-wide Article 4 Direction will cover Bournbrook when it comes into force. The proposed policy aims to ensure that standards of residential

amenity and character are maintained, and that cumulative impact is taken into account.

Policy DM14 Flat Conversions

- 3.15 The policy should take into account the standards of residential amenity, impact on character of the area, cumulative effect and require parking to be provided on site.

Council response: Comments have been taken into account and incorporated into proposed policy.

Policy DM15 Hostels and Residential Homes

- 3.16 Comment from Summerfield Residents Association is a duplication of their comment on HMOs.

Policy DM17 Planning obligations

- 3.17 Policy should make reference to requirement for contributions towards police infrastructure (Police and Crime Commissioner for the West Midlands)

Council response: A policy on Planning Obligations is no longer proposed as part of the DMB document as it is deemed to be sufficiently covered by adopted BDP Policy TP4: Developer Contributions.

Policy DM18 Telecommunications

- 3.18 a. The policy should be in line with national guidance provided in Section 5 of the NPPF. (Mobile Operators Association)

b. Masts or other equipment seen from Alvechurch parish or other bordering authority's properties should not be considered. (Alvechurch Parish Council).

Council response:

a. Comments have been taken into account and incorporated into proposed policy.

b. The proposed policy for Telecommunications seeks to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity.

Policy DM21 Advertisements

- 3.19 a. Supportive of a policy which provides greater detail and guidance in determining planning applications. (Highways England)

b. The policy should be sufficiently flexible to ensure that developers are not overly restricted (Aberdeen Asset Management)

c. Advertisements should be subject to control only in the interests of amenity and public safety. (Calthorpe Estates)

d. The policy should recognise the positive role that advertising can play when appropriately designed and sited. The existing amenity of a site and street scene should be a consideration when assessing the relative impact of a proposed advertisement scheme. (Primesight).

e. The policy must not constrain or prevent sensible large format media/digital advertising. (Clear Channel UK Ltd)

Council response: The proposed policy will not constrain advertisements but ensure that advertisements are well designed, relate well in scale and character to a building or surrounding area and are suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area.

Policy DM23 Design

- 3.20 a. The policy should consider how development will interact with rivers and streams. (Environment Agency)
- b. The policy should be sufficiently flexible as to respond to a site's historic character. (Calthorpe Estates)
- c. Policies should be written to design out crime and Policy DM23 Design should require proposals to meet Secure by Design principles (Police and Crime Commissioner)

Council response: Detailed design guidance relating to development near green and blue infrastructure, creating safe places and responding to historic character will be set out in the emerging Birmingham Design Guide. A specific policy on 'Design' is no longer included in the DMB. The justification for this is set out in the Preferred Options Document.

Enforcement

- 3.21 a. The Council should take action against breaches of planning and use full powers to prevent unauthorised development. (Selly Park Property Owners' Association)

Council response: Comments noted and taken into account. A section on Enforcement is no longer to be included in the DMB. The Council instead will be preparing a Local Enforcement Plan which will set out its policy and procedure for enforcing planning control and handling planning enforcement issues.

Other comments

- 3.22 a. Brownfield across Greater Birmingham and Solihull LEP and the Black Country Authorities should be utilised prior to Green Belt. The projected housing numbers should be reviewed to ensure they are accurate.(Frankley Parish Council).
- b. Concerns surrounding the concentration of purpose-built student development in Selly Oak destroying neighbourhood character causing parking issues. (Selly Park Property Owners' Association).
- c. Detailed technical advice will be provided when consulted on land-use planning matters. (Health and Safety Executive).
- d. Policies on Sheesha Lounges, Restaurant, cafes and pubs, HMOs, Design should be written to design out crime (The Police and Crime Commissioner for the West Midlands).

e. Suggest that the DPD contains cross-references to BDP policies. (Council for British Archaeology, West Midlands).

Council response:

a. Comments do not relate to the DMB.

b. The BDP contains a specific policy in relation to proposals for purpose-built student accommodation (Policy TP33 Student accommodation) which addresses issues of residential amenity and parking.

c. Noted

d. Detailed design guidance on creating safe places will be set out in the emerging Birmingham Design Guide.

e. Cross reference to relevant BDP and other local plan policies and guidance has been included.

Omission of policies

3.23 a. There should be a policy on Listed Buildings and Conservation Areas which states that consideration be given to the use of alternative materials and/or artefacts which are less likely to be vulnerable to repeat theft. There should also be a policy requiring maintenance of buildings to include regular pruning and trimming of trees and bushes to encourage surveillance, the removal of graffiti and signs of vandalism, regular litter and waste patrols. There should be a policy or SPD that seeks to control the design and location of ATMs. (Police and Crime Commissioner for West Midlands).

b. There is no transport policy to consider cross boundary transport integration.(Alvechurch Parish Council)

Council response:

a. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places will be set out in the emerging Birmingham Design Guide. Planning policy does not extend to the maintenance of buildings and cannot be enforced.

b. Cross boundary transport integration is a strategic planning consideration which is addressed in the BDP.

Comments from other Local Planning Authorities

3.24 Stafford Borough Council, Lichfield District Council, and Sandwell Borough Council responded to say that they have no issues to raise or concerns with the document.

Possible strategic issues relating to policies DM04/06/09/10/11/07 and implementation arising from the cumulative impact of development to the east of Birmingham. (North Warwickshire Borough Council)

Council response: An ongoing dialogue with NWBC will be required.

Comments from the prescribed specific consultation bodies

- Coal Authority – no specific comments made at this stage
- Historic England – welcomes the continued reference to the preparation of a Historic Environment SPD.
- Environment Agency – suggest an additional policy entitled ‘Environmental Protection Water’ to build on BDP Policy TP6. A policy is required regarding foul drainage infrastructure.
- Natural England - does not consider that this Development Management DPD poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.
- Severn Trent Water – no comments to make.

4. Development Management in Birmingham Preferred Options Consultation (Regulation 18) (January 2019)

Introduction

- 4.1 A significant amount of time elapsed between the formal consultation on the Development Management Consultation Document in September - October 2015, and the subsequent stage (Preferred Options) in the preparation of the DMB due to the lengthy examination of the BDP. BDP examination hearings first took place 2014 and the inspectors final report was issued in March 2016. Work on the DMB during this time was temporarily suspended due to uncertainties around the BDP. A further delay to the adoption of the BDP was encountered due to the government placing a holding direction on the BDP preventing the Council from adopting it until November 2016. When the holding direction was eventually lifted, the Council adopted the BDP in January 2017 and work on the DMB recommenced in early 2017.

Scoping of Updated SA Report

- 4.2 Given the time that had elapsed between the SA Scoping Report (December 2014) and the subsequent stage in the preparation of the DMB, the Council re-consulted the statutory bodies on the scope of the SA report between 22 May 2018 – 29 June 2018 (5 weeks). The main changes to the SA report were updates to the evidence base, updated DMB objectives (which were proposed to be consistent with the now adopted BDP objectives) and an updated review of relevant policies and programmes. The responses of the statutory bodies to the updated SA report are included in the SA of the Preferred Options Document.

Evolution of the DMB

- 4.3 As a consequence of the modified policies in the adopted BDP and the time that had elapsed between the two stages, the Council reviewed the initial Consultation Document taking into account not only the comments received in 2015 but also updated national planning policy and guidance and the now modified adopted BDP policies.
- 4.4 The Preferred Options Document was prepared having regard also to the Sustainability Appraisal (including consideration of alternative options) of the proposed policies in the DMB.
- 4.5 The key differences between the 2015 Development Management Consultation Document and the 2019 Preferred Options Document were:
- The objectives - the Preferred Options Document proposed objectives that were consistent with the adopted BDP objectives;
 - The policy list - the list of policies in the Preferred Options Document was streamlined and restructured. Some policies in the 2015 Consultation Document were not taken forward into the Preferred Options Document as

originally 'drafted' for reasons set out in the Preferred Options Document. The most common reason was that they would be covered by a combination of a 'new' or 'amended' policy proposed in the Preferred Options Document and adopted BDP policy (see Appendix 3: Policies in Stage 1 Regulation 18 Consultation not included in Preferred Options Document and justification, Preferred Options Document, January 2019).

Preferred Options Document

- 4.6 The Preferred Options Document was approved by Cabinet for consultation on 22 January 2019 and reported to and discussed at Planning Committee on 14 March 2019. The document:
- Presents the reasonable alternatives/ policy approaches that were considered;
 - Justified the selection of the preferred options put forward in the Preferred Options Document;
 - Sought comments on the amended objectives of the DMB;
 - Sought comments on the preferred policy approach to the policies; and
 - Sought comments on the Sustainability Appraisal.
- 4.7 As with the earlier initial Consultation Document, the Preferred Options consultation document was prepared in accordance with the Regulation 18 of the Regulations and made available for public consultation between 4 February and 29 March 2019 (a period of 8 weeks). Para. 4.6 – 4.7 below sets out which bodies and persons were invited to make representations and how that was undertaken.
- 4.8 During the 8-week consultation period, a total 69 respondents commented on the Preferred Options Consultation Document, generating 650 individual comments/ representations. A precis of the main issues raised is contained in para. 4.8 below. This includes a summary of the Council's response to each comment/ representation. A full schedule of the representations, including the Council's detailed response to each comment raised is included as Appendix 2 in the Consultation Statement Appendices. The representations and the suggested Council response were reported to the Council's Cabinet meeting of 29 October 2019, and subsequently approved.

Who was consulted under Regulation 18 and how that was undertaken

- 4.9 The Council consulted the community and other stakeholders using the methods detailed in Table 2 below. A formal notification letter or email was sent to around 750 persons or organisations to invite them to make representations on the consultation document is included in Appendix 5 of the Consultation Statement Appendices.
- 4.10 Arrangements were made for representations on the DMB to be submitted on-line, by email and by letter with the option of using a consultation form that could be downloaded from the Council's website or supplied by the Planning Policy Team.

Table 2: Preferred Options Document consultation methods

Method	Action Taken
<p>Direct consultation</p>	<p>Letters/ emails were sent out to all contacts on the Planning Policy Consultation Database informing them of the consultation, how to access it and how to make representations. This comprised approximately 780 separate contacts including:</p> <p>Specific Consultation Bodies</p> <ul style="list-style-type: none"> - the Coal Authority - Environment Agency - Historic England - Marine Management Organisation - Natural England - Network Rail Infrastructure Limited - Highways Agency, - Relevant local authorities and County Councils - Primary Care Trusts/ Clinical Commissioning Groups - Utility and telecommunication companies/ undertakers <p>General Consultation Bodies</p> <ul style="list-style-type: none"> - Voluntary, ethnic, religious and disability groups - Environmental groups and Local Nature Partnership - Business groups and Local Enterprise Partnerships <p>Duty to Cooperate bodies</p> <p>Other</p> <ul style="list-style-type: none"> - Councillors/ MPs - Housing associations - Parish/ town councils - Individual members of the public - Individual local businesses including planning consultants, developers, agents, surveyors and architects
<p>Hard copies for inspection</p>	<p>Hard copies of the consultation document were placed at the following locations for the duration of the consultation period:</p> <p>Planning Offices Reception: 1 Lancaster Circus, Birmingham Library of Birmingham Druids Heath Library and Customer Service Centre Erdington Customer Service Centre Northfield Customer Service Centre Saltley Advice Service Centre Sparkbrook Health and Community Centre Harborne Library Shard End Library Aston Library Handsworth Library Sutton Coldfield Library Walmley Library</p>

	South Yardley Library
Online	A full copy of the Consultation Document and method of submitting representations was published on the Council's website for the duration of the consultation.
Publicity	The following additional publicity was undertaken to help promote the consultation: Notification on Birmingham's Facebook Page Notification on Birmingham's Twitter Feed
Events	No specific events were held during the consultation process. The invitation was extended to consultees for officers to attend meetings but no offers were received.

Summary of the main issues raised and of the Council's responses

- 4.11 The following is a list of the main issues raised during the consultation and the Council's response and action taken:

DM1 Air quality

- 4.12 a. A number of comments related to sustainable transport measures and the operation of the proposed Clean Air Zone (CAZ) which are not directly related to the policy.
- b. Support for use of green infrastructure as one possible means of mitigation.
- c. The policy should be stronger and go further.
- d. Concern that the policy requires development to mitigate for existing issues and consider cumulative impacts.

Council response:

- a. The air quality in and around the Clean Air Zone will be monitored through the Council's CAZ Team. It is not within the remit of this policy or document to review the CAZ.
- b. Noted
- c. The Council considers the policy to provide the right balance in promoting good air quality and enabling sustainable development to support growth of the city.
- d. Development should not increase exposure to unacceptable levels of air quality. Mitigation measures associated with development will be proportionate the existing air quality.

DM2 Amenity

- 4.13 Concerns that the terminology used is not well defined, unclear and inconsistent with the NPPF.

Council response: Unclear terminology has been minimised and defined to provide clarity and consistency with the NPPF to increase effectiveness of the policy.

DM3 Land affected by contamination, instability and hazardous substances

- 4.14 a. Lack of clarity on some of the requirements and terminology.
b. The policy does not encourage the redevelopment of brownfield sites.

Council response:

- a. Additional wording to the supporting text has been added to clarify the requirements of the policy.
b. The Council supports development opportunities that bring areas of land affected by contamination or instability back into beneficial use but also needs to ensure that the potential for any risks associated with these issues be appropriately considered to make development safe.

DM4 Landscaping and tree protection

- 4.15 a. The policy should maximise the opportunity to achieve biodiversity net gains and improve ecology.
c. Detailed comments regarding tree retention and replacement. Clarification was sought on how the policy is to be applied.
c. Changes to the policy are required to provide flexibility and not exceed provisions of the NPPF.

Council response:

- a. Enhancing biodiversity is already covered by BDP policy TP7 Green Infrastructure and TP8 Biodiversity and Geodiversity.
b. Clarification on how the policy will be applied has been added including reference to the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022. The Council will provide detailed guidance in a Tree Strategy. Additional supporting text has been included relating to landscape management plans.
c. The Council considers that the policy is sufficiently flexible but has made minor amendments as suggested to provide greater consistency with the NPPF.

Policy DM5 Light Pollution

- 4.16 a. Concerns were raised about impact of lighting on wildlife, heritage assets and residential amenity.
b. The policy is internally inconsistent and conflicts with the NPPF.

Council response:

- a. The Council considers that the policy adequately addresses the impact of lighting on amenity. Changes have been made to strengthen policy in relation to impact on nature conservation areas and heritage assets.
- b. The policy has been clarified to eliminate internal inconsistency and ensure consistency with wording in the NPPF.

Policy DM6 Noise and Vibration

- 4.17
- a. The policy is not effective in terms of noise mitigation due to unclear terminology and internal inconsistency.
 - b. Consistency with NPPF wording is required and the agent of change principle should be strengthened.

Council response:

- a. The Council agrees with the suggested changes and the policy has been re-worded and restructured to eliminate internal inconsistency and ensure consistency with the NPPF.
- b. The 'agent of change principle' has been made more explicit in the policy and in the supporting text. Definitions have been provided on unclear terminology within the supporting text.

Policy DM7 Advertisements

- 4.18
- a. The policy does not go far enough in deterring excessive signage and advertisements.
 - b. The policy is consistent with wording in the NPPF.

Council response:

- a. The Council considers that the policy will ensure that all advertising requiring consent is well designed and appropriately sited and would have no detrimental impact on public safety or amenity.
- b. The policy has been amended to provide clarity and consistency with the NPPF.

Policy DM8 Places of worship and faith related community uses

- 4.19
- a. The Chief Constable of the West Midlands commented that measures need to be put in place to minimise crime, fear of crime anti-social behaviour.
 - b. Adequate on-site parking is needed for such uses.

Council response:

- a. The Council requires all new development to create safe environments that design out crime through adopted BDP Policy PG3 Place-making.
- b. Additional text has been added to the supporting text of the policy regarding the

need for travel plans and management plans to be submitted with planning application in order reduce any parking pressures that may arise.

Policy DM9 Day nurseries and childcare provision

- 4.20 The policy is not prescriptive enough and does not protect residential amenity and the loss of family homes to such uses.

Council response: The Council has strengthened and clarified the policy in relation to impact on amenity, parking, public and highway safety, the provision of outdoor amenity space and the loss of housing.

Policy DM10 Standards for residential development

- 4.21 a. There is a lack of evidence to justify introduction of national space standard and the requirement for all developments to be accessible and adaptable in accordance with Building Control Part M 4(2).
b. The policy does not allow sufficient flexibility and could stifle innovation.

Council response:

a. An evidence paper has been prepared to justify the space and access standards which includes financial viability considerations. The policy requirement in relation to Part M4 (2) has been amended specifying a percentage of the site/ dwellings to be provided as accessible and adaptable homes, rather than all dwellings, based on evidence of need within the population and viability considerations.

b. The policy has been amended to provide for exceptions and allow for flexibility.

Policy DM11 Houses in multiple occupation (HMO)

- 4.22 a. General support for the policy and the proposed city-wide HMO Article 4 Direction.
b. Concerns were raised in regard to the control of HMO development, enforcement issues, poor maintenance of HMOs, and impact on amenity.
c. The over-concentration of HMOs has already occurred in some areas and that the Council should actively reduce numbers in these areas.
d. Disagree with the 'exceptions' and calculation of HMO properties.

Council response:

a. To strengthen and make the policy more effective, further detail has been added to the criteria relating to 'high quality living accommodation'. This includes the setting out of minimum bedroom sizes and the types of facilities required in a HMO.

b. The proposed policy seeks to ensure that such development preserves the residential amenity and character of an area and that harmful concentrations do not arise.

c. The Council cannot do anything about changes of uses (through Permitted Development or planning permission) that has already occurred. Proposals for changes of use from a HMO back to C3 housing will be supported in principle.

d. The Council considers that the exceptions policy is necessary to reflect the predominate character of HMOs in some area and justifies the method used for the calculation of HMO properties.

Policy DM12 Residential Conversions and Specialist Accommodation (new policy)

- 4.23 A separate policy has been created to address residential conversions and specialist accommodation (previously incorporated with policy in DM11 Houses in Multiple Occupation and other non-family residential accommodation) to provide a clearer policy.

Policy DM13 Self and Custom Build (previously DM12)

- 4.24 General support for the policy with some comments raised regarding policy adherence and monitoring.

Council response: Comments were noted.

Policy DM14 Highway safety and access (previously DM13)

- 4.25 a. Concern about the lack of pedestrian and safe cycling provision.
b. Part 5 and 6 of the policy are inconsistent.

Council response:

- a. Key policies in relation to the creation and provision of safe cycle and pedestrian environments and infrastructure is set out in the adopted BDP.
b. Parts 5 and 6 of the policy wording have been amended and re-ordered to provide consistency.

Policy DM15 Parking and servicing

- 4.26 a. Concern about reductions in parking standards and need for the policy to be more flexible.
b. Concern about parking in residential areas where there are high concentrations of HMOS and the need for parking controls.

Council response:

- a. The Council aims to achieve an appropriate balance between ensuring parking is provided where required and not encouraging additional demand for private vehicle journeys where sustainable modes could be used.
b. The proposed policy on HMOs addresses parking issues and the Draft Parking SPD contains guidance on parking provision in relation to HMOs.

DM16 Telecommunications

- 4.27 a. The policy should consider research on any adverse or harmful effects of masts. Unobtrusive masts were preferred.

Council response: The proposed policy requires development to conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast/site. The policy requires masts to be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas.

Comments on the Sustainability Appraisal of the Preferred Options Document

- 4.28 St. Modwen Homes commented that the policy on residential standards had not been considered in the Sustainability Appraisal.

Council response: The Sustainability Appraisal of the Preferred Options Document does assess the impact of policy DM10 Standards for residential development.

- 4.29 Natural England welcomed that many of their comments in response to the updated Scoping Report (2018) have been taken into account. However, they noticed an error in the referencing of the Habitats Regulation Assessment in the SA.

Council response: The drafting error has been corrected in the SA report.

- 4.30 The Council for British Archaeology, West Midlands commented that Table 2.1 in the SA should include relevant historic environment documents such as the Birmingham Archaeology Strategy.

Council response: Agreed and included in Table 2.1 of the SA report.

- 4.31 Historic England welcomed the attention to safeguarding cultural heritage in the SA.

5. Publication Document (Regulation 19) (October 2019)

Introduction

- 5.1 The Publication version of the DMB takes full account of all representations received at the Preferred Options stage. Appendix 3 of the Consultation Statement Appendices sets out the Council's detailed response to each representation and the action taken, where necessary, through the preparation of the Publication version. The Publication version also takes into account relevant findings from new evidence base reports such as the Financial Viability Assessment of the DMB, changes to Government policy and guidance, and Sustainability Appraisal of the DMB. The Publication version DMB was approved for consultation by Cabinet on 29 October 2019 and reported to and discussed at Planning Committee on 13 February 2020.
- 5.2 The representations received on the Preferred Options Document and the Council's response to these were incorporated into a Consultation Statement and reported, to and also approved by Cabinet on 29 October 2019.
- 5.3 The Publication DMB was prepared in accordance with the Regulation 19 of the Regulations and made available for public consultation between 9 January – 21 February 2020 (6 weeks). Table 6 below shows which bodies and persons were invited to make representations and how that was undertaken.
- 5.4 During the 6-week consultation period, a total 32 respondents commented on the Publication DMB, generating 122 individual comments/ representations. An overview of the results is provided in para. 5.8 and a precis of the main issues raised is contained in para. 5.9 below. This includes a summary of the Council's response to each comment/ representation. A full schedule of the representations, including the Council's detailed response to each comment raised is included as Appendix 3 in the Consultation Statement Appendices.

Who was consulted under Regulation 19 and how that was undertaken

- 5.5 The Council consulted the community and other stakeholders using the methods detailed in Table 2 below. A formal notification letter or email was sent to around 750 persons or organisations to invite them to make representations on the consultation document is included as Appendix 5 Consultation Statement Appendices.
- 5.6 Arrangements were made for representations on the DMB to be submitted on-line, by email and by letter with the option of using a consultation form that could be downloaded from the Council's website or supplied by the Planning Policy Team.
- 5.7 The consultation invited people to comment by policy and enabled comments to be made on as many or as few policies as people chose. The questions on legal compliance and soundness were compulsory.

Table 6: Publication document consultation methods

Method	Action to be taken
Direct consultation	<p>Letters/ emails will be sent out to all contacts on the Planning Policy Consultation Database informing them of the consultation, how to access it and how to make representations. This comprises approximately 780 separate contacts including:</p> <p>Specific Consultation Bodies</p> <ul style="list-style-type: none"> - the Coal Authority - Environment Agency - Historic England - Marine Management Organisation - Natural England - Network Rail Infrastructure Limited - Highways Agency, - Relevant local authorities and County Councils - Primary Care Trusts/ Clinical Commissioning Groups - Utility and telecommunication companies/ undertakers <p>General Consultation Bodies</p> <ul style="list-style-type: none"> - Voluntary, ethnic, religious and disability groups - Environmental groups and Local Nature Partnership - Business groups and Local Enterprise Partnerships <p>Duty to Cooperate bodies</p> <p>Other</p> <ul style="list-style-type: none"> - Councillors/ MPs - Housing associations - Parish/ town councils - Individual members of the public - Individual local businesses including planning consultants, developers, agents surveyors and architects
Hard copies for inspection	<p>Hard copies of the consultation document will be placed at the following locations for the duration of the consultation period:</p> <p>Planning Offices Reception: 1 Lancaster Circus, Birmingham Library of Birmingham Druids Heath Library and Customer Service Centre Erdington Customer Service Centre Northfield Customer Service Centre Sparkbrook Health and Community Centre Harborne Library Shard End Library Aston Library Handsworth Library Sutton Coldfield Library Walmley Library South Yardley Library</p>

Online	A full copy of the Consultation Document and method of submitting representations will be published on the Council's website for the duration of the consultation.
Publicity	The following additional publicity will be undertaken to help promote the consultation: <ul style="list-style-type: none"> - a Public Notice will be placed in the local press - a Press Release will be issued to the local newspapers - notification on Birmingham's Facebook Page - notification on Birmingham's Twitter Feed
Events	No specific events were planned.

Overview of results

5.8 Of the 32 respondents, 4 were individuals, 15 were organisations and 13 were agents writing on behalf of organisations. Table 7 below provides a summary of the number of representations on each policy and the number of those which considered the policy to be sound and legally compliant, where stated. Within the representations, multiple issues could be raised.

Table 7: Overview of results

Policy	Sound	Not Sound	Not stated	Legally Compliant	Not Legally Compliant	Not stated	No. of Reps
DM1 Air quality	2	5	2	3	0	6	9
DM2 Amenity	2	7	1	6	0	4	10
DM3 Land affected by contamination etc.	1	1	4	1	0	5	6
DM4 Landscape and Tree protection	2	8	1	4	0	7	11
DM5 Light pollution	4	9	1	4	1	3	8
DM6 Noise and vibration	3	6	0	6	0	3	9
DM7 Advertisements	1	2	0	3	0	0	3
DM8 Places of worship etc.	0	2	0	1	0	1	2
DM9 Early years provision	7	2	1	8	0	2	9
DM10 Standards for residential development	0	15	1	6	0	10	17
DM11 HMOs	0	3	1	3	0	1	4
DM12 Conversions Specialist housing	0	1	1	0	0	2	2
DM13 Self build	0	2	1	1	0	2	3
DM14 Highway safety	4	4	2	5	0	5	10
DM15 Parking	3	8	3	5	0	9	14

DM16 Telecommunications	0	1	3	0	1	3	4
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Summary of the main issues raised and of the Council's responses

- 5.9 All 122 individual representations were analysed and the Council's detailed response to each comment is included as Appendix 3 of the Consultation Statement Appendices. The Council's Cabinet approved the proposed responses on the 23 June 2020. The full Council approved them on the 14 July 2020.

DM1 Air quality

- 5.10 a. The terms 'unacceptable deterioration' and 'unacceptable levels' and 'close to limit values' need defining.
- b. The policy should consider improvements to air quality that can be made through mitigation.
- c. The Council should consider that some forms of development can contribute to a net improvement in air quality, even in areas where pollution levels exceed national or local guidelines.
- d. Development should not be restricted by disproportionate mitigation measures.
- e. Highways England recommends revision to the wording to clarify how DM1 may be applied to road improvements schemes.
- f. The policy fails to recognise the wider benefits of development as identified in paragraph 2.9 of the supporting text, which is suggested should be included in the policy.
- g. Part 1 of the policy should be amended to include the wording "unless appropriate mitigation is identified".

Council response:

- a. The Council proposes minors change to the policy and the supporting text to provide clarification of the terms 'unacceptable deterioration', 'unacceptable levels' and 'close to limit values.'
- b. The policy already allows for mitigation measures to be incorporated as part of development proposals in order to reduce and/ or manage air quality impacts.
- c. The policy and supporting text (para. 2.11) recognises that development can contribute to improvements in air quality.
- d. The policy states that mitigation measures will be "proportionate to the background air quality in the vicinity, including Clean Air Zone designations."
- e. Further consideration required.
- f. Further consideration required.

g. Part 2 of the already policy allows for mitigation measures to be incorporated as part of development proposals in order to reduce and/ or manage air quality impacts.

Proposed changes:

See proposed changes 1 and 2 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

DM2 Amenity

- 5.14 a. The Council should provide quantifiable standards and clear definitions to support the criteria (c) 'aspect and outlook'.
- b. It is unclear how criteria (h) will be assessed or quantified.
- c. The Canal and Rivers Trust commented that public amenity spaces including the canal network should be considered as a 'neighbour' and has recommended additions to the policy to consider the impact of development on the canal network which can have 'detrimental effects on the usage of the canal corridors'.
- d. The policy fails to provide flexibility in dealing with adverse impacts on amenity and is inconsistent with the NPPF.
- e. Para. 2.20 should read "impacts of committed development" to ensure that developers are not expected to take account of development which 'may' come forward.

Council response:

- a. Clear numerical standards are currently provided in the Places for Living SPD (to be updated in the Birmingham Design Guide) to aid in the consideration of 'aspect and outlook' (distance from adjacent buildings).
- b. The individual and cumulative impacts of development relate to points a)- h) of the policy.
- c. Policy on protecting the amenity value of canals is covered by BDP Policy TP7 Green infrastructure, TP9 Open Space and TP12 Historic Environment. Policy on the visual impact of development on the on the character of the surrounding area is covered by BDP Policy PG1 Place-making and policy on access to sustainable transport is covered by BDP policies TP38-41.
- d. The Council considers the policy to be consistent with para. 127(f) of the NPPF.
- e. Disagree, the Council considers it is reasonable to take account of sites allocated in an adopted local plan.

Proposed changes:

No changes proposed.

Policy DM3 Land affected by contamination, instability and hazardous substances

- 5.15 a. The policy should be amended to say that abnormal development costs associated with the remediation of brownfield sites will be considered as a potential viability constraint for future development.
- b. Suggest changing wording 'minimise risks' to 'manage risks' in part 1 of the policy.
- c. Suggest changing wording 'remove' to 'manage and mitigate' and part 2 of the policy.

Council response:

- a. Disagree, the policy is in line with the NPPF which states that policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- b. Disagree, the policy allows for development through minimisation and mitigation of risks.
- c. Agree with proposed change.

Proposed changes:

See proposed change 3 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM4 Landscaping and Trees

- 5.16 a. A significant level of landscaping detail is being required which is not appropriate for outline applications.
- b. Change word "maximise" to "increase".
- c. Part 5 of the policy is too ambiguous and should be amended to provide clarity on a number of points.
- d. The policy does not make reference to balancing tree loss against the wider benefits and contribution of a proposed development.
- e. Any replacement planting should be proportionate to the quality and quantum of lost.
- f. The requirement for replacement off-site tree planting where on-site replacement of trees is not available should only be sought where viable.
- g. Further evidence should be provided to justify the use of the Capital Asset Value for Amenity Trees (CAVAT) tool.
- h. The policy fails to indicate where off-site s106 contributions will be spent.
- i. The wording of the policy appears to be weaker than that given to these habitats in para. 175c of the NPPF (Woodland Trust)
- j. All landscaping schemes should be accompanied a management plan (CCWMP).

Council response:

- a. Disagree, the policy is not considered to be overly onerous. Landscaping schemes are only required to be submitted for major applications (including outline applications). This has been an established Local Validation Requirement since 2015. There has been no change to the requirements in this regard.
- b. Disagree, the Council considers that the current wording provides greater flexibility to respond to site context.
- c. Agree, some changes have been proposed to address the comments and further information has been provided in the Council response to this point.
- d. Disagree, para. 2.39 recognises the value of replacement planting work and states that, “Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.”
- e. Agree, this is what the policy seeks to achieve.
- f. The Council considers the proposed policy to be compliant with para. 56 of the NPPF. The policy has been subject to a Financial Viability Assessment.
- g. A range of valuation tools were assessed for the 2018 Tree Policy Review and CAVAT was chosen as the most robust method.
- h. Para. 2.39 of the supporting text states that detailed guidance will be provided in a Tree Strategy. Further detail relating to S106 spend will be in the Tree Strategy
- i. Agree, minor changes proposed as suggested.
- j. Policy DM4 already requires a Landscape Plan to be submitted in accordance with the Council’s Local Validation Requirements for Planning Applications. The Birmingham Design Guide will provide detailed guidance on designing out the potential for crime within landscape designs and management plans. The Design Guide SPD will be launched for public consultation in October 2020.

Proposed changes:

See proposed changes 4 - 7 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM5 Light pollution

- 5.17
- a. Some terminology needs to be corrected in relation to historic assets (Historic England)
 - b. The first sentence of the policy ‘Positive contribution to the environment of the city’ should be removed from the policy.
 - c. Requires explicit reference to the need for lighting to improve safety and reduce the fear of crime in dark places (CCWMP)

Council response:

- a. Agreed, accept corrections.

- b. Disagree, the policy does not conflict with para. 170 of the NPPF.
- c. The purpose of policy DM5 is to deal with the specific impacts of light pollution arising from new development. The benefits of lighting to provide safe environments is recognised in the supporting text.

Proposed changes:

See proposed change 5 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM6 Noise and vibration

- 5.18
- a. Flexibility should be applied to ensure that development is not restricted in areas with existing high background noise.
 - b. Part 1 of the policy is not effective as proposals could reasonably increase noise above background levels without creating an amenity issue.
 - c. Clarification is sought on whether the requirement to consider existing levels of background noise refers to background noise at the proposed development or background noise at nearby receptors.
 - d. It is unclear how the Council will apply the Planning Guidance Note reference in para. 2.52.

Council response:

- a. The policy allows for the consideration of existing levels of background noise. Proposals for noise sensitive developments in areas of existing or planned sources of major noise will be subject to a case by case analysis with reference to expert advice from the Council's Environmental Health Team.
- b. The policy does not prevent proposals that would reasonably increase noise above background levels thus not creating an amenity issue.
- c. Minor change proposed to supporting text to provide clarity.
- d. The document is intended to provide guidance to Birmingham City Council Environmental Protection Officers to ensure consistency of responses when reviewing planning applications and making recommendations to the Planning Management service on matters relating to noise and vibration.

Proposed changes:

See proposed change 9 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM7 Advertisements

- 5.19
- a. The policy should ensure safety of the waterway network is considered and additional text is proposed to point 1 of the policy. Applications should demonstrate their impacts on a waterway in close proximity. (Canal and Rivers Trust)

- b. Point 3 relating to advertisements should be extended to all elevated roadways and not just the M6 and A38.
- c. Reference should be made to advertisements having no detrimental impact on crime, anti-social behaviour or the fear of crime (CCWMP).

Council response:

- a. Public safety is taken to include the factors under provision 3.2.b. of the of the Town and Country Planning (Control of Advertisements (England) Regulations 2007 (as amended) include— (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military). It is therefore considered unnecessary to duplicate legislation within the policy.
- b. Disagree, this part of the policy specifically addresses impact on the public safety of motorway users which within Birmingham applies only to the M6 and A38(M) Expressway.
- c. DM7 already requires proposals for advertisements to have no detrimental impact on public safety. The factors relevant to public safety are set out under provision 3.2.b. of the Town and Country Planning (Control of Advertisements (England) Regulations 2007 (as amended).

Proposed changes:

No changes proposed.

Policy DM8 Places of worship and faith related community uses

- 5.20 a. The policy is not consistent with BDP policy GA5 and the Langley Sustainable Urban Extension (SUE) SPD. Suggest wording changes to policy to allow for exception to the Langley SUE allocation. (Langley Sutton Coldfield Consortium).
- b. Proposals should consider measures to minimise opportunities for crime, fear of crime and anti-social behaviour (CCWMP)

Council response:

- a. Agree, minor change proposed for consistency with the BDP policy GA5.
- b. BDP policy PG3 already requires all new development to “Create safe environments that design out crime.” The Birmingham Design Guide will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.

Proposed changes:

See proposed changes 10 and 11 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM9 Day nurseries and childcare provision

- 5.21 a. Clarification on a number of detailed points including what is ‘sufficient safe parking’ in para. 3.20.

- b. The policy should not have any reference to network of centres as centres are not the correct location for these facilities.
- c. The policy is not consistent with BDP policy GA5 and the Langley Sustainable Urban Extension (SUE) SPD. Suggest wording changes to policy to allow for exception to the Langley SUE allocation. (Langley Sutton Coldfield Consortium).

Council response:

- a. Minor change is proposed to para 3.20 to refer to the Council's parking guidance.
- b. Disagree, the policy is consistent with BDP Policy TP21 which states that centres will be the preferred location for "community facilities (e.g. health centres, education and social services and religious buildings)."
- c. Agree, minor change proposed for consistency with the BDP policy GA5.

Proposed changes:

See proposed changes 12 – 14 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM10 Standards for residential development

- 5.22
- a. A flexible approach should to be taken to the application of Part 5 of the policy to ensure development is not hampered.
 - b. Innovative and site-specific design responses should not be considered acceptable only in 'exceptional' circumstances and should be actively encouraged.
 - c. The Council's evidence set out in DM10 Residential Standards Topic Paper does not contain sufficient evidence to justify the council's requirement for residential development to meet the Nationally Described Space Standards (NDSS) on the basis of need, viability and timing in accordance with the NPPF.
 - d. The Council's evidence set out in DM10 Residential Standards Topic Paper does not contain sufficient evidence to justify the council's requirement for accessible and adaptable homes in accordance with the Building Regulation Part M4(2) on the basis of need and viability in accordance with the NPPF.
 - e. A flexible approach should be taken to the application of the NDSS.
 - f. The council should not convey the weight of the DPD onto the Design Guide. SPDs do not have statutory force.
 - g. The reasonable alternative of having no minimum space standards has been dismissed, but no justification for this dismissal has been provided.
 - h. The NPPF requires plans to make effective use of land. DM10 fails to address this issue.
 - i. The policy impact on affordable housing delivery and the range of affordable products which could be offered.
 - j. If the NDSS is adopted, the Council should put forward proposals for transitional arrangements.

k. PPG sets out that where authorities choose to apply NDSS, authorities can disapply them for particular part of the local plan area or for particular development types, such as build to rent schemes. The exception criterion (part 6) should be expanded to include the following consideration of housing types with specific and unique considerations (i.e. build to rent and co-living), and economic viability.

l. Reference should be made in the exception criterion (part 6) in respect of economic viability in accordance with NPPF para 122.b

m. Policy should require residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards (CCWMP).

Council response:

a. The policy already builds in flexibility to the requirements under part 6 of the policy.

b. Innovative design should be consistent with ensuring residential amenity will not be significantly diminished.

c. Disagree, the justification for adopting the NDSS is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further evidence on need for adopting the NDSS. A Financial Viability Assessment (FVA) prepared by BNP Paribas (November 2019) has been undertaken in line with the NPPF. The FVA assessed the full requirements of the local plan and the policies proposed in the DMB. The Council therefore considers the policy is justified in relation to the viability of applying space standards.

d. Disagree, the justification for adopting the NDSS is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further evidence on need for adopting the NDSS. A Financial Viability Assessment (FVA) prepared by BNP Paribas (November 2019) has been undertaken in line with the NPPF. The FVA assessed the full requirements of the local plan and the policies proposed in the DMB. The Council therefore considers the policy is justified in relation to the viability of the accessibility standard.

e. The policy does not convey statutory weight the design guidance.

f. The policy already builds in flexibility to the requirements under part 6 of the policy.

g. The reasonable alternative for having no space standards was assessed through the SA and the reasons for rejecting this option were set out in Table 4.2 of the SA and Para. 4.32 of the Preferred Options DMB Document.

h. The effective use of land is not considered incompatible with the NDSS.

i. In most circumstances, the Financial Viability Assessment indicates that the requirements of DM10 would not adversely impact on the ability of developments in the City to provide affordable housing.

j. It is not proposed to allow for a transitional period before adoption of the policy on space standards but rather seek to adopt and implement the policy alongside the other policies within the DMB document. The policy will not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

k. The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes. There is, however, sufficient flexibility for such proposals to demonstrate how a quality living environment could be maintained outside the requirements.

l. Minor change proposed to clarify that proposals which deviate from the standards due to innovative high-quality design, deal with specific site issues or respond to local character must be robustly supported with appropriate financial evidence.

m. BDP policy PG3 already requires all new development to “Create safe environments that design out crime.” The Birmingham Design Guide will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.

Proposed changes:

See proposed change 15 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM11 Houses in multiple occupation

- 5.23 a. The case against HMOs does not apply to Dale Road.
b. Point 1.d. of the policy is too vague.
c. Policy should ensure that proposals for HMOs do not give rise to adverse cumulative impacts on safety, security and the fear of crime (CCWMP).

Council response:

- a. The policy aims to ensure that such development also preserves the residential amenity and character of areas and that harmful concentrations do not arise.
b. Agree, minor change proposed to provide clarity.
c. : DM11 already requires development proposals for HMOs to “not give rise to unacceptable adverse cumulative impacts on amenity”. DM2 Amenity includes safety considerations, crime, fear of crime and anti-social behaviour.

Proposed changes:

See proposed change 16 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM12 Residential conversions and specialist accommodation

- 5.24 a. Part e of the policy is too broad that it could prevent any conversions or development of specialist accommodation.
b. The explanatory text does not set out the need for specialist elderly accommodation.
c. Retirement villages’, extra care, or housing with care should be excluded from the policy.

Council response:

- a. Agree, propose change to provide clarity.
- b. This is set out in policy BDP policy TP27 'Sustainable neighbourhoods' to which DM12 links to and supports.
- c. Para. 4.27 of supporting text identifies the types of development to which this policy applies (this can include both C2 and SG uses) and clarifies that it does not include age-restricted general market housing, retirement living and sheltered housing.

Proposed changes:

See proposed change 17 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM13 Self and custom build housing

- 5.25
- a. Any requirement to deliver affordable housing should be separate to the delivery of self and custom-build plots.
 - b. Policy should require residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards (CCWMP).

Council response:

- a. The Council proposes a change to the policy to clarify how affordable self-build plots will be considered.
- b. BDP policy PG3 already requires all new development to "Create safe environments that design out crime." The Birmingham Design Guide will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.

Proposed changes:

See proposed change 18 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM14 Highway safety and access

- 5.26
- a. Point (1) conflicts with NPPF paragraph 109 and should be amended.
 - b. Specific references to likely types of requirements of developers via planning obligation should be included in policy DM14.
 - c. The policy should go further towards requiring new developments to provide alternative means of sustainable travel.
 - d. DM14 is silent on requirement to provide tens of thousands of new on street charging points for EV's during the plan period.
 - e. Part 1 conflicts with maximum parking standards in current draft Parking SPD.

f. The wording of Points 5 and 6 of the policy are not effective and consistent. There should be recognition in Part 6 that direct vehicle accesses should also be deemed acceptable where there are no practical alternatives.

g. Recommend that developers sign up to Construction, Logistic and Community Safety (CLOCS) to deliver safety standards and codes of practice concerning construction traffic to development sites. (Transport for West Midlands).

h. The document does not demonstrate how important public realm measures are to encourage healthy living and active travel. (Transport for West Midlands).

i. The policy fails to consider innovation in sustainable transport or maximise technology to enhance and support new developments. (Transport for West Midlands).

Council response:

a. Agree, minor change proposed for consistency with the NPPF.

b. The implementation section of the policy recognises that the requirements may need to be delivered through planning obligations.

c. BDP policies TP38-45 already promotes sustainable travel. The purpose of DM14 is to set out the detailed transport and traffic considerations relevant to individual development.

d. The DMB is not silent on seeking parking provision infrastructure to support the use of low emission vehicles. However, to make clear that the Council seeks to support and promote on street parking provision, a minor change is proposed to the first para. 5.14 of the supporting text.

e. The draft Parking SPD supports the objectives of DM15.

f. Agree, minor change proposed to rectify the internal inconsistency between Parts 5 and 6 of the policy.

g. Where appropriate, the Council can informally encourage developers to sign up to CLOCS.

h. Policies in relation to promoting active travel and the provision of safe and pleasant walking and cycling environments are contained in adopted Birmingham Development Plan, specifically policies TP37 Health, TP38 A sustainable transport network, TP39 Walking and TP40 Cycling.

i. The main purpose of the policy is to ensure that development will not have an adverse impact on highway safety. Innovation may be used as means to ensure the policy requirements can be met.

Proposed changes:

See proposed change 19 - 21 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM15 Parking and servicing

- 5.26 a. The use of sustainable transport modes and car sharing should be actively encouraged, but parking provision must be appropriate on new build residential schemes so it does not restrict car parking opportunities to such an extent it leads to excessive on-road car parking.
- b. The policy should not confer DPD status to the Parking SPD.
- c. The inclusion of EVCP requirements within the Building Regulations 2010 will introduce a standardised consistent approach to EVCP in new buildings across the country and will apply one charge point per dwelling rather than per parking space, so policy DM15 does not need to introduce this requirement.
- d. Should the Council wish to progress with the strategies included within the Draft Parking SPD, these must be expanded upon within the content of Policy DM15 making clear when specific requirements, in particular financial obligations, will be required of developers and ensure these requirements are supported with appropriate, robust and justified evidence.
- e. The policy should reflect that site and development specific considerations may justify alternative levels of parking to those outlined in the Parking SPD.
- f. There to be justification for new standalone parking in regeneration areas where proposals can assist in delivering regeneration.
- g. The draft Parking SPD is in conflict with paras. 102-111 of the NPPF. There is no clear explanation in the DMB to justify the necessity to specify standards.
- h. The Council should undertake a separate assessment of the need for provision of low emission vehicle infrastructure and before adopting this requirement in policy.
- i. The policy would benefit from including information on how parking could support the future proofing of the urban environment for new technology. (Transport for the West Midlands).
- j. The document should consider consolidating facilities for freight, servicing and deliveries in new development and applicants should be conditioned to produce Delivery and Servicing Plans which encourage provision for LEVs, micro-consolidation and sustainable last mile delivery modes. (Transport for the West Midlands).
- k. Provision for servicing, collection and deliveries within new developments should be appropriate in size, type and anticipated frequency and capable of being shared with other businesses. (Transport for the West Midlands).
- l. The document fails to capture the letting of car parking spaces in new developments. (Transport for the West Midlands).
- m. No detail on how taxis would be supported in relation to new developments together with freight movements, HGVs and coaches. (Transport for the West Midlands).
- n. stronger stance in favour of buses is requested throughout policies DM14 and DM15. (Transport for the West Midlands).

o. Funding should be sought to improve access to public transport facilities.

Council response:

a. The Council recognises that a balanced approach is needed to the provision of parking and encouraging sustainable transport. This has been the approach taken in the draft Parking SPD that has been subject to consultation alongside the DMB document.

b. Agree, minor changes proposed to policy to clarify that SPD should be taken into account rather than complied with.

c. While it is acknowledged that this requirement is intended to be brought forward through altering building regulations, the City Council wish to be proactive in supporting and promoting EV charging infrastructure to meet its climate emergency ambitions. The Council's approach to EV standards follows the principles and proposals set out in the Government's consultation on 'Electric vehicle charging in residential and non-residential buildings.'

d. The financial obligations set out in the draft Parking SPD are consistent with the adopted BDP policies, specifically Policy TP43 'Low emission vehicles' and TP38 'A sustainable transport network' and TP44 'Traffic and congestion management', where implementation of these policies which includes parking control measures and car clubs is anticipated through a range of measures including planning obligations. It is therefore considered appropriate that references to financial contributions are made within the Parking SPD to provide detailed guidance. DM14 is consistent with the above policies in the BDP.

e. The draft Parking SPD provides sufficient flexibility. However, to provide clarity and consistency with the BDP and the draft SPD, a minor change is proposed to para. 5.13 of the supporting text.

f. Within regeneration areas, proposals for standalone parking facilities will still be required to meet the policy requirements. It may be that such development could assist in regeneration if there is demonstrated to be a deficit in local publicly available off-street parking or that it will help to relieve on street-parking problems.

g. The justification for the policy is set out in the supporting text to the policy and the draft Parking SPD is supported by an evidence base.

h. Proposals for EV charging within the draft Parking SPD are exactly as set out in proposed Building Regulation changes from the DfT. The DfT has undertaken detailed viability work to support the new requirements that the government is seeking to introduce. The Financial Viability Assessment of the Publication DMB showed that the policy will not have a significant impact on viability.

i. The policy promotes the provision of infrastructure to support to the low emission vehicles. Policy TP43 'Low emission vehicles' in the adopted Birmingham Development Plan sets out policies which support other alternative low emission vehicle technologies.

j. Policy covering freight is set out in the BDP TP44.

- k. Agree, minor change proposed to clarify that servicing also be designed to be secure and accessible.
- l. The letting of car parking spaces will be addressed in the draft Parking SPD with consideration of major destinations and transport hubs as suggested.
- m. Guidance on taxi, HGV and coach parking will be set out in the Parking SPD.
- n. Policies in relation to public transport and buses is set out in the BDP, specifically TP41 Public transport.
- o. BDP Policy TP47 sets out the Council's policy on Developer Contributions.

Proposed changes:

See proposed change 22 - 26 in Schedule of proposed changes to the Development Management in Birmingham Publication Document.

Policy DM15 Telecommunications

- 5.27 a. Request that information on the West Midlands Combined Authority 5G programme is included in this section.

Council response:

a. It is not considered necessary to include information on WMCA's 5G programme in policy DM16 as this information is available from WMCA and is likely to require updating as the programme develops.

Proposed changes:

No changes proposed.

Other

- 5.28 a. A policy is needed on student halls of residence.
- b. Object to omission of policies on hot food takeaways, restaurants and public houses, heritage planning and ATMs.

Council response:

- a. A policy on purpose-built student accommodation is already included in the adopted BDP. Policy TP33 'Student Accommodation' sets out the policy requirements for such development.
- b. Policies in relation to hot food takeaways, restaurants and public houses are already included in the BDP under policy TP21. Policy PG3 requires all new development to create safe environments that design out crime. Furthermore, the Birmingham Design Guide, which will be launched for public consultation in October 2020, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.

Proposed changes:

No changes proposed.

Comments on the Sustainability Appraisal Report

- 5.29 a. The introduction of the revised thresholds for M4(2) dwellings within new developments does not appear to be addressed in the Sustainability Appraisal.

Council response:

a. The revised threshold for the Part M4(2) has been assessed through an addendum to the Sustainability Appraisal submitted with the DMB.

Proposed changes:

No changes proposed.

Outstanding issues

- 5.30 A summary of the main issues raised where the Council is not in agreement or further consideration is required (and therefore matters remain outstanding) is provided in Table 8 below.

Table 8: Summary of outstanding issues

Rep	Representor	Main issues raised
Policy DM1 Air quality		
4/1	Adlington Retirement Living	The words 'lead to an unacceptable deterioration' in air quality should be removed from the policy.
14/1	Paul Gilmore	
21/1	Langley Consortium	
10/1	Highways England	Revision of the wording to clarify how DM1 may be applied to road improvement schemes.
15/1	Pegasus Planning (Countryside Properties)	Policy does not recognise wider benefits of development.
17/1	Planning Prospects (St Modwen Homes)	The words 'unless appropriate mitigation is identified' should be added to the part 1.
Policy DM2 Amenity		
5/3	Canals & Rivers Trust	Policy does not consider impacts of development on the canal network.
9/1	Harris Lamb (Bloor Homes)	Policy fails to offer flexibility in dealing with any adverse impacts on amenity.
27/1	Turley (IM Properties)	
29/1	Turley (Oval Real Estate)	

29/1	Turley (Moda Living)	Para. 2.20 should read “impacts of committed development” to ensure that developers are not expected to take account of development which ‘may’ come forward.
30/1	Turley (Argent LLP)	Policy as drafted onerous and inconsistent with the NPPF.
Policy DM3 Land affected by contamination, instability and hazardous substances		
9/2	Harris Lamb (Bloor Homes)	Policy should be amended to allow for viability considerations due to abnormal development costs associated with the remediation of brownfield sites
14/2	Paul Gilmore	Change word “minimise” to “manage” in Part 1 of the policy.
Policy DM4 Landscaping and Trees		
4/3	Adlington Retirement Living	The policy is too onerous.
14/3	Paul Gilmore	Change word “maximise” to “increase” to Part 2 of the policy.
17/2	Planning Prospects (St Modwen Homes)	Policy is not positively prepared or justified. Reference to CAVAT should be deleted.
17/2	Planning Prospects (St Modwen Homes)	A caveat should be added to confirm that contributions will be sought “where viable”.
28/2	Turley (Moda Living)	
30/2	Turley (Argent LLP)	
15/2	Pegasus Planning (Countryside Properties)	The policy fails to indicate where off site s106 contributions will be spent
21/4	Savills (Langley Consortium)	Change the word ‘maximise’ to ‘ensure’ in Part 2 of the policy. Reference to CAVAT should be deleted as not justified.
32/2	Tyler Parkes (Chief Constable of West Midlands Police)	The policy text should require a landscape management plan.
Policy DM5 Light pollution		
15/3	Pegasus Planning (Countryside Properties)	The first sentence of the policy should be removed as it is ambiguous.
32/3	Tyler Parkes (Chief Constable of West Midlands Police)	Requires explicit reference to the need for lighting to improve safety and reduce the fear of crime in dark places.

Policy DM6 Noise and vibration		
7/2	Deloitte (Universities Superannuation Scheme)	Recommend that flexibility is applied to ensure that development is not restricted in areas with existing high background noise
15/4	Pegasus Planning (Countryside Properties)	Point f) does not relate to noise or vibration and appears to have been included in error. This should be deleted from the policy.
17/3	Planning Prospects (St Modwen Homes)	Part 1 of policy should be amended to allow for reasonable increase in noise.
Policy DM7 Advertisements		
5/1	Canal and Rivers Trust	The policy should address impact on canal network.
32/4	Tyler Parkes (Chief Constable of West Midlands Police)	Reference should be made to advertisements having no detrimental impact on crime, anti-social behaviour or the fear of crime.
Policy DM8 Places of Worship and Faith related Community Uses		
32/5	Tyler Parkes (Chief Constable of West Midlands Police)	Proposals should consider measures to minimise opportunities for crime, fear of crime and anti-social behaviour.
Policy DM9 Day nurseries and childcare provision		
3/1	Early Year and Childcare Services, BCC	Add at the end of para. 3.16 the words 'prior to registration with Ofsted and/or regulatory body'.
14/4	Paul Gilmore	The policy should not have any reference to network of centres as centres are not the correct location for these facilities.
Policy DM10 Standards for residential development		
4/4	Adlington Retirement Living	Part 5 of policy is overly prescriptive and could hamper development.
9/3	Harris Lamb (Bloor Homes)	A flexible approach should be taken toward separation distances and the '45-degree code'
12/1	Home Builders Federation	Inadequate evidence to support adoption of NDSS on need, viability and timing.
14/5	Paul Gilmore	
15/5	Pegasus Planning (Countryside Properties)	
16/7	Persimmon Homes Central	
21/9	Savills (Langley Consortium)	
20/1	RPS Consulting (Taylor Wimpey UK)	

24/1	Tetlow King (West Midlands Housing Association Planning Consortium)	
9/3	Harris Lamb (Bloor Homes)	Inappropriate for policy to require 'all' residential to be required to adhere to NDSS.
16/7	Persimmon Homes Central	
24/1	Tetlow King (West Midlands Housing Association Planning Consortium)	
12/1	Home Builders Federation	Inadequate evidence to support adoption of Part M4(2) for accessible and adaptable housing
14/5	Paul Gilmore	
9/3	Harris Lamb (Bloor Homes)	
20/1	RPS Consulting (Taylor Wimpey UK)	
21/9	Savills (Langley Consortium)	
17/4	Planning Prospects (St Modwen Homes)	
23/2	St Joseph Homes Limited	
15/5	Pegasus Planning (Countryside Properties)	
26/1	Turley (anonymous client)	
28/3	Turley (Moda Living)	
29/3	Turley (Oval Real Estate)	
30/4	Turley (Argent LLP)	
12/1	Home Builders Federation	The policy would impact on the delivery of affordable housing
15/5	Pegasus Planning (Countryside Properties)	
16/7	Persimmon Homes Central	If the NDSS is adopted, the Council should put forward proposals for transitional arrangements.
16/7	Persimmon Homes Central	The City Council should not convey the weight of the DPD onto this Design Guide SPD.

21/9	Savills (Langley Consortium)	
32/6	Tyler Parkes (Chief Constable of West Midlands Police)	Policy should require residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards.
Policy DM11 Houses in multiple occupation		
6/1	Individual	The case against HMOs does not apply in Dale Road.
32/7	Tyler Parkes (Chief Constable of West Midlands Police)	Policy should ensure that proposals for HMOs do not give rise to adverse cumulative impacts on safety, security and the fear of crime.
Policy DM12 Residential conversions and specialist accommodation		
4/5	Adlington Retirement Living	The policy should offer more encouragement for specialist elderly accommodation.
Policy DM13 Self and Custom Build Housing		
32/8	Tyler Parkes (Chief Constable of West Midlands Police)	Policy should require residential development to consider crime prevention measures and to comply with 'Secure by Design' Standards.
Policy DM14 Highway safety and access		
5/2	Canals and Rivers Trust	Specific references to likely types of requirements of developers via planning obligation should be included in policy. Para. 5.4 and 5.5 should go further towards requiring new developments to provide alternative means of sustainable travel.
14/6	Paul Gilmore	Part 1 conflicts with maximum parking standards in current draft Parking SPD. Part 2 should refer to the need to provide safe on plot charging for EVs.
18/5	Planning Prospects (St Modwen Homes)	Paragraph 5.7 should be deleted in the absence of any clarification or justification of the type of sanctions.
25/1	Transport for the West Midlands	The policy focuses too much on highway capacity. recommend that developers sign up to Construction, Logistic and Community Safety (CLOCS) to deliver safety standards. The document does not demonstrate how important public realm measures are to encourage healthy living and active travel.
Policy DM15 Parking and servicing		
12/2	Home Builders Federation	Parking standards should be included in the DMB and not confer SPD status to the Parking SPD.
20/2	RPS Consulting (Taylor Wimpey UK)	
21/14	Savills (Langley Consortium)	

12/2	Home Builders Federation	There needs to be exemptions where the provision of a charging point is not technically feasible or financially unviable.
14/7	Paul Gilmore	Maximum parking standards in the draft Parking SPD are not supported by evidence. Policy needs to address how the city will manage the provision of EV charging where linked to residential and on street parking.
15/6	Pegasus Planning (Countryside Properties)	The draft Parking SPD is too onerous, particularly in relation to EV charge points and the need to provide financial contributions towards car clubs, EV charge points and controlled parking.
	Persimmon Homes Central	
15/6	Pegasus Planning (Countryside Properties)	Any financial obligations which are currently set out within the draft Parking SPD should also be included within the DMDPD under Policy DM15 and evidenced accordingly.
15/6	Pegasus Planning (Countryside Properties)	There should be clear hooks to other relevant policies
18/1	NJL (Unite the Union)	There to be justification for new standalone parking in regeneration areas where proposals can assist in delivering regeneration.
20/2	RPS Consulting	There is no clear explanation in the DMB to justify the necessity to specify standards.
21/14	Savills (Langley Consortium)	Concerned about stringent maximum parking standards imposed through the draft Parking SPD
21/14	Savills (Langley Consortium)	BCC should use proposed Building Regulations changes as set out by the department for transport rather than set an alternative untested standard.
21/14	Savills (Langley Consortium)	Policy needs to incorporate increased flexibility to bring it in line with the NPPF.
24/3	Tetlow King (West Midlands Housing Association Planning Forum)	The Council should undertake an assessment of the need for low emission vehicle infrastructure before adopting this requirement in policy.
25/2	Transport for the West Midlands	The policy does not promote technology and buses. No detail on taxis, freight, HGVs and coaches.
Policy DM16 Telecommunications		
25/3	Transport for the West Midlands	Request information on the WMCA 5G programme is included in this section.
Other		
1/1	Individual	A policy is needed on student halls.

6. Duty to Co-operate

- 6.1 Under Section 33A (1) of the Planning and Compulsory Purchase Act 2004 (as introduced through Section 110 of the Localism Act 2011), Local Planning Authorities have a 'duty to cooperate' with adjoining local authorities and other prescribed bodies. The duty relates to the preparation of development plan documents, or other activities that relate to strategic matters.
- 6.2 Cooperation should take place on issues that require strategic planning across local boundaries, should be proportionate, and with those bodies as set out in Part 2 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 6.3 The DMB builds upon the spatial strategy established in the Birmingham Development (adopted 2017), which was the product of a high level of cross-boundary co-operative working particularly around housing and employment matters.
- 6.4 On the initial Consultation Document, feedback was received from Stafford, Lichfield and Sandwell Councils, indicating that they had no concerns. North Warwickshire BC considered there may be the potential for strategic issues and returned a holding response. At the Preferred Options stage, no comments were received from other local authorities.
- 6.5 On the initial Consultation Document and the Preferred Options Consultation Document, feedback was received from Historic England, Natural England, the Environment Agency and Highways England.
- 6.6 On the Publication DMB Document feedback was received from Historic England, the Environment Agency and Highways England. The only outstanding issue is from Highways England on representation 10/1 where the Council needs to give the comment further consideration. There are no other outstanding issues in relation to the other bodies.
- 6.7 No comments were received from other local authorities on the Publication DMB document.
- 6.8 The Council has published a separate Statement of Compliance with the Duty to Cooperate (available on the Council's website) and that the Duty to Co-operate has been fulfilled in relation to the preparation of the DMB and that there are no unresolved significant cross boundary strategic matters arising from the document