

Publication Development Management in Birmingham Document (Regulation 19) - Summary of comments and Council responses

ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
Policy DM1 Air Quality								
4/1	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM1	<p>1. The definition in paragraph 2.7 of unacceptable deterioration is too vague and inappropriate. The barometer of unacceptability should be once development results in pollutant concentrations over the limit values.</p> <p>2. It is not clear how proposals in areas that are already suffering from higher than preferable pollution levels would be considered. 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.</p>	The words 'unacceptable deterioration' should be removed from the policy wording.	N/A	<p>1. Disagree with removal of words 'unacceptable deterioration'. Minor change proposed to further clarify the definition of 'unacceptable deterioration'.</p> <p>Amend para 2.7 to:</p> <p><i>'Unacceptable deterioration' and 'unacceptable levels' is are defined as where the development in isolation or cumulatively, would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and/ or other relevant receptors and where development would result in further exceedances where pollutant concentrations are already over the limit values.'</i></p> <p>As a consequence, the Council considers the policy should be clarified and proposes a minor change to Part 1 of DM1.</p> <p><i>"1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for</i></p>

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								<p>nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter, or increase exposure at the development site and/ or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.</p> <p>2. Disagree - no change.</p> <p>The policy is clear that increasing exposure to <i>unacceptable levels</i> of air pollution will not be considered favourably. The supporting text of the DM1 addresses how this would apply to development proposed in areas already over the limit. Paragraph 2.11 recognises that the city centre offers opportunities for air quality improvements. Outside the city centre, development proposals may also contribute to the improvement of air quality. Where it is suggested that development will improve the air quality of an area, this would need to be evidenced in an air quality report which will be considered by the Council' Environmental Protection Team as part of the assessment of the proposal.</p>
7/1	Caroline McDade Deloitte LLP (on behalf of	Yes	Yes	Policy DM1	Generally, support. Policy is consistent with NPPF. But recommend that flexibility is applied to ensure that development is not	N/A	N/A	Disagree - no change. Part 2 of DM1 does state that mitigation measures and

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	Universities Superannuation Scheme)				restricted by disproportionate mitigation measures which are not reflective of the area relevant to a development proposal.			management of air quality impacts should be "proportionate to the background air quality in the vicinity, including Clean Air Zone designations."
10/1	Catherine Townend Highways England	Not stated	Not stated	Policy DM1	<p>1. Support overall purpose and aims of the DMB.</p> <p>2. HE previously recommended a potential revision of the wording to clarify how DM1 may be applied to road improvements schemes which while potentially having localised air quality impacts may be considered sustainable and necessary on other grounds.</p> <p>3. HE supports the market uptake of low emission vehicles but seeks to engage with BCC to understand how such a network will be sensitive to road safety considerations and support changes in the functionality of the SRN.</p>	Revision of the wording to clarify how DM1 may be applied to road improvements schemes which while potentially having localised air quality impacts may be considered sustainable and necessary on other grounds	N/A	<p>1. Support noted.</p> <p>2. Further consideration required.</p> <p>Para 2.38 in the supporting text to the policy DM1 recognises that "Any impacts upon air quality will be considered in the context of the benefits the development brings to the City."</p> <p>3. Engagement welcomed. The Council will ensure appropriate engagement with Highways England on potential safety considerations and ULEV implications on functionality of SRN going forwards.</p>
14/1	Paul Gilmore	Not stated	Not stated	Policy DM1	<p>1. Para 1. 'Unacceptable levels of air pollution' not defined therefore the policy outcome is not measurable or enforceable.</p> <p>2. Para 2.7 'close to the limit values' is also undefined, therefore the policy outcome is unmeasurable and not enforceable.</p>	N/A	N/A	<p>1. Partly agree – a minor change is proposed to para. 2.7 of the supporting text where 'unacceptable deterioration' is defined to include 'unacceptable levels' which is the same meaning.</p> <p>2. Agree – a minor change is proposed to para. 2.7 to define 'close to limit values'.</p> <p>Amend para 2.7 to:</p> <p><i>'Unacceptable deterioration' and 'unacceptable levels' is are defined as where the development in isolation or cumulatively,</i></p>

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								<p>would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and/ or other relevant receptors and where development would result in further exceedances where pollutant concentrations are already over the limit values.</p> <p>As a consequence, the Council considers the policy should be clarified and proposes a minor change to Part 1 of DM1.</p> <p><i>“1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter, or increase exposure at the development site and/ or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.</i></p>
15/1	Katherine Lovsey-Barton, Pegasus Group (on behalf of	No	Not stated	Policy DM1	The wording the policy is broadly supported however part 1 fails to recognise the wider benefits of development as identified within the supporting text to the policy at para 2.9.	It is proposed that the statement in para 2.9 <i>“any impacts upon air quality will be considered in the context of the benefits the development brings to the</i>	N/A	For further consideration.

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	Countryside Properties)					City" is incorporated into the policy section rather than supporting text. This would support the NPPF objective of considering the policies of the Framework as a whole when determining planning applications.		
16/1	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM1	Support the aspirations of Policy DM1 Air Quality	N/A	N/A	Support noted.
17/1	Mairead Kiely, Planning Prospects (on behalf of St Modwen Homes Ltd)	No	Yes	Policy DM1	Part 1 of policy DM1 is not positively prepared or justified.	Part 1 of policy DM1 should be amended as follows: <i>"Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter, or increase exposure to unacceptable levels of air pollution, will not be considered favourably, unless appropriate mitigation is identified to address air quality impacts."</i>	N/A	Disagree – no change. Part 2 of the policy allows for mitigation measures to be incorporated as part of development proposals in order to reduce and/ or manage air quality impacts.
21/1	Michael	No	Not	Policy	1. The policy does not provide a	Policy DM1 should be	N/A	1. Disagree with removal of words

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	Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)		stated	DM1	<p>clear and justified definition for what is meant by “unacceptable deterioration in air quality”. While para 2.7 provides a definition and also makes reference to the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) document which focuses on achieving compliance with the EU Air Quality Directive Limit Values and does not provide a clear evidential basis for justifying Birmingham City Council’s proposed definition.</p> <p>2. The concept of development not being considered favourably where it results in exposure pollutant concentrations close to air quality limits is: not clearly defined in Local or National Policy or Guidance; and also inconsistent with the next part of the proposed policy, which states that development would not be considered favourably if it results in exceedances of nationally and locally set objectives for air quality, particularly for nitrogen dioxide or particulate matter. The test for air quality impact should more closely focus on developments that result in a demonstrable exceedance of EU Air Quality Directive Limit Values (or respective replacement legislation).</p>	<p>amended:</p> <p><i>“Development proposals will need to contribute to the management of air quality and support the objectives of the Local Air Quality Action Plan and Clean Air Zone. Development that would, in isolation or cumulatively, lead to unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter...”</i></p>		<p>‘unacceptable deterioration’. Minor change proposed to further clarify the definition of ‘unacceptable deterioration’.</p> <p>Amend para 2.7 to:</p> <p>‘Unacceptable deterioration’ and ‘unacceptable levels’ is are defined as where the development in isolation or cumulatively, would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and or other relevant receptors and where development would result in further exceedances where pollutant concentrations are already over the limit values.’</p> <p>As a consequence, the Council considers the policy should be clarified and proposes a minor change to Part 1 of DM1.</p> <p><i>“1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter, or increase exposure at the development</i></p>

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								<p>site or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.</p> <p>2. Disagree – no change.</p> <p>The Council believes that the proposed policy is consistent with the NPPF para. 170 which states that, “<i>Planning policies and decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...</i>”</p>
23/1	Tom Biggs, St Joseph Homes Limited	No	Yes	Policy DM1	<p>1. Agree with principle of policy although request some changes in order to better capture the improvements that can be made through mitigation.</p> <p>2. Part 2 details mitigation measures to improve air quality over time but reference is not made to measures that could be implemented to reduce exposure to NOx in the shorter term and make development acceptable.</p> <p>3. ‘Unacceptable deterioration’ should be defined as “where development would result in exposure to pollutant</p>	The following wording should be added to para 1: <i>“will not be considered favourably; unless mitigation measures are included”</i>	N/A	<p>1. Part 2 of the policy allows for mitigation measures to be incorporated as part of development proposals in order to reduce and/ or manage air quality impacts.</p> <p>2. Disagree – no change. The Council expects mitigation measures to consider reductions to exposure to NOx through undertaking air quality assessments and following the guidance outlined in the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014).</p>

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					concentrations at or above the unit value”, not “close to the limit values” as currently in para. 2.7.			<p>3. Disagree with change proposed. The Council proposes a minor change to further clarify the definition of ‘unacceptable deterioration’.</p> <p>Amend para 2.7 to:</p> <p><i>‘Unacceptable deterioration’ and ‘unacceptable levels’ is are defined as where the development in isolation or cumulatively, would result in exposure to pollutant concentrations close to the limit values within 5% of the nationally or locally set objectives at the development site and/ or other relevant receptors and where development would result in further exceedances where pollutant concentrations are already over the limit values.’</i></p> <p>As a consequence, the Council considers the policy should be clarified and proposes a minor change to Part 1 of DM1.</p> <p><i>“1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone, particularly for nitrogen dioxide and particulate matter. Development that would, in isolation or cumulatively, lead to an unacceptable deterioration* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide</i></p>

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								<i>and particulate matter, or increase exposure at the development site and/ or other relevant receptors to unacceptable levels of air pollution will not be considered favourably.</i>
Policy DM2 Amenity								
4/2	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM2	<p>1. Paragraph 1.3 should provide specific details as to when the consultation in relation to the Birmingham Design Guide SPD will take place.</p> <p>2. The 'Policy links' section is missing the current Places for Living SPD.</p> <p>3. Policy point (c) states that the 'aspect and outlook' will be considered when assessing the impact of development on amenity. This is vague and open to interpretation.</p> <p>4. Point (h) is unclear as to how impacts of a development will be assessed or quantified.</p>	<p>The council should provide quantifiable standards and clear definitions to support this point.</p> <p>The council should make clear what geographic area they consider "the vicinity" to be.</p>	N/A	<p>1. The Birmingham Design Guide SPD is currently being drafted. Due to existing Covid-19 constraints, the exact dates of its public consultation are yet to be confirmed.</p> <p>2. The 'Policy links section' is for links to the BDP.</p> <p>3. 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). There are also numerous site-specific considerations such as topography, character, the siting of adjacent buildings and neighbouring uses that may influence the orientation of a proposed development and in turn its resulting aspect and outlook. Given the need to effectively respond to these site-specific considerations, the City Council does not believe it is possible to provide specific standard related to aspect and outlook.</p> <p>4. The individual and cumulative impacts of development relate to</p>

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								<p>points a)- h) of the policy.</p> <p>'Development proposals in the vicinity' means those within the urban bock and immediately adjoining and directly opposite the application site.</p>
5/3	Ailith Rutt, Canals & Rivers Trust	No	Yes	Policy DM2	<p>1. Public amenity spaces including the canal network and any adjoining parkland should be considered as a 'neighbour' in when considering the impact of development upon amenity.</p> <p>2. Our proposed additions to the bullet point list in this policy have not been adopted, and others have been reduced.</p> <p>3. The overbearing impacts of development on the surrounding environment and the perception of enclosure are both potentially significant effects of development close to the canal network that can have detrimental effects on the usage of the canal corridors.</p> <p>4. We consider that the plan would not be effective in protecting the character and therefore use/attractiveness of the canal network or meet the NPPF requirements.</p>	<p>Elements of the originally proposed bullet points should be reinstated in order that proposed development is prevented from having an overbearing impact or perception of enclosure on its surroundings.</p>	<p>1. The waterways are acknowledged as significant green infrastructure and forms part of the historic environment, the character, cultural and social focus of the city.</p> <p>2. Policy DM1 suggests that there is a direct link between good air quality and improved wellbeing which the Trust support.</p> <p>3. A more holistic approach with links between the various policy topic themes is lacking, and there is no acknowledgement of how various elements interrelate.</p>	<p>Disagree - no change.</p> <p>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.</p>
9/1	Simon Hawley, Harris Lamb (on behalf of Bloor Homes)	No	Yes	Policy DM2	<p>1. Given the city's unmet housing need as set out in PG1 of the BDP, a flexible approach must be taken to design standards, such as garden lengths, car parking etc. to ensure their delivery.</p> <p>2. With large schemes, flexible and</p>	<p>Policy DM2 should be amended so additional text is inserted at the end of the policy confirming that while the council will seek to ensure satisfactory level of residential amenity, this will not be determined through</p>	N/A	<p>Disagree - no change.</p> <p>Residential standards are set out in a separate proposed policy DM10 Standards for Residential Development. Part 6 of DM10 does allow for exceptions to "deliver innovative high quality</p>

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					innovative design should be encouraged. 3. In relation to para 2.21 residential development schemes should not be unnecessarily hindered due to the fact a business may at some point in the future decide to change the way in which they operate.	set design standards and the council will support innovative and flexible design approaches to respond to character and constraints of a local area.		design, deal with exceptional site issues and respond to local character and where it be can be demonstrated that residential amenity will not be significantly diminished.”
16/2	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM2	Support the aspirations of Policy DM1 Amenity.	N/A	N/A	Support noted.
21/2	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM2	N/A	N/A	The Consortium supports the changes that Birmingham City Council has made to the Policy wording in response to the comments that it made to the Preferred Options consultation stage through the removal of references to “ <i>overbearing impact</i> ” and “ <i>perception of enclosure</i> ” from the Policy wording. These terms: were not defined by the Policy; are not commonly used; and do not have a foundation in either the BDP or the NPPF. It is considered that these deletions are necessary in order to ensure the soundness of this Policy.	Support noted.
27/1	Samuel Lake Turley (on	No	Yes	Policy DM2	DM2 fails to offer flexibility in dealing with any adverse impacts	New wording should be inserted into DM2 as	N/A	Disagree – no change.

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	behalf of IM Properties Plc)				on amenity. This has not been addressed in the publication version.	follows: <i>"New development should seek to reduce and mitigate to a minimum potential adverse impacts on amenity features in the wider area"</i> . This recommendation is in accordance with para 180 of the NPPF.		NPPF para 127.f) requires planning policies and decisions to ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." NPPF para. 180 relates specifically to ground conditions and pollution.
28/1	Ben Williams Turley (on behalf of Moda Living)	No	Not stated	Para. 2.20	Recommend that 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.	As per issues raised.	N/A	Disagree – no change. The Council considers it is reasonable to take account of sites allocated in an adopted local plan.
29/1	Samuel Lake Turley (on Oval Real Estate)	No	Yes	Policy DM2	Support purpose and approach of policy but it should offer flexibility in dealing with any adverse impacts on amenity.	Policy DM2(1) should be amended as follows: <i>"New development should seek to reduce and mitigate to a minimum potential adverse impacts on amenity features in the wider area"</i> . This recommendation is in accordance with para 180 of the NPPF.	N/A	Disagree – no change. NPPF para 127.f) requires planning policies and decisions to ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users." NPPF para. 180 relates specifically to ground conditions and pollution.
30/1	Charlotte Palmer, Turley (on behalf of Argent LLP)	No	Yes	Policy DM2	As currently drafted the policy is more onerous and inconsistent with the requirements of the NPPF and is therefore not sound.	The wording should be revised as follows: <i>"Development should seek to mitigate and reduce to a minimum potential adverse impacts on amenity resulting from new development."</i>	N/A	Disagree – no change. The City Council believes that proposed policy DM2 is consistent with NPPF paras. 124 – 127, which requires LPAs to be clear about design expectations (para. 124) and ensure development delivers a high standard of

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								amenity for existing and future users (Para 127(f)). NPPF para. 180 relates specifically to ground conditions and pollution.
32/1	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	Yes	Yes	DM2	The CCWMP supports this policy.	None	N/A	Supported noted.
Policy DM3 Land affected by contamination, instability and hazardous substances								
9/2	Simon Hawley, Harris Lamb (on behalf of Bloor Homes)	No	Yes	Policy DM3	Policy DM3 should be amended to specifically state abnormal development costs associated with the remediation of brownfield sites should be considered as a potential viability constraint for future development.	Policy DM3 should be amended to include additional text that advises abnormal development costs associated with contamination, instability and hazard substances, will be a consideration in the determination process, in order to ensure schemes are viable.	N/A	Disagree - no change. Para. 178 of the NPPF states “that planning policies and decision 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.” NPPF Para 179 state that “Where a site is affected by contamination or land instability issues, responsibility for securing a safe development rests with the developer and / or landowner.” NPPF Para. 57 states “It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.”
8/1	Noreen Nargas, Environment			Policy DM3	Support proposed policy DM3. The policy references the EA's guidance 'The Environment	N/A	N/A	Support noted.

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	Agency			Para. 2.25-2.29	Agency's Approach to Groundwater Protection' (2018) and incorporates information about the EA's approach to managing and protecting groundwater, where land contamination is an issue. No further comments.			
10/2	Catherine Townend Highways England	Not stated	Not stated	Policy DM3	Highways England supports the policy.	N/A	Proposals for land which is known to be, or could potentially be, contaminated must be delivered in accordance with the standards. Since previous response the standards have been updated. The Design Manual for Roads and Bridges HD 22/08 Managing Geotechnical Risks has been superseded by CD 622 Managing Geotechnical Risk	Support noted.
14/2	Paul Gilmore	Not stated	Not stated	Policy DM3	Policy inconsistent with supporting text para 2.26 and treatment of contamination in real world. For brownfield sites to come forward we cannot "minimise" or "remove risks" as both of these are absolutes. Current text places unnecessary blocks on development.	<p>1. Para 1. Change word "minimise" to "manage". This would allow a site with low levels of gassing to be protected by a gas membrane rather than having the risk minimised (gas material removed).</p> <p>2. Part 2. Change word "remove to "manage and mitigate". This would allow a brown field site to come forward with a gas membrane in place rather than having the risk removed by having material removed from the site.</p>	N/A	<p>1. Disagree – no change. Minimisation is not an absolute. The policy allows for development through minimisation and mitigation of risks.</p> <p>2. Agree – minor change proposed for consistency.</p> <p>Amend Part 2 of policy DM3 to:</p> <p><i>"2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation to</i></p>

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								<i>minimise and mitigate remove unacceptable risks to both the development and the surrounding area and/ or groundwater.</i>
16/3	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM3	Support the aspirations of Policy DM3 Land affected by contamination, instability and hazardous substances	N/A	N/A	Support noted.
21/3	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM3	N/A	N/A	The Consortium welcomes the fact that Birmingham City Council has taken on Board the comments it made to the Preferred Options consultation stage through the amendment made to the Policy wording to replace "existing installations" with "existing hazardous installations" to ensure that the Policy wording is clear and consistent.	Support noted.
Policy DM4 Landscaping and Trees								
4/3	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM4	A significant level of landscaping detail is being required by policy DM4 which is not appropriate for outline applications where landscaping can be dealt with as a reserved matter. Concerning that the requirement is applicable to a scheme that provides 'any external space' i.e. even if a single blade of grass is provided then a full scheme is needed.	N/A	N/A	Disagree - no change. 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.
14/3	Paul Gilmore	Not stated	Not stated	Policy DM4	Para 2 - change word "maximise" to "increase". Maximise is an absolute	Para 2 - change word "maximise" to "increase"	N/A	Disagree – no change.

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					and the maximum provision may run counter to other policy requirements – it might be argued that no playground should be provided so that we can maximise the number of trees or areas of grass.	because again “maximise” is an absolute and the maximum provision may run counter to other policy requirements.		‘Increase’ can be specific to a number, whereas ‘maximise’ is to make as great as possible or make the best use of. The Council considers that this provides greater flexibility to respond to site context.
15/2	Katherine Lovsey-Barton, Pegasus Group (on behalf of Countryside Properties)	No	Not stated	Policy DM4	<p>1. Part 3 of the policy is supported but paras. 2.36 and 2.37 of the supporting text refers to the retention of protected trees, woodland and hedgerows as well as category A and B trees. The policy itself is less specific referring only to trees. The policy should be more specific and provide greater clarity alongside the details set out within the supporting text in relation to high quality A and B trees.</p> <p>2. Point 5 is ambiguous in relation to the level of on-site replacement planting and off site s106 contributions required under the provisions of the policy and the categorisation of trees to which these provisions relate. There is also a lack of certainty as to how canopy cover and biodiversity considerations will be factored into any final calculated contribution figure and when, and to what extent, ‘reasonable deductions will be permitted. It is unclear what level of replacement planting would be considered acceptable by the Council and how replaced low-quality Category U trees for example would be addressed.</p> <p>3. Para. 2.39 refers the Capital Asset Value for Amenity Trees methodology, but no details of this methodology are provided in the</p>	<p>Part 5 of the policy should be amended to read:</p> <p><i>“Replacement planting should be provided on-site in line with the recommendations of the Arboricultural Impact Assessment. Where on-site replacement is not achievable however, contributions towards off site tree planting will be sought in accordance with provisions set out within the Council’s adopted Tree Strategy.”</i></p>	N/A	<p>1. Agree – minor change proposed for consistency and clarity</p> <p>Amend Part 3 of policy DM4 to: <i>“Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland or Ancient/ Veteran Trees. Where trees and/or woodlands are proposed to be lost as a part of development, this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.</i></p> <p>Amend para. 2.37 to:</p> <p><i>“Trees classified in line with BS5837 as being of categories A or B in value quality and woodland and/ or hedgerows of visual or nature conservation value should be considered as worthy of protection and development proposals should seek to avoid their loss and minimise risk of harm.”</i></p> <p>2. Agree – minor change proposed</p>

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					<p>DPD and whether the ‘full method’ or ‘quick method’ would be utilised in calculating contributions.</p> <p>4. The policy places emphasis on the biodiversity value of trees. The request for 106 contributions should recognise the ecological and landscape value in weighing up the benefits of the development against any potential harm resulting from the loss of trees. The policy and supporting text do not adequately address this point.</p> <p>5. The policy also fails to indicate where off site s106 contributions will be spent as new replacement tree planting should be within the immediate vicinity/ defined catchment area of the site.</p> <p>6. Further clarity should be incorporated within the policy itself referring specifically to a supporting Tree Strategy (as referenced in para 2.39) which should set out specific details of any s106 calculators, which should be consulted upon in advance of any formal publication.</p>			<p>for effectiveness.</p> <p>Amend para. 2.39 to:</p> <p><i>“Where development would result in the loss of a tree(s) and/ or other landscaping, adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent)., pre-development canopy cover and biodiversity considerations.”</i></p> <p>The CAVAT methodology would only apply to the loss of trees, hence the proposed deletion of the words “and/ or other landscaping” from para. 2.39</p> <p>Under BS 5837, category U trees are classed as those in “such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.” CAVAT takes into account the overall condition of a tree and the valuation derived is reflected accordingly.</p> <p>3. Noted – no change.</p> <p>Capital Asset Value for Amenity Trees (CAVAT) is a peer reviewed valuation methodology that is in use by many local authorities. The methodology is freely available on the London Tree Officer’s Association website: https://www.ltoa.org.uk/</p>

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								<p>The quick method is generally utilised as a strategic tool for management of the tree stock as a whole. The full method is recommended for use in decisions concerning individual trees or groups, when precision is required. It is the full method that would be utilised in calculating contributions.</p> <p>4. Disagree – no change.</p> <p>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.”</p> <p>5. Noted – no change.</p> <p>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. It is proposed that new replacement tree planting funded through S106 will occur within the ward of the development site. Where canopy cover is particularly deficient against the city’s target of 25%, s106 contributions may be spent in these wards. A Tree Board will be set up and this body will agree planting sites and report recommendations for expenditure to the appropriate cabinet member on an annual basis.</p> <p>6. Agree – minor change proposed for clarity.</p>

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								Amend the last sentence of part 5 of the DM4 to: <i>“Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement. The method of calculating these contributions will be contained within the city’s Tree Strategy.”</i>
16/4	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM4	Support the aspirations of Policy DM4 Landscaping and Trees	N/A	N/A	Support noted.
17/2	Mairead Kiely, Planning Prospects (on behalf of St Modwen Homes Ltd)	No	Yes	Policy DM4 Para 2.39	<p>1. Part 3 and part 4 of draft policy DM4 are not positively prepared or justified. It does not make reference to the need to balance any tree loss with the wider benefits of a proposed development.</p> <p>2. Any replacement planting should be proportionate to the quality and quantum of lost.</p> <p>3. The requirement for replacement off-site tree planting where on-site replacement of trees is not available should only be sought where viable and if it meets the planning tests set out in NPPF para 56.</p> <p>4. Further evidence should be provided to justify the use of the Capital Asset Value for Amenity Trees (CAVAT) tool and cost implications of completing the assessment to ensure it is not unduly onerous.</p>	<p>Parts 3 and 4 should be amended in line with the comments.</p> <p>Paragraph 2.39 should be deleted in the absence of any justification for the CAVAT methodology.</p>	N/A	<p>1. Disagree – no change.</p> <p>The policy is positively prepared and justified. The policy seeks to ensure that landscaping is an integral part of development while ensuring protection and enhancement of the natural environment which a is key NPPF objective.</p> <p>2. Agree – no change. The policy seeks to achieve this.</p> <p>3. Noted – no change.</p> <p>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.</p> <p>4. A range of valuation tools were assessed for the 2018 Tree Policy Review and CAVAT was chosen as the most robust method. The</p>

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								Birmingham Tree Policy was approved by the City Council on 8 February 2018. Recommendation RD09 relating to the use of CAVAT within the DMB document was approved. Much of the data required for a CAVAT assessment is collected as part of a development site tree survey. The CAVAT calculation is automatically produced when that data is loaded into the spreadsheet. It would not be onerous or time consuming for the vast majority of development sites. As an example, the city has CAVAT valued its 75,000 street trees with minimal effort.
21/4	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	Policy DM4	<p>1. The policy is not consistent with national policy. Part 1 of policy states that all developments must take opportunities to provide high quality landscapes that enhance existing character and the green infrastructure network. The policy does not provide any flexibility and would seem to exceed the provisions set out in para. 127 NPPF, which requires development to be <i>sympathetic</i> to local character and history, including landscape setting. It also exceeds the wording of the adopted Birmingham Development Plan policies.</p> <p>2. The requirement to “maximise the provision of new trees”, included within the proposed wording of Part 2 of the Policy, is not considered to be measurable and should not be included.</p> <p>3. The requirement for</p>	<p>The following amended Policy wording is proposed:</p> <p><i>“1. All developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network.</i></p> <p><i>2. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise ensure the provision of new trees and other green infrastructure, create or enhance links</i></p>	N/A	<p>1. Agree – minor change proposed for clarity and consistency.</p> <p>Amend Part 1 of DM4 to:</p> <p><i>1. All developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network.”</i></p> <p>2 Disagree – no change.</p> <p>‘Maximise’ is to make as great as possible or make the best use of. The Council considers that this provides greater flexibility to respond to site context.</p> <p>3. Disagree – no change.</p>

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					<p>“replacement planting to be based on the existing value of trees to be removed” has been removed from the policy wording. References to the use of CAVAT in relation to the loss of any and / or landscaping in the supporting text at paragraph 2.39 should also be removed to maintain consistency between the Policy wording and supporting text.</p> <p>4. It is also not clear how CAVAT has been specifically accounted for through the Local Plan viability assessment work.</p> <p>5. There is no justification to apply CAVAT to all landscaping features on all development sites.</p>	<p><i>from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.”</i></p> <p>The following amended wording is also proposed to paragraph 2.39: <i>“Where development would result in the loss of tree(s) and/or other landscaping, adequate replacement planting will be required and regard will need to be given to assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent), pre-development canopy cover and biodiversity considerations. Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal. The Council will provide detained guidance in a Tree Strategy.”</i></p>		<p>The name of the particular method was removed from the policy as it was considered unnecessary to name the methodology. It, however, continues to be referenced in the supporting text at para. 2.39. It has remained the Council’s intention to use CAVAT for calculating replacement provision. The Birmingham Tree Policy was approved by the City Council on 8 February 2018. Recommendation RD09 relating to the use of CAVAT within the DMB document was approved by the City Council.</p> <p>4. The Financial Viability Assessment of the Publication DMB takes account of CAVAT through the “extra-over cost added for enhanced quality of landscaping.”</p> <p>5. The CAVAT methodology would only apply to the loss of trees. Amend para 2.39 to clarify: “Where development would result in the loss of a tree(s) and/or other landscaping, adequate replacement planting will be assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). pre-development canopy cover and biodiversity considerations.</p>
27/2	Samuel Lake Turley (on behalf of IM Properties	Yes	Yes	Policy DM4	Support the approach taken. This addresses the concerns raised by IM at the Preferred Options stage.	N/A	N/A	Support noted.

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	Plc)							
28/2	Ben Williams Turley (on behalf of Moda Living)	No	Not stated	Policy DM4	Moda has no objection in principles, but the policy should seek to recognise that the appropriateness of any contribution sought will need to be considered on a case by case basis in the context of any overall viability discussions.	To ensure policy is effective and consistent with NPPG, a caveat should be added to confirm that contributions will be sought "where viable".	N/A	Disagree – no change. The policy is considered to viable as evidenced by the Financial Viability Assessment of the Publication DMB.
30/2	Charlotte Palmer, Turley (on behalf of Argent LLP)	No	Yes	Policy DM4	Argent has no objection in principles, but the policy should seek to recognise that the appropriateness of any contribution sought will need to be considered on a case by case basis in the context of any overall viability discussions.	To ensure policy is effective and consistent with NPPG, a caveat should be added to confirm that contributions will be sought "where viable".	N/A	Disagree – no change. The policy is considered to viable as evidenced by the Financial Viability Assessment of the Publication DMB.
31/1	Nick Sandford, Woodland Trust	No	No stated	Policy DM4	The wording of the policy appears to be weaker than that given to these habitats in para. 175c of the NPPF, where the wording says that any loss of ancient woodland or veteran trees must be 'wholly exceptional'.	N/A	N/A	Agree – minor change proposed for consistency. Amend Part 3 of policy DM4 to: <i>"3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to trees or woodland which are subject to a Tree Preservation Order., or which are designated as Development resulting in the loss or deterioration of Ancient Woodland or Ancient/ Veteran Trees will be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Where trees and/or woodlands are proposed to be lost as a part of development, this loss must be</i>

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								<i>justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application."</i>
32/2	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM4	The sentence added to paragraph 2.40 of the DMB (page 17) should be included in the policy wording.	An additional criterion to DM4: 2. All landscaping schemes should be accompanied by a management plan to ensure that planting is maintained in accordance with the guidance set out in 'Secured by Design' documents to reduce crime, the fear of crime and anti-social behaviour.'	None	Disagree – no change. Policy DM4 criterion 2) already requires a Landscape Plan to be submitted in accordance with the Council's Local Validation Requirements for Planning Applications. The emerging Birmingham Design Guide includes a manual focussing on 'Landscape and Green Infrastructure' within which detailed guidance is provided on designing out the potential for crime within landscape designs and management plans. The Design Guide will be launched for public consultation in October 2020.
Policy DM5 Light pollution								
10/3	Catherine Townend Highways England	Yes	Yes	Policy DM5	Highways England still welcomes the inclusion of this policy.	N/A	N/A	Support noted.
11/1	Rosamund Worrall Historic England	No	No	Policy DM5 Para 2.45	Para 2.45 includes terminology which is not in line with that expressed in the NPPF.	The wording should be revised to refer to 'non-designated' rather than 'undesigned'; and 'heritage assets' instead of 'historic assets' to ensure the DMB is in line with NPPF terminology.	N/A	Agree – minor changes proposed to correct typo and provide consistency. Change the word 'undesigned' in para. 2.45 to non-designated. Change the words 'historic assets' in para. 2.45 to 'heritage assets'.

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15/3	Katherine Lovsey-Barton, Pegasus Group (on behalf of Countryside Properties)	No	Not stated	Policy DM5	<p>1. The main focus of the policy should be on the unacceptable impact of proposed lighting on amenity and public safety and not the contribution the proposed lighting makes to the overall development in design terms. 'Positive contribution to the environment of the city' is also ambiguous and needs further information as to how this will be determined in practice.</p> <p>2. Part 2(d) of the policy adequately covers the design consideration. The definition 'adverse' can be subjective and the policy will need to be read in conjunction with other policies in the Local Plan and NPPF.</p>	<p>The first sentence of the policy should be removed and the policy amended to read:</p> <p><i>"Development incorporating external lighting must seek to avoid or mitigate any potentially unacceptable adverse impacts of any proposed lighting on amenity or public safety"</i></p>	N/A	<p>1. Disagree – no change.</p> <p>The policy wording "make a positive contribution to the environment of the city" is not considered to conflict with Para. 170 of the NPPF which states that "Planning policies and decisions should contribute to and enhance the natural and local environment."</p> <p>2. Noted.</p>
16/5	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM5	Support the aspirations of Policy DM5 Light pollution	N/A	N/A	Support noted.
21/5	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM5	N/A	N/A	The Consortium welcomes the fact that Birmingham City Council has taken on board the comments it made to the Preferred Options consultation stage and has amended the Policy wording to incorporate some further flexibility to take account of the immediate context; no longer expect development to mitigate "all" potential adverse impacts from external lighting; and ensure that the two parts of the	Support noted.

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							policy are consistent with each other.	
22/1	Stuart Morgans, Sport England	Yes	Yes	Policy DM5	N/A	N/A	Sport England is pleased to see the modifications to the reasoned justification for policy DM5 in para 2.44 which refers to seeking guidance from Sport England on sports lighting proposals. Also support modifications made to DM6, particularly para 2.51 which more clearly sets out the agent of change principle in accordance with the NPPF.	Support noted.
27/3	Samuel Lake Turley (on behalf of IM Properties Plc)	Yes	Yes	Policy DM5	Support the approach taken. This addresses the concerns raised by IM at the Preferred Options stage.	N/A	N/A	Support noted.
32/3	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM5	The safety and security benefits of lighting dark places should be included within the policy.	An additional criterion to DM5: ...b. Designed to improve safety and reduce the fear of crime by lighting dark places...'	None	Disagree – no change. The purpose of policy DM5 is to deal with the impacts of light pollution arising from proposed development. The Council considers that Policy DM4 is consistent with paras. 178-180 of NPPF which set out the context for planning policies in relation to ground conditions and pollution. The benefits of lighting to provide safe environments is recognised in the supporting text to policy DM5, but is it not considered that all schemes involving external light should be required "to improve

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								safety and fear of crime by lighting dark places” as suggested by CCWMP. E.g. a lighting scheme may be specifically designed to enhance the character or appearance of a heritage asset.
Policy DM6 Noise and vibration								
7/2	Caroline McDade Deloitte LLP (on behalf of Universities Superannuation Scheme)	Yes	Yes	Policy DM6 Noise	Policy is consistent with NPPF but recommend that flexibility is applied to ensure that development is not restricted in areas with existing high background noise, such as the USS site.	N/A	N/A	Agree - no change. Proposed policy DM6 allows for the consideration of 'existing levels of background noise'. Para. 2.50 of the supporting text states that 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.
10/4	Catherine Townend Highways England	Yes	Yes	Policy DM6	Highways England still supports inclusion of this policy.	N/A	In accordance with Department for Transport (DfT) Circular 02/2013 (Annex A. A1) development which requires noise mitigation where this lays near the SRN should ensure any mitigation measures are not proposed such that they would encroach onto the SRN highway lands.	Support noted.
15/4	Katherine Lovsey-Barton, Pegasus Group (on behalf of	No	Not stated	Policy DM6	Part 1 a)-f) have been amended following the last round of consultation are consistent with the other policies in the Local Plan and NPPF.	1 f) does not relate to noise or vibration and appears to have been included in error as this relates to lighting. This should be deleted from the policy.	N/A	Disagree – no change. Criteria f) has not been included in error. This is to ensure that any acoustic measures proposed as part of development proposals

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	Countryside Properties)							maintains adequate levels of natural light and ventilation to habitable areas. Accordingly, part f) is relevant.
16/6	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM6	Support the aspirations of Policy DM1 Noise and Vibration	N/A	N/A	Support noted.
17/3	Mairead Kiely, Planning Prospects (on behalf of St Modwen Homes Ltd)	No	Yes	Policy DM6	Part 1 of the policy is not effective as proposals could reasonably increase noise above background levels without creating an amenity issue.	Part 1 of the draft policy should be amended to: <i>“development should be designed, managed and operated to minimise exposure to noise and vibration to an acceptable level.”</i>	N/A	Disagree – no change. The policy does not prevent proposals that would reasonably increase noise above background levels thus not creating an amenity issue. The current wording of DM6 is in line with NPPF and aims of the Noise Policy Statement England (para. 1.7) which aims to: <i>“avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life.”</i>
21/6	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	Policy DM6	Point 1 of the Policy, nor the supporting text, explains whether the requirement to consider existing levels of background noise refers to background noise at the proposed development or background noise at nearby receptors.	Further clarification on whether the identified requirement to take account of existing levels of background noise refers to background noise at the proposed development or background noise at nearby receptors should be provided within point 1 of the Policy or within the supporting text at paragraph 2.52	N/A	Agree – minor change proposed for clarity. Amend first sentence of para. 2.52 of supporting text to: <i>“In all cases, the assessment will be based on an understanding of the existing and predicted planned levels of environmental noise at both the development site and nearby receptors and the measures needed to bring noise down to acceptable levels for the existing or proposed noise-sensitive development.”</i>

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27/4	Samuel Lake Turley (on behalf of IM Properties Plc)	No	Yes	Policy DM6	It remains unclear how BCC will apply the Planning Guidance Note (referenced in para 2.52) maintained by the Environmental Health Team to assess applications. Given the guidance note has not been subject to public consultation and does not form part of the development plan and is not a SPD, only limited weight can be attached to it.	N/A	N/A	<p>Noted.</p> <p>The Planning Guidance Note referenced in para. 2.52 provides general guidelines, drawing on information found in a number of international, national and local documents. This document reflects the guidance concerning noise in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE) and supports proposed policy DM6. 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.</p>
29/2	Samuel Lake Turley (on Oval Real Estate)	No	Yes	Policy DM6	Support purpose of policy. However, it is unclear how BCC will apply the Planning Guidance Note (referenced in para 2.52) maintained by the Environmental Health Team to assess applications. Given the guidance note has not been subject to public consultation and does not form part of the development plan and is not a SPD, only limited weight can be attached to it.	N/A	N/A	<p>Noted.</p> <p>The Planning Guidance Note referenced in para. 2.52 provides general guidelines, drawing on information found in a number of international, national and local documents. This document reflects the guidance concerning noise in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE) and supports proposed policy DM6. 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</p>

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								recommendations to the Planning Management service on matters relating to noise and vibration.
30/3	Charlotte Palmer, Turley (on behalf of Argent LLP)	No	Yes	Policy DM6	Support purpose of policy. However, it is unclear how BCC will apply the Planning Guidance Note (referenced in para 2.52) maintained by the Environmental Health Team to assess applications. Given the guidance note has not been subject to public consultation and does not form part of the development plan and is not a SPD, only limited weight can be attached to it.	N/A	N/A	Noted. The Planning Guidance Note referenced in para. 2.52 provides general guidelines, drawing on information found in a number of international, national and local documents. This document reflects the guidance concerning noise in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE) and supports proposed policy DM6. 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.

Policy DM7 Advertisements

5/1	Ailith Rutt, Canals & Rivers Trust	No	Yes	Policy DM7 Para 3.3 & 3.4	<p>1. The concept of safety should include the impact of proposed advertisements on the navigational safety of the waterway network.</p> <p>2. Point 3 relating to advertisements should be extended to all elevated roadways and not just the M6 and A38.</p> <p>3. The policy should ensure that size, illumination and the glare</p>	<p>Bullet a) of point 1 of the policy should have the following bracketed text inserted to read "<i>public safety (including navigational safety where relevant) or amenity.</i>"</p> <p>The wording of Point 3 of the Policy should omit specific reference to the M6 and A38 and instead refer</p>	N/A	<p>1. Disagree - no change.</p> <p>The factors relevant to public safety under provision 3.2.b. 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</p>
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ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
					<p>of/from digital panels are also considerations of impact on amenity that are included. The comments would also apply to the glare/reflection caused by illuminated or digital advertisements near the canal network and should equally be avoided in the interests of amenity and biodiversity.</p> <p>4. Applications should demonstrate their impacts on a waterway in close proximity.</p> <p>5. The reference to advertisement here should also be plural, this has not been corrected in the latest version)</p>	<p>to elevated roadways.</p> <p>Point 2 of the policy should be extended to include reference to light pollution concerns captured in proposed policy DM5.</p> <p>There should be reference in the policy and the supporting text (para 3.4) to the need to protect the navigational safety of the canal network and its users, and the visual amenity of boaters and towpath users alike as they travel through the city. This could be included as additional text at the end of para 3.3: "Advertisement located near the waterway network should include assessment of their impacts on the view from the water and associated towpath or other land-based routes, even if they are intended for these views."</p> <p>The reference to advertisement here should also be plural, this has not been corrected in the latest version)</p>		<p>unnecessary to duplicate legislation within the policy.</p> <p>2. Disagree – no change.</p> <p>This part of the policy is specifically addresses impact on the public safety of motorway users which within Birmingham applies only to the M6 and A38(M) Expressway.</p> <p>3. Disagree – no change</p> <p>Part 1.b. of policy DM7 already requires proposals to have "regard to their size, materials, construction, location and level of illumination." Part 2 of policy DM7 requires "illuminated advertisements and sign to seek to avoid or mitigate any potential adverse impact on uses/ areas sensitive to light such as nearby residential properties, other light sensitive uses/ areas such as intrinsically dark landscapes and nature conservation areas."</p> <p>4. Noted - no change.</p> <p>As response to point 1 above.</p> <p>5. Agree – minor change proposed to amend typing error to pluralise the word advertisement in Part 2.</p>
10/5	Catherine Townend Highways England	Yes	Yes	Policy DM7	Highways England still welcomes inclusion of this policy.	N/A	N/A	Support noted.
32/4	Tyler Parkes (on behalf of	No	Yes	DM7	The policy should make express reference to public safety	The additional wording in bold should be added to		Disagree – no change.

ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
	CCWMP)				considerations.	DM7: a. Suitably located, sited and designed having no detrimental impact on crime, anti-social behaviour or the fear of crime , public and highway safety or to the amenity of the area...'		The Council considers that DM7 is consistent with the NPPF para 132 which states that "Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts." The factors relevant to public safety under provision 3.2.b. 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). (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Policy DM8 Places of worship and faith related community uses

21/7	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	Policy DM8	The policy is not sound because it is not consistent with Birmingham Development Plan Policy GA5 and the relevant requirements of the adopted Langley SUE Supplementary Planning Document (April 2019). The Langley SPD identifies the proposed Langley Centre and Community Hubs as being suitable places for	Policy wording to be amended to: <i>"The Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham</i>	N/A	Agree – minor change proposed to provide consistency with the BDP. Amend policy DM8 to: "Except for any specific allocation in the Local Plan, the Council's preferred locations for the development of places of worship and faith related community uses are in the
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ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
					<p>accommodating new community uses, including places of worship. Langley SUE should be a specific exception to Policy DM8 and the accompanying text at paragraph 3.10, to allow for the distribution of uses within the Langley site to be appropriately planned as part of the comprehensive proposals.</p>	<p><i>Development Plan and as part of proposals brought forward in accordance with the requirements of Policy GA5. Proposals for development outside of the network of centres these locations will be considered favourably where...</i></p> <p>Paragraph 3.10 amended to]: <i>"The most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of proposals brought forward in accordance with the requirements of Policy GA5. These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".</i></p>		<p><i>network of centres as defined in Policy TP21 of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will be considered favourably where..."</i></p> <p><i>Amend para 3.10 to: "The preferred most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of any specific allocations in the Local Plan. These are the most sustainable locations in terms of transport accessibility and parking. Other locations outside of the network of town centres will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance".</i></p> <p>BDP Policy GA5 allocates land at Langley for sustainable urban extension of 6,000 homes with provide "a range of supporting facilities to help foster a strong sense of community." The Langley SPD provides detailed guidance to support the implementation of Policy GA5. The SPD supports the development of "a range of shopping and other facilities of an appropriate scale to serve new residents and visitors to the site." This includes "other community uses (such as nurseries, leisure,</p>

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								arts and culture, health care facilities, community halls, places of worship, and public space as a hub for events and activities), shops (potentially a small foodstore), other centre uses (such as restaurants, cafés, public houses), and new homes.”
32/5	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM8	PPG on Health and wellbeing states that for all locations which will generate crowds in public places, consideration should be given to appropriate security measures in the design of buildings and spaces.	An additional criterion to DM8: ‘...d. Proposals will need to demonstrate that appropriate measures have been put in place to minimise the risk of crime, fear of crime and anti-social behaviour’.	None	Disagree – no change. BDP policy PG3 already requires all new development to “Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance.” The emerging Birmingham Design Guide, which will replace existing design guidance, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures. Furthermore, policy DM8 criteria b) requires development proposals for places of worship and faith related community uses to “not have an unacceptable adverse impact on local amenity”. Policy DM2 Amenity states that “in assessing the impact of development on amenity the following will be considered...” This includes at point f: “f. Safety considerations, crime, fear of crime and anti-social behaviour;”

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Policy DM9 Day nurseries and childcare provision								
2/1	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Day	N/A	N/A	<p>The Early Years team invited registered early years providers to participate in the DMB consultation. The session took place on 12 February 2020. A total of 16 childminders attended this session. Comments/ questions posed were:</p> <ol style="list-style-type: none"> 1. TP36 should take into consideration early years provision alongside schools, colleges and universities. 2. Location and good quality facilities are important. 3. Agree with onsite or access to appropriate local outdoor play provision. 	<ol style="list-style-type: none"> 1. BDP Policy TP36 is not part of the DMB and has already been adopted through the BDP. 2. Noted 3. Support noted.
2/2	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.19	N/A	N/A	<p>The Early Years team invited registered early years providers to participate in the DMB consultation. The session took place on 12 February 2020. A total of 16 childminders attended this session. Comments/ questions posed were:</p> <ol style="list-style-type: none"> 1. Clarity required around the 'children 	<p>Noted.</p> <p>In response to the detailed questions asked:</p> <ol style="list-style-type: none"> 1. It is 2 hours a day not 2 hours per session. If a person regularly child minds for more than 2 hours a day (not including their own children), they are a child minder. 2. There is no planning definition for a child. If a person has responsibility for minding a child,

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							<p>minded for more than two hours a day' statement, is it a total of 2 hours per day or 2 hours per session?</p> <p>2. What age is a child no longer considered to be a child for planning purposes?</p> <p>3. More collaborative working between Planning department and Ofsted should take place with regards to numbers of children permitted.</p> <p>4. Clarification needed on 7 children at any one time. Do these 7 children include your own?</p> <p>5. Age clarification needed with the 7 children statement – does this include over 8's.</p> <p>6. Does 7 plus include visitors with children. Any exception for siblings?</p> <p>7. A significant number of childminders may be affected as they mind over 7 children. Are you no longer considered a childminder but a day care?</p>	<p>that child is being minded notwithstanding their age.</p> <p>3. Ofsted is responsible for standards in education, care safeguarding, and regulation compliance. Planning is concerned with whether the actual property, in which child minding is carried out, is suitable for that use in land use terms. The two regimes are separate and distinct in purpose.</p> <p>4. Your own children are not included in the 7 children minded.</p> <p>5. Over 8's are included in the 7 children minded.</p> <p>6. Adult visitors to a property and their children would not be included in 7 children minded. Sibling are included in the 7 children minded.</p> <p>7. If the number of children minded exceeds 7, the use of the property would be deemed to have materially changed to a D1 use for which planning permission is required.</p> <p>8. If a child minder has minded more than 7 children continually for 10 years or more at the same property, and does not have planning consent for that use, but can prove that fact; it is then open for that person to make an application for a Lawful Development Certificate (LDC). If the evidence is accepted on the balance of probability of a</p>

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							<p>8. If there a grace period for continuity?</p> <p>9. School holiday exceptions? Late collection? How will that effect the childminders. Impact on holiday provision different times of the day. Having own children extra numbers. Impact on childminders and their hours.</p> <p>10. This policy will cause barriers to childcare (flexible/affordable etc)</p> <p>11. 'Most of the rooms' What does this mean?</p> <p>12. Would we be no longer considered a home-based business? For Ofsted to be a childminder you need to operate on a domestic premise, therefore a conflict if you are considered a day nursery.</p> <p>13. Family homes? clarity. If I am considered a Day nursery would I then be subject to Business rates or required to organize refuse collection?</p>	<p>continuous use for 10 years or more a LDC is granted and de facto the use is authorised in planning terms.</p> <p>9. The seven children minded will still apply in school holidays. As above, the child minders own children are not counted in the 7 minded children.</p> <p>10. Planning policies regarding changes of uses from dwelling houses to other uses including day nurseries has been a long-established part of the planning system.</p> <p>11. In planning terms a person residing in a semi- detached property is allowed to mind 7 children without there being any planning implications. If planning consent is therefore not required then there is no restriction as to the internal arrangements of a property, in respect as to where child minding, can take place. Ofsted and planning regimes are separate disciplines.</p> <p>12. If you mind more than 7 children you will be considered a nursery in planning terms. Ofsted is responsible for inspecting all ranges of educational institutions including D1 nurseries. If you mind up to 7 children in a domestic property or because more than 7 children are minded in a children nursery then Ofsted will undertake an inspection.</p> <p>13. A single- family dwelling house</p>

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								is classed in planning terms as a C3 dwelling house and in most cases this is a family home. We would advise contacting the Council's Revenues and Waste Departments regarding business rates.
2/3	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.20	N/A	N/A	The Early Years team invited registered early years providers to participate in the DMB consultation. The session took place on 12 February 2020. A total of 16 childminders attended this session. Comments/ questions posed were: Para 3.20 What is 'sufficient safe parking'? – Clarification required. Childminders feel they are not responsible for children once with parents so no control on parking and lack of clarity on whose responsibility this is.	Agree - minor change proposed to provide clarity. Amend para 3.20 to: <i>"...sufficient safe parking is provided, following the guidance set out in the council's Parking Guidelines and Car Par Design Guide Supplementary Planning Documents and any subsequent revision in a location that will not endanger other road users or pedestrians."</i>
2/4	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.21	N/A	N/A	The Early Years team invited registered early years providers to participate in the DMB consultation. The session took place on 12 February 2020. A total of 16 childminders attended this session. Comments/ questions posed were: 1. Paragraph 3.21 is clear in the expectations	Noted. In response to the detailed questions asked: 1. If up to 7 children are minded in a C3 dwelling house, the property will remain a single- family dwelling house. If more than 7 children are minded and the use of the property changes to a D1 nursery use, then that use would remain, unless at a future date a new owner applies to change it.

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							<p>and detail required for planning applications.</p> <p>2. Individuals need to be able to directly ask the planning department for decisions</p> <p>2. Clarification is sought around how statement 3.19 applies to childminding premises, once children have gone, does use returns to a dwelling house?</p> <p>2. Is all the necessary information about planning legislation and planning permission required readily available and where?</p> <p>3. How long do planning applications take? What is the fee the planning application fee?</p> <p>4. Is this policy in line with all of the Ofsted registers – Early years register, childcare register; both parts - voluntary and compulsory?</p>	<p>2. Information about when planning permission is required is readily available on the Council's Planning and Development web pages.</p> <p>3. Planning applications for such development normally take up to 8 weeks to be decided. Information about planning fees are available at https://www.birmingham.gov.uk/downloads/file/1069/planning_application_fees</p> <p>4. Ofsted is responsible for standards in education, care safeguarding, and regulation compliance. Planning is concerned with whether the actual property, in which child minding is carried out, is suitable for that use in land use terms. The two regimes are separate and distinct in purpose.</p>
3/1	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.16	N/A	N/A	Para 3.16 'To ensure that basic standards are maintained, the council will seek to ensure that all facilities are appropriately located' could include the words 'prior to registration with	Disagree - no change. The suggestion relating to securing planning permission prior to registration with Ofsted would be for Ofsted to consider and adopt.

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							Ofsted and/or regulatory body' within that statement.	
3/2	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.18			<p>TP36 should address early years as well as higher and further education so that statutory duties and sufficiency can be met for early years.</p> <p>Plans should reflect pre-compulsory school age children so that TP21 consider the wider local authority statutory duties as well as other regulatory duties for example Ofsted.</p> <p>DM9 may impact early years statutory duty to provide childcare places for 2-year old, offer free 15- and 30-hour childcare places.</p>	<p>Noted.</p> <p>BDP Policy TP36 is not part of the DMB document and has already been adopted through the BDP.</p> <p>It is not considered that this policy would hamper the provision of childcare facilities, but help to ensure they are appropriately located.</p>
3/3	Tracey Linton, Early Year and Childcare Services, BCC	Yes	Yes	Policy DM9 Para 3.19	N/A	N/A	Registration as a childcare provider under the Childcare Act is not aligned with Planning department regulations therefore causing some confusion. Do planning regulations take into consideration the Ofsted' s new inspection framework? Is this policy in line with all of the Ofsted registers – Early years register, childcare register; both parts - voluntary and	<p>Noted.</p> <p>In response to the detailed questions asked:</p> <p>Ofsted is responsible for standards in education, care safeguarding, and regulation compliance. Planning is concerned with whether the actual property, in which child minding is carried out, is suitable for that use in land use terms. The two regimes are separate and distinct in purpose.</p>

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							compulsory? Clarification is needed on the definition of 'minded' children. Does this include childminder's own children that may be at home before and after school?	The child minder's own children are not included in any planning assessment of the overall use of the property and whether it constitutes a change from a limited child-minding enterprise into a D1 children's nursery.
14/4	Paul Gilmore	Not stated	Not stated	Policy DM9	Part 1 is not supported and not consistent with walking, cycling or clean air policy. The city recognises the increase in needs and appear to recognise that these facilities should be within walking distances of the homes yet puts blocks in the way for delivery.	Part 1 should not have any reference to network of centres as centres are not the correct location for these facilities. These facilities should be located every 800 - 1000m across the city to make walkable childcare a practical alternative to getting in the car and driving to a centre.	N/A	Disagree – no change. Proposed policy DM9 is consistent with BDP Policy TP21 which states that "centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings)." Day nurseries provide early years education and the centres identified in BDP Policy TP21 are considered the preferred location for such uses. However, the policy provides flexibility for development of such uses outside of the network of centres where it meets the policy criteria set out in proposed policy DM9.
21/8	Michael Burrows, Savills (on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	Policy DM9	The policy is not sound because it is not consistent with Birmingham Development Plan Policy GA5 and the relevant requirements of the adopted Langley SUE Supplementary Planning Document (April 2019). The Langley SPD identifies the proposed Langley Centre and Community Hubs as being suitable places for accommodating new community uses, including places of worship. Langley SUE should be a specific	The amended policy wording is proposed: <i>"The Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan and as part of proposals brought</i>	N/A	Agree – minor change proposed to provide consistency with the BDP. Amend policy DM9 to: <i>"Except for any specific allocation in the Local Plan, the Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21</i>

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					<p>exception to Policy DM8 and the accompanying text at paragraph 3.10, to allow for the distribution of uses within the Langley site to be appropriately planned as part of the comprehensive proposals.</p> <p>Lack of consistency in the approach taken by DM8 and DM9. It is noted that Policy DM8 identifies that outside centres “proposals will be considered favourably where...” and Policy DM9 states that outside centres “proposals will only be considered favourably where...” [bold emphasis added]. It is considered that the Policy DM9 wording is more restrictive and should be amended to reflect the Policy DM8 approach.</p>	<p>forward in accordance with the requirements of Policy GA5. Proposals for development outside of the network of centres these locations will only be considered favourably where...”</p> <p>Amended wording is also proposed to paragraph 3.19: “...The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of proposals brought forward in accordance with the requirements of Policy GA5 is are considered the most appropriate locations, but other locations outside of centres will be considered appropriate where the policy criteria are met...”</p>		<p>of the Birmingham Development Plan. Proposals for development outside of the network of centres these locations will only be considered favourably where...”</p> <p>Amend paragraph 3.19 to:</p> <p>“...The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of any specific allocations in the Local Plan are is considered the most appropriate preferred locations for such uses, but other locations outside of centres will be considered appropriate where the policy criteria are met...”</p> <p>BDP Policy GA5 allocates land at Langley for sustainable urban extension of 6,000 homes with provide “a range of supporting facilities to help foster a strong sense of community.” The Langley SPD provides detailed guidance to support the implementation of Policy GA5. The SPD supports the development of “a range of shopping and other facilities of an appropriate scale to serve new residents and visitors to the site.” This includes “other community uses (such as nurseries, leisure, arts and culture, health care facilities, community halls, places of worship, and public space as a hub for events and activities), shops (potentially a small foodstore), other centre uses (such as restaurants, cafés, public houses), and new homes.”</p>

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Policy DM10 Standards for residential development								
4/4	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM10	<p>Point 5 is overly prescriptive and if enforced strictly could hamper development.</p> <p>Point 6 provides some scope for exceptions to be made.</p>	<p>The second paragraph of point 5 is not required.</p> <p>Point 5 should be simplified to ensure adequate outlook and daylight are protected.</p>	N/A	<p>Disagree – no change.</p> <p>As detailed in paragraph 4.7 of the supporting text, the 45 degree code is a well-established mechanism for helping to reduce the impact of development on existing residential properties in the context of daylight and outlook. As acknowledged by the respondent, point 6 provides some flexibility to the requirements.</p>
9/3	Simon Hawley, Harris Lamb (on behalf of Bloor Homes)	No	Yes	Policy DM10	<p>1. It is inappropriate for policy DM10 to suggest 'all' residential development sites will be required to meet the minimum Nationally Described Space Standards as it may not be possible to achieve this with the limited number of development opportunities in the city.</p> <p>2. It is unnecessary for the policy to state 30% of the dwellings should meet the requirements of part M4(2) of the building regulations as this is an optional requirement, rather buildings should be encouraged to meet part M4(2).</p> <p>3. A flexible approach should be taken toward separation distances and securing an appropriate level of residential amenity.</p> <p>4. Prescriptive separation distances following the guidance within the Places for Living SPD is likely to hinder the delivery of residential development.</p>	<p>The policy should be amended so it takes a positive approach to innovative design solutions to ensure the protection of residential amenity and should not place a presumption in favour of set separation distances and the 45-degree code.</p> <p>The policy should be amended to advise development conforming to the NDSS and building regulation Part M(4)2 will be considered favourably but is not mandatory.</p>	N/A	<p>1. Disagree - no change.</p> <p>The NDSS is set at a level that should not stifle development. Part 6 of the policy allows for exceptions to Parts 1-5 of the policy, in order to provide some flexibility.</p> <p>2. Disagree – no change.</p> <p>The justification for the Part M4(2) requirement is set out in the Topic Paper on Standards for Residential Development.</p> <p>3. Agree – no change.</p> <p>Part 6 of the policy allows for exceptions to Parts 1-5 of the policy, in order to provide some flexibility.</p> <p>4. Disagree – no change.</p> <p>The Council does not consider the policy to be overly prescriptive.</p>

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					<p>5. Whilst the '45-degree code' is a helpful guide, it should not be applied rigidly. Applicants should be able propose alternative solutions ensuring adequate outlook and daylight to dwellings.</p> <p>6. Innovative and site-specific design responses should not be considered acceptable only in 'exceptional' circumstances and should be actively encouraged.</p>			<p>5. Disagree – no change.</p> <p>Innovative design should still be consistent with ensuring residential amenity will not be significantly diminished.</p>
12/1	Sue Green Home Builders Federation	No	Not stated	Policy DM10	<p>1. The Council's evidence set out in DM10 Residential Standards Topic Paper does not contain sufficient evidence to justify the council's requirement. The NDSS should only be introduced on a "need to have" rather than "nice to have" basis. It must be more than simply stating that in the past some dwellings have not met the standard.</p> <p>2. The City Council should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve.</p> <p>3. The referenced planning appeal related to a conversion rather than a new build scheme.</p> <p>4. There is no evidence that market dwellings not meeting the standard have not sold or those living in these dwellings consider their needs not met.</p> <p>5. As set out in the 2019 NPPF, the City Council should understand and test the influence of all inputs on</p>	<p>- Policy DM10 Bullet Point (1) should be modified, the City Council should not require the NDSS for all residential development.</p> <p>- Policy DM10 Bullet Point (2) should be modified.</p> <p>- Policy DM10 Bullet Points (3) and (4) should be modified remove inappropriate references to the City Council's Design Guide SPD.</p>	N/A	<p>Disagree - no change.</p> <p>1. 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 adoption of the NDSS.</p> <p>2. The Standards for Residential Development Topic Paper assessed a sample of recently consented development sites in Birmingham. Of a total of 3,849 dwellings, the majority of dwellings (71%) were fully compliant with the NDSS, however 26.8% of dwellings were not compliant. This demonstrates that there is still a significant proportion which fell below the NDSS. The potential harm caused by a lack of space is set out in the Topic Paper.</p> <p>3. The referenced appeal is considered to be relevant to the principle of using the NDSS as an appropriate mechanism for assessing space standards.</p>

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					<p>viability.</p> <p>6. The cumulative impact of infrastructure, other contributions and policy compliant requirements should be set so that most sites are deliverable without further viability assessment negotiations.</p> <p>7. The City Council should prepare a viability assessment in accordance with guidance to ensure that policies are realistic and the total cost of all relevant policies are not to such a degree that would make the DPD undeliverable.</p> <p>8. The Financial Viability Assessment Report by BNP Paribas only tests a limited number of NDSS compliant house typologies.</p> <p>9. NDSS will result in less efficient use of land and will also challenge viability.</p> <p>10. The impact of adopting NDSS on affordability should be assessed.</p> <p>11. The introduction of the NDSS for all dwellings may lead to customers purchasing larger homes in floor space but with bedrooms less suited to their housing needs.</p> <p>12. The Council should assess any potential adverse impacts on meeting demand for starter homes/ first time buyers</p> <p>13. It may affect delivery rates of sites included in the housing</p>			<p>4. The Council does not contend that properties not meeting the standards have not sold. The purpose of the policy, however, is to improve housing quality in Birmingham and space is considered an important contributing factor to quality. Having more space in the home is also important to homeowners as demonstrated in a survey by Barclays Mortgages which found that over a third (38%) of homeowners wish they had moved into a bigger property than they currently live in and a quarter (25%) wish at least one of their rooms was larger, 37% of homeowners plan to improve their home to create additional space and 33% stated that the size of the home is more important than the location and nearly half would choose to own a larger property over staying in their current area. https://home.barclays/news/press-releases/2019/12/squeezed-britain--brits-confused-by-property-size/</p> <p>5. The Financial Viability Assessment (FVA) prepared by BNP Paribas (November 2019) has been undertaken in line with the NPPF. The FVA assessed the requirements set out in the publication version of the 'Development Management in Birmingham: Development Plan Document (October 2019) alongside the policy requirements in the adopted Birmingham Development Plan (January 2017). The study assesses at high</p>

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					<p>trajectory in the adopted BDP.</p> <p>14. If the NDSS is adopted, the City Council should put forward proposals for transitional arrangements. Allocated sites in the BDP should be allowed to move through the planning system before any proposed policy requirements are enforced. The policy should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.</p> <p>15. If the City Council wishes to adopt the optional standards for M4(2) for accessible and adaptable housing, then this should only be done if it were to address an identified need for such properties as per footnote 46 of 2019 NPPF. The City Council's evidence set out in DM10 Standards for Residential Development Topic Paper does not contain evidence to justify the City Council's need to adopt the optional standards for M4(2).</p> <p>16. Many older people will not move from their current home but make adaptations to meet needs rather than move to new stock. The existing housing stock is considerably larger than the new build sector so adapting the existing stock is likely to form part of the solution.</p> <p>17. Not all health problems affect a household's housing needs, therefore not all health problems require adaptations to homes.</p>			<p>level the viability of development typologies representing the types of sites that are expected to come forward over the plan period and tested the cumulative impact of policy requirements envisaged for specific sites.</p> <p>6. The FVA tests the cumulative impact of the requirements in the emerging DMB and the planning policies in the adopted BDP.</p> <p>7. The Council has undertaken an FVA of the DMB policies which is fully reflective of the requirements set out in the PPG. Clearly it is impossible to reflect the precise characteristics of every scheme that may come forward in a complex city like Birmingham. It is therefore important to recognise that the DMB contains a degree of flexibility in the application of policies when site-specific characteristics do not precisely mirror those tested.</p> <p>The FVA takes into account the constructions costs of introducing the accessibility and space standards. The Council therefore believes that the policy is justified in relation to the viability of applying space and accessibility standards.</p> <p>8. For the purposes of testing the cumulative impact of the requirements in the DMB, we have appraised 35 development typologies on sites across the city to represent the types of sites that are likely to come forward over the plan period. The NDSS standards</p>

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					<p>18. The quantum of at least 30% M4(2) compliant dwellings has not been justified.</p> <p>19. The policy fails to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, which make a site unsuitable for M4(2) compliant dwellings.</p> <p>20. Policy DM10 Bullet Point (4) states that outdoor amenity and separation distances must be in-line with those outlined in the Places for Living SPD which will be replaced by the Birmingham Design Guide. The council should not convey the weight of the DPD onto the Design Guide. SPDs do not have statutory force.</p>			<p>applied in the appraisals are reflective of the types of units typically brought forward in developments in the City. It is unclear why the Viability Assessment should have tested unit types that do not come forward.</p> <p>9. The effective use of land is not considered incompatible with the NDSS and is influenced by a range of other factors. Para 117 of the NPPF says policies and decisions should “promote the effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”</p> <p>Policies and decisions should be promoted through: encouraging multiple benefits; using brownfield land; developing under-utilised land and buildings; using airspace above existing residential and commercial properties; maximising densities (Para 118, 122-23). Nowhere in the NPPF does it state that NDSS should not be used because it would result in effective use of land. The HBF has not provided any evidence to support their argument that the NDSS results in less effective use of land.</p> <p>10. The Council does not believe that the introduction of policy DM10 will ‘push’ families into affordable housing need. As the Financial Viability Assessment shows, the cost can be absorbed by the market. New housing is also very small segment of the</p>

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								<p>market and there is significant choice for first time buyers beyond the narrow confines of new build housing.</p> <p>11. Not introducing the NDSS could lead to the creation of homes that do not provide sufficient space for basic lifestyle needs such as storage of possessions, play, exercise, entertainment, doing homework, thereby impacting negatively on the health and well-being of residents.</p> <p>12. The aim of the Policy DM10 is to enhance standards for all purchasers, including first time buyers looking to purchase their first home. The Council does not accept that first time buyers should be required to accept lower standards than other residents. The space standards are an essential element in making Birmingham an attractive city in which to live.</p> <p>13. The results of the FVA demonstrate the requirements of the proposed policy is unlikely to impact on the viability of development and therefore will have minimal impact on the BDP housing trajectory. The DMB polices are sufficiently flexible and the Council can weigh the impact of various policies at the DM stage. The Councils is seeking to improve housing both in terms of size and quality of design which will be reflected in value over time. In the short term there may be trade-offs which are explicitly</p>

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								<p>recognised in the DMB through the flexible approach of policies.</p> <p>14. It is not proposed to allow for a transitional period before adoption of a new policy on space standards but rather seek to adopt and implement the policy alongside the other policies within the DMB document. The policy should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.</p> <p>15. The justification for adopting the optional access standard is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further evidence on need for adoption of the access standard.</p> <p>16. The Council acknowledges that adaptations to existing dwellings can be made to suit the needs of its occupiers. However, given that at least 51,100 new dwellings will be delivered in Birmingham, the standards will help to ensure that new development is of sufficient size, quality and flexibility to meet the wide range of housing need in Birmingham.</p> <p>17. The Council acknowledges that not all health problems will necessarily affect a households' housing needs. The needs of occupants can also change over time. Delivering accessible and adaptable homes provides flexibility for occupants to stay in</p>

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								<p>their home longer thus reducing burdens on the healthcare system.</p> <p>18. The justification for 30% of homes on developments of 15 or more dwellings to be accessible and adaptable homes is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further justification for the proportion required in proposed policy DM10.</p> <p>19. Part 6 of the policy DM10 provides flexibility for exceptions to deviate from the standards “in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished.”</p> <p>20. The policy does not convey statutory weight to the Design Guide SPD.</p>
14/5	Paul Gilmore	Not stated	Not stated	Policy DM10	<p>1. Para 1 the evidence presented is not consistent with national guidance on adoption of space national standards.</p> <p>2. The evidence presented does not demonstrate viability of the policy. At the very least the policy should be viability dependent with zones of value areas where the city accept that it will be impossible to deliver.</p> <p>3. Part 2 the evidence presented is not consistent with national guidance. Policy as written puts</p>	N/A	N/A	<p>1. Disagree – no change.</p> <p>The evidence presented in the Standards for Residential Development Topic Paper has considered and follows the National Planning Practice Guidance: Housing: optional technical standards.</p> <p>2. Disagree – no change.</p> <p>The Financial Viability Assessment tests the cumulative impact of adopted BDP policies and the emerging policies in the</p>

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					<p>additional burdens on developments of more than 15 units when the CIL evidence base shows that massive parts of the city can never meet this commitment. BCC should not pass burden of proof to the community.</p>			<p>DMB. In the main, the testing indicates that the emerging DMB policy requirements do not adversely impact developments. Furthermore, it is important to recognise that where issues arise, there is sufficient flexibility in the policies to address site-specific viability issues.</p> <p>3. Disagree – no change.</p> <p>The CIL viability evidence was published in October 2012 and based on market evidence in the preceding 12 months. The evidence is 8 years old and no longer reflects market conditions in Birmingham in 2020. The DMB viability assessment reflects changes in market conditions over the intervening period using contemporary development typologies, sales values and build costs. The assessment tests the cumulative impact on all policies.</p>
15/5	Katherine Lovsey-Barton, Pegasus Group (on behalf of Countryside Properties)	No	Not stated	Policy DM10	<p>1. The level of evidence prepared to support the introduction of the nationally described space standards in Birmingham is in adequate, particularly the requirement for all developments to meet NDSS standards given the high-level nature of the assessment work which is based on a number of assumptions and sweeping statements</p> <p>2. The Viability Assessment acknowledges there will be some sites where exceptional costs, including land remediation will have implications for viability while other sites will have difficulties delivering</p>	<p>1. Further regard needs to be had to the provisions of NPPF paragraph 123. The high-level nature of the evidence prepared fails to take full account of the impact of introducing NDSS on the delivery of housing in accordance with the NPPF and more specifically Birmingham’s Housing Growth Plan, in particular the provision of much needed affordable housing across the City.</p> <p>- If the introduction of the optional NDSS are</p>	<p>Irrespective of whether the aforementioned standards are included or not, the plan should be considering how it addresses the NPPF requirement to make effective use of land and how the matter of densities will be addressed through this process, supported by the appropriate evidence. It should also be considering the potential of its policies as currently proposed to restrict delivery of a</p>	<p>1. Disagree – no change.</p> <p>The need for 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 adoption of the NDSS.</p> <p>2. Disagree – no change.</p> <p>The Financial Viability Assessment shows that the space standards can be introduced alongside other policy requirements without any significant impact. There is a</p>

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					<p>policy compliant affordable housing provision. Imposing rigid NDSS on all developments without any flexibility on these standards or the ability for developers to present evidence in relation to the impact on viability is likely to have implications for the delivery of housing sites and the wider housing growth objectives of the City and the policy provisions of the NPPF.</p> <p>3. The assessment of a range of approved housing development in the Residential Standards Topic Paper is contrary to its conclusion that the NDSS is capable of being met across the city and that the size and type of dwellings currently being delivered confirms this.</p> <p>4. The policy as currently worded provides no flexibility to allow for exceptions to meet the NDSS.</p> <p>5. The evidence fails to focus on the 'need' for NDSS in Birmingham, rather that it is capable of being met.</p> <p>6. Para 5.4 of the Viability Assessment states that 'In most cases, these standards are already being applied by developers to meet market demand' which is contrary to the findings of the assessment of a range of housing development in the Residential Standards Topic Paper.</p> <p>7. The Viability Assessment also concludes that the application of all policy requirements would result in the residual land value of sites</p>	<p>considered appropriate it is suggested that Policy DM10 is reworded to allow greater flexibility, with the Council seeking <i>'Where possible'</i> the introduction of NDSS or require the introduction of NDSS <i>'excluding affordable housing'</i> or require minimum NDSS <i>'unless demonstrated to be financially unviable'</i>. It is important to note here, that excluding affordable housing from the requirements of Policy DM10 on NDSS doesn't necessarily mean that affordable products wouldn't comply as they may have their own space standards as part of other conditions related to funding arrangements under Homes England for example. It is important however that the policy retains flexibility and unintended consequences of a blanket policy.</p> <p>- With regards to Part 2 of Policy DM10 amendments to this policy are welcomed in relation to the introduction of building regulation M4(2) however any development thresholds and percentage of dwellings required to meet these standards should be based on robust evidence base rather than a 'finger in the air' approach.</p>	<p>range of other affordable products, undermining other elements of plan delivery.</p>	<p>degree of flexibility in the application of other DMB policies (e.g. accessibility) and affordable housing, but it is unlikely that this will be required in most circumstances. One of the Council's key objectives is to drive up quality and standards which will improve marketability and demand, which in turn will improve sales rates (i.e. speed of sale) and sales values.</p> <p>3. The findings in the updated Topic Paper is not considered to be contrary to its conclusions. Of a total of 3,849 dwellings, the majority of dwellings (71%) were fully compliant with the NDSS, 26.8% of dwellings were not compliant. The Viability Assessment Topic Paper demonstrates that the standard is capable of being met across the city and that the size and type of dwellings currently being delivered confirms this. It is considered that Policy DM10 as worded provides sufficient flexibility to allow for exceptions to meet the NDSS to be considered.</p> <p>4. Part 6 of the policy DM10 already provides flexibility for exceptions to be considered in order to deliver innovative high quality design, deal with site specific issues, or respond to local character where it can be demonstrated that residential amenity will be significantly diminished. The Council is proposing minor changes to Part 6 of the policy to clarify that this will</p>

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					<p>falling below the existing land value and, in these circumstances 'flexible application' of policy requirements are needed.</p> <p>8. No evidence to justify the proposed threshold of 15 dwellings or proportion of dwellings to meet Part M4(2) standards set at 30%.</p> <p>9. The introduction of the revised thresholds for M4(2) dwellings within new developments does not appear to be addressed in the Sustainability Appraisal.</p> <p>10. The reasonable alternative of having no minimum space standards has been dismissed, but no justification for this dismissal has been provided.</p> <p>11. There appears to be an all or nothing approach. A reasonable alternative would be to allow greater flexibility in the introduction of NDSS as is the case for Part M4(2).</p> <p>12. The NPPF requires plans to make effective use of land. DM10 fails to address this issue.</p> <p>13. The policy would be unduly onerous in terms of the consequences for the range of affordable products which could be offered.</p> <p>14. There is evidence demonstrating that market dwellings not meeting the NDSS have sold and that persons living in these dwellings do not consider that</p>			<p>need to be supported by appropriate evidence.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished.”</i></p> <p>5. As per answer to point 1.</p> <p>6. As noted above in response to point 3, the majority of schemes either meet the standard completely or were within 10% of the standard. This is entirely consistent with the observation in the Financial Viability Assessment.</p> <p>7. Existing and emerging policies already make provision of flexible application of policies. For example, the accessibility requirements in DM10 are applied unless it can be demonstrated that they would make schemes unviable. Further, other existing policies such as TP31 Affordable Housing provide flexibility should site-specific viability issues arise.</p> <p>8. The Councils this scale of development as viable for</p>

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					<p>their housing needs.</p> <p>15. No lead in time is proposed for the introduction of NDSS. Introducing NDSS with immediate effect is justified by the Council given the five-year period over which consultation on the document has spanned, however, in light of this, the document is considered to be out of date and has continuously failed to take account of concerns raised on the blanket approach to NDSS.</p> <p>16. Object to the to the requirement for all residential development to meet the minimum NDSS and the requirements to apply Part M4 (2) of the Building Regulations to 30% of all properties on residential developments of over 15 dwellings without taking into other considerations such as the provision of affordable housing, in particular 100% affordable housing schemes.</p>			<p>delivering the policy requirements. Smaller schemes do not benefit from the economies of scale that larger schemes achieve and are more difficult to deliver generally (which is the usual reason for setting a threshold for affordable housing at more than 10 units).</p> <p>9. The revised threshold for the Part M4(2) has been assessed through an addendum to the Sustainability Appraisal.</p> <p>10. 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.</p> <p>11. It not understood how the NDSS can only be 'partially applied'. Part 6 of proposed policy DM10 allows for exceptions, so it is not an inflexible 'all or nothing approach.</p> <p>12. The effective use of land is not considered incompatible with the NDSS and is influenced by a range of other factors. Para 117 of the NPPF says policies and decisions should "promote the effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Policies and decisions should be promoted through: encouraging multiple benefits; using brownfield land; developing under-utilised land and buildings; using airspace</p>

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								<p>above existing residential and commercial properties; maximising densities (Para 118, 122-23). Nowhere in the NPPF does it state that NDSS should not be used because it would result in effective use of land. The HBF has not provided any evidence to support their argument that the NDSS results in less effective use of land.</p> <p>13. 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. Policy TP31 Affordable Housing does, however, recognise that there may be a need to apply the affordable housing policy flexibly in some circumstances when site-specific viability issues emerge. That said, the Council considers that driving up housing quality will make the City a more attractive place to live which will have positive impacts both in terms of value but also sales rates, both helping to offset any additional costs.</p> <p>14. The Council does not contend that properties not meeting the standards have not sold. The purpose of the policy, however, is to improve housing quality in Birmingham and space is considered an important contributing factor to quality. Having more space in the home is also important to homeowners as demonstrated in a survey by</p>

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								<p>Barclays Mortgages which found that over a third (38%) of homeowners wish they had moved into a bigger property than they currently live in and a quarter (25%) wish at least one of their rooms was larger, 37% of homeowners plan to improve their home to create additional space and 33% stated that the size of the home is more important than the location and nearly half would choose to own a larger property over staying in their current area. https://home.barclays/news/press-releases/2019/12/squeezed-britain--brits-confused-by-property-size/</p> <p>15. It is not proposed to allow for a transitional period before adoption of a new policy on space standards but rather seek to adopt and implement the policy alongside the other policies within the DMB document. The policy should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.</p> <p>16. The Part M(2) requirements in Policy DM10 have a de-minimis impact on costs, equating to 0.44% of the cost of building a typical house and 1.1% of the cost of building a typical flat. As such, the impact on affordable housing would be minimal, even if land values cannot adjust to take account of the policy requirement. On 100% affordable housing schemes, Registered Providers typically seek to meet or exceed</p>

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								accessibility standards as many of their residents have mobility issues that M4(2) seek to address.
16/7	Richard Hodson, Persimmon Homes Central	No	Not stated	Policy DM10	<p>1. The evidence set out in DM10 Standards for Residential Development Topic Paper does not contain evidence to justify the policy requirement. The council should provide a local assessment of need.</p> <p>2. Persimmon is able to provide evidence demonstrating that market dwellings not meeting the NDSS have sold and that persons living in these dwellings do not consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison to other dwellings.</p> <p>3. Persimmon recognise that customers have different budgets and aspirations. An inflexible policy approach for NDSS for all dwellings will impact on affordability and effect customer choice. It is possible that additional families, who can no longer afford to buy a NDSS compliant home, are pushed into affordable housing need whilst the City Council is undermining the delivery of affordable housing.</p> <p>4. If the NDSS is adopted, the council should put forward proposals for transitional arrangements to allow for the land deals which will have been secured prior to introduction of the NDSS.</p>	<p>Before the DPD is submitted for examination, Policy DM10 Bullet Point (1) should be modified, the City Council should not require the NDSS for all residential development.</p> <p>Before the DPD is submitted for examination, Policy DM10 Bullet Points (3) and (4) should be modified to remove inappropriate references to the City Council's Design Guide / SPD.</p>	N/A	<p>Disagree – no change.</p> <p>1. 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 adoption of the NDSS.</p> <p>2. The Council does not contend that properties not meeting the standards have not sold. The purpose of the policy, however, is to improve housing quality in Birmingham and space is considered an important contributing factor to quality. Having more space in the home is also important to homeowners as demonstrated in a survey by Barclays Mortgages which found that over a third (38%) of homeowners wish they had moved into a bigger property than they currently live in and a quarter (25%) wish at least one of their rooms was larger, 37% of homeowners plan to improve their home to create additional space and 33% stated that the size of the home is more important than the location and nearly half would choose to own a larger property over staying in their current area. https://home.barclays/news/press-releases/2019/12/squeezed-britain--brits-confused-by-property-size/</p> <p>3. The updated Standard for</p>

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					<p>These sites should be allowed to move through the planning system. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date similar to the approach adopted by the introduction of CIL regulations.</p> <p>5. Policy DM10 Bullet Point (4) states that all new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development with reference to the Birmingham Design Guide. The City Council should not convey the weight of the DPD onto this Design Guide / SPD. - The standards stated within bullet point 1 and appendix 1 should be in accordance with the most relevant NPPF. Any space standards introduced should only be put in action in necessary situations.</p>			<p>Residential Development Topic Paper shows that of the total of 3,849 dwellings appraised, the majority of dwellings (71%) were fully compliant with the NDSS, while 26.8% of dwellings were not compliant. The market in Birmingham has largely already adjusted to the standard and the propensity of buyers to purchase units has been unaffected. The Council does not accept the suggestion that potential purchasers who are on the margins of affordability will be “pushed” into affordable housing as they are unlikely to qualify. These households are likely to consider alternatives such as private renting which is becoming an increasing element of new housing supply in the City. The Council’s aim is to improve quality across all sectors and not focus solely on home ownership.</p> <p>4. It is not proposed to allow for a transitional period before adoption of a new 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.</p> <p>5. The policy does not convey statutory weight to the Design Guide SPD.</p>
17/4	Mairead Kiely, Planning	No	Yes	DM10	1. The overall aim of DM10 is supported, but St. Modwen still have concerns about Part 2 of the	Part 2 of the policy should be deleted in the absence of justification for the 30%	N/A	Disagree – no change. 1. The justification for adopting the

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	Prospects (on behalf of St Modwen Homes Ltd)				<p>policy which requires housing development of 15 or more dwellings to provide at least 30% of new dwellings to be accessible and adaptable homes in accordance with Building Regulation Part M4 (2) as it has not been justified.</p> <p>2. It is noted that policy has been amended so the exemptions as set out in Part 6 now apply to all the requirements (Parts 1-5). This is supported, but it is not clear what would constitute “exceptional site issues”. Further details should be provided.</p>	<p>requirement.</p> <p>Part 6 should be supported with a definition of “exceptional site issues” in order to be effective.</p>		<p>optional access standard Part M4(2) is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further evidence on the need for adopting the optional access standard.</p> <p>2. The Council is proposing a change to Part 6 of the policy.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished.”</i></p>
20/1	Cameron Austin-Fell, RPS Consulting (on behalf of Taylor Wimpey UK Ltd)	No	No stated	Policy DM10	<p>1. In terms of need, RPS cannot find any justification within the supporting topic paper for the adoption of the NDSS in Birmingham.</p> <p>2. There does not appear to be any systemic crisis or failure in the pursuit of the objective to deliver homes in line with the NDSS under current planning framework in Birmingham.</p> <p>3. The evidence is not specific to Birmingham and so cannot form a credible evidence base for adopting</p>	<p>The reference to ‘all’ residential development to comply with the NDSS should be removed and that the policy wording should be amended to be less prescriptive in light of the lack of clear evidence presented.</p> <p>Criterion (2) should be reworded to remove the intention to apply this policy to 30% all dwellings, as there is insufficient evidence to support this.</p>	N/A	<p>Disagree – no change.</p> <p>1. 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 adoption of the NDSS.</p> <p>2. The Standards for Residential Development Topic Paper assessed a sample of recently approved development sites in Birmingham. Of a total of 3,849 dwellings, the majority of dwellings (71%) were fully compliant with</p>

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					<p>the NDSS.</p> <p>4. The evidence base underpinning Policy DM10 (1) has not adequately assessed the viability implications of the minimum NDSS standards for each dwelling by bedroom size and has not explained the selection of the six space standards which are tested in the assessment. RPS does not consider the evidence to be sufficiently robust.</p> <p>5. In relation the 30% requirement for Part M4(2) compliant dwellings, data and other supporting information provides a useful insight into the need for specialist accommodation in Birmingham, but does not provide any credible evidence for the need for specific property types, as required by national policy.</p> <p>6. The rationale for the additional costs are not explained in the topic paper or Viability Report.</p> <p>7. It is not clear how these additional costs have been considered in the context of the minimum floor areas the council is seeking. It is important to ensure requirement can be viably delivered.</p>	<p>RPS suggest an alternative approach could be to consider applying the 30% specifically to the affordable housing component of qualifying schemes, where evidence suggests a need exists.</p>		<p>the NDSS, however 26.8% of dwellings were not compliant. This demonstrates that there is still a significant proportion which fell below the NDSS.</p> <p>3. 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 adoption of the NDSS in Birmingham.</p> <p>4. The Viability Assessment has tested the most the most typical flat and house types that have been developed as supported by Table 5 of the Topic Paper on Standards for Residential Development.</p> <p>5. 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 adoption of the NDSS.</p> <p>6. The rationale for the additional costs is outlined at paragraph 3.20 and footnote 8 of the Viability Assessment. This is a national study that has not been challenged.</p> <p>7. The Viability Study considers the cumulative impact of all emerging and adopted policy requirements. The space standards in the NDSS are incorporated in all the testing as a base position. Other policy</p>

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								requirements are then 'layered' into the appraisals, as shown in tables 4.6.1 to 4.6.7. The basis for all policy costs is set out in Section 3 of the report.
21/9	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	Policy DM10	<p>1. The Topic Paper and Financial Viability Assessment do not fully justify the policy requirements and therefore Policy DM10 is not sound in its current form.</p> <p>2. The Topic Paper does not demonstrate a persistent significant under delivery against NDSS as a whole, or identify that Birmingham City Council has experienced a systemic problem such as to provide a compelling 'need' case for NDSS to be required to be enshrined into Local Plan Policy for all sites to achieve.</p> <p>3. The Council should not be adopting a Local Plan document which demonstrates from the outset that it is likely that some applicants will be required to enter into viability appraisals at the planning application stage to determine how adopted Policies, including in relation to affordable housing, should be applied, even if the policy states 'subject to viability' (which it currently does not).</p> <p>4. The financial viability assessment includes some large housing-based schemes, but do not consider the implications of applying the for NDSS and Part M4(2) to an urban extension.</p> <p>5. NDSS reduces the number of</p>	<p>There needs to be an appropriate evidence base in place, notably with respect to viability and need, which justifies the approach taken.</p> <p>The Birmingham Development Plan compliant range of site typologies must be tested through the viability assessment work.</p> <p>If need and viability cannot be appropriately demonstrated then it is contended that the Local Plan should not be including the additional housing standards.</p> <p>A "subject to viability" clause should be added to the exceptions listed within point 6 of Policy DM10.</p> <p>Should the NDSS become a Policy requirement, the Policy would need to include an appropriate transition period for implementation post-adoption.</p> <p>The Policy should also not require total compliance with Supplementary</p>	N/A	<p>Disagree - no change.</p> <p>1. 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 adoption of the NDSS.</p> <p>2. The Standards for Residential Development Topic Paper assessed a sample of recently approved development sites in Birmingham. Of a total of 3,849 dwellings, the majority of dwellings (71%) were fully compliant with the NDSS, however 26.8% of dwellings were not compliant. This demonstrates that there is still a significant proportion which fell below the NDSS.</p> <p>3. BDP Policy TP31 Affordable Housing and the M4(2) requirements of DM10 explicitly recognise that there may be occasions where the full policy requirement cannot be met. In such cases, the Council accepts a lower provision of affordable housing upon the submission of a site-specific viability assessment which is subject to rigorous review. This is a long-standing approach in Birmingham and other cities where the pattern of development is complex, requiring a flexible approach in some</p>

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					<p>dwellingings that can be achieved on site, making land use less efficient and requiring planning obligations to be shared across fewer dwellingings.</p> <p>6. The viability appraisal should also test the viability implication of the current level of delivery against NDSS as a comparison to understand the additional implications of full NDSS compliance together with other policy considerations use this as a comparison.</p> <p>7. Similarly, the viability appraisal has not tested the implication of including less than a 30% Part M4(2) dwellingings.</p> <p>8. It is unreasonable for the Topic Paper to conclude that there is no need to allow for a transition period on the grounds that there is no notable viability impacts anticipated from the introduction of NDSS and that the intention to introduce the standards has been in the public domain for 4 years.</p> <p>9. Part 3 and 4 references standards that are being brought in through the emerging Design Guide SPD. Any references to the SPD should make it clear that the Design Guide is a guidance document that should be given regard to and is capable of being a material consideration but does not form part of the adopted Development Plan.</p>	<p>Planning Document standards.</p>		<p>instances. Unlike district councils where developments coming forward are homogenous, there are few developments in Birmingham which are 'typical' to which a 'standard' approach can be applied. Inevitably, viability testing at the planning application stage will be required in some cases. In the main, however, the Viability Assessment indicates that the policy requirements are viable in most circumstances</p> <p>4. The Viability Assessment tests a range of schemes, including large schemes of houses of up to 650 units. In practice, SUEs comprise a number of smaller developments and the development typologies reflect this. In any case, the SUE will focus on family housing at densities averaging 35-40 dwellingings per hectare.</p> <p>SUEs will typically adopt standard house types which meet or exceed NDSS. For example, Taylor Wimpey standard house types are as follows: Shelford: 4B6P – 128 sqm (NDSS standard is 106 sqm) Birchford: 3B4P – 91 sqm (NDSS standard is 84 sqm) Teesdale: 4B6P – 119 sqm (NDSS standard is 106 sqm) •Downham: 4B6P – 116 sqm (NDSS standard is 106 sqm) Easedale: 3B4P – 86 sqm (NDSS standard is 84 sqm)</p> <p>5. The effective use of land is not considered incompatible with the</p>

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								<p>NDSS and is influenced by a range of other factors. Para 117 of the NPPF says policies and decisions should “promote the effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”</p> <p>Policies and decisions should be promoted through: encouraging multiple benefits; using brownfield land; developing under-utilised land and buildings; using airspace above existing residential and commercial properties; maximising densities (Para 118, 122-23). Nowhere in the NPPF does it state that NDSS should not be used because it would result in effective use of land. The HBF has not provided any evidence to support their argument that the NDSS results in less effective use of land.</p> <p>6. The Viability Assessment tests the NDSS space standards as a base position (i.e. all the appraisal outputs reflect the requirements). The Assessment tests the cumulative impact of all emerging and adopted policies. None of the developments tested in the Viability Assessment fail to comply with the NDSS standard.</p> <p>7. The Viability Assessment tests the cumulative impact of all emerging and adopted policies. The Assessment layers on the policies one by one so that the individual impact can be seen. This process is shown in tables 4.6.1 to 4.6.7. In all cases, the</p>

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								<p>impact of the 30% M4(2) requirement is shown to be very modest, almost unnoticeable, in terms of change in residual land value (the change is typically no more than 1%).</p> <p>8. The justification for 30% of homes on developments of 15 or more dwellings to be accessible and adaptable homes is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further justification for the proportion required in proposed policy DM10.</p> <p>9. The policy does not convey statutory weight to the Design Guide SPD.</p>
23/2	Tom Biggs, St Joseph Homes Limited	No	Yes	Policy DM10	<p>1. Welcome the additional text added to outline possible exceptions to the policy.</p> <p>2. It is unclear how the council has arrived at the 30% figure for M4(2) compliant dwellings.</p> <p>3. Places for Living SPD is now 19 years old and the separation distances within it are suburban disposition and if applied would result in highly inefficient use of space contrary to the NPPF paras 117-123.</p>	<p>Recommend the following alterations:</p> <p><i>"2. Housing development of at least 15 or more dwellings should seek to provide at least 30% of dwellings that are as accessible and adaptable in accordance with Building Regulation Part M4(2) unless demonstrated to be financially unviable, fail to meet identified demand or are unsuitable for the site's location."</i></p> <p><i>"6. Exceptions to all of the above will be assessed on a site by site basis, taking into account schemes that deliver innovative high quality design, high quality"</i></p>	N/A	<p>1. Supported noted.</p> <p>2. The justification for 30% of homes on developments of 15 or more dwellings to be accessible and adaptable homes is set out in the Standards for Residential Development Topic Paper (October 2019) which has been updated to include further justification for the proportion required in proposed policy DM10.</p> <p>3. The City Council recognises the age of the Places for Living SPD and is currently drafting the Birmingham Design Guide SPD. This emerging document will include separation distances, but as at DM10 Part 6, states exceptions to Parts 1-5 of the policy standards will be</p>

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						<i>public space, deal with exceptional site issues, respond to local character, and where it can be demonstrated that residential amenity will not be significantly diminished.”</i>		considered.
24/1	Leonie Stoate Tetlow King (on behalf of West Midlands Housing Association Planning Consortium)	No	Not stated	Policy DM10	<p>1. We are concerned that the Council has applied the NDSS across all tenures through Part 1 of Policy DM10. Doing so will undermine the viability of development schemes and through viability testing of application proposals, will result in fewer affordable homes being delivered.</p> <p>2. In addition, many households may not desire, or require housing that meets these standards, as it will result in for example, higher rental and heating costs.</p> <p>3. There will be occasions where it is neither practical nor necessary to achieve the NDSS.</p> <p>4. The council must demonstrate clear evidence of need if seeking to introduce NDSS.</p> <p>5. Pleased to see that the requirement for all dwellings to meet, as a minimum, Building Regulation Part M4(2) has been amended to a more realistic standard. The Council now seek an ambitious yet much more achievable standard of 30% Part M4(2) on housing developments of 15 or more dwellings and have sensibly included wording on the viability aspects of development.</p>	N/A	N/A	<p>Disagree – no change.</p> <p>1. The Viability Assessment tests the cumulative impact of all emerging and adopted policies. Applying NDSS will improve the quality of schemes making developments in the City more attractive to potential purchasers. This will improve sales rates and add value, which will enhance viability. There should be little impact on affordable housing as the land market will adjust to reflect new standards. That said, policy TP31 has always offered a degree of flexibility in the application of affordable housing requirements where site-specific issues emerge that may prevent the provision of the full target level of 35%.</p> <p>2. The Council considers that lack of space in a home can compromise basic lifestyle needs such as spaces to store possessions, play exercise and entertain. A survey by Barclays Mortgages found that over a third (38%) of homeowners wish they had moved into a bigger property than they currently live in and a quarter (25%) wish at least one of their rooms was larger, 37% of homeowners plan to improve their</p>

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								<p>home to create additional space and 33% stated that the size of the home is more important than the location and nearly half would choose to own a larger property over staying in their current area. https://home.barclays/news/press-releases/2019/12/squeezed-britain--brits-confused-by-property-size/</p> <p>3. Part 6 of the policy DM10 provides flexibility for exceptions to deviate from the standards “in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished.”</p> <p>4. 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 adoption of the NDSS.</p> <p>5. Support noted.</p>
26/1	Ben Williams Turley (on behalf of anonymous client)	No	Not stated	Policy DM10	<p>1. Although there is an exception test (Part 6 of policy), we contend that there may be circumstances where it will not be possible to comply fully with the requirements of DM10, especially in the case with major and complex planning applications for redevelopment of sites in Birmingham city centre.</p> <p>2. The policy should not be applied too rigidly and a balanced approach to the assessment of the overall</p>	<p>The exception criterion (part 6) should be expanded to include the following considerations:</p> <p>1. Where the development includes housing types with specific and unique considerations (i.e. build to rent and co-living), and</p> <p>2. Economic viability</p> <p>This is necessary to ensure</p>	<p>In general terms, all policies within DMB ought to have due consideration for local market conditions and viability matters to ensure document is deliverable. Our client is generally supportive of the policies.</p>	<p>1. Disagree – no change.</p> <p>Point 6 allows any applicant to seek exceptions to the residential standards subject to the criteria stated.</p> <p>2. As per response to point 1.</p> <p>3. Disagree – no change.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913;</p>

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					<p>merits of a proposal.</p> <p>3. There should be flexibility for the various types and tenures of residential development including build to rent and co-living. The absence of any clear reference to these models is a concern. BDP text para 8.20 recognises the private rented sector. 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.</p> <p>4. Reference should be made in the exception test for DM10(6) in respect of economic viability in accordance with NPPF para 122.b.</p>	the policy if effective and make it sound.		<p>The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>4. Partly agree – 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 evidence.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence, that in order to deliver innovative high quality design, deal with exceptional specific site issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. In addition, any deviation from the standards must and where it can be demonstrated that residential amenity will not be significantly diminished.”</i></p>
28/3	Ben Williams Turley (on behalf of Moda Living)	No	Not stated	Policy DM10	1. Concern that the exceptions listed in Part 6 of policy do not adequately acknowledge non-traditional form of residential development such as build to rent	The exception criterion (part 6) should be expanded to include the following considerations:	N/A	<p>1. Disagree – no change.</p> <p>Point 6 allows any applicant to seek exceptions to the residential standards subject to the criteria</p>

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					<p>and co-living. BDP text para 8.20 recognises the private rented sector. 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.</p> <p>2. Reference should be made in the exception test for DM10(6) in respect of economic viability in accordance with NPPF para 122.b.</p>	<p>1. Where the development includes housing types with specific and unique considerations (i.e. build to rent and co-living), and</p> <p>2. Economic viability</p> <p>This is necessary to ensure the policy is effective and make it sound.</p>		<p>stated.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913; The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>2. Partly agree - 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 evidence.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished.”</i></p>
29/3	Samuel Lake Turley (on Oval Real	No	Yes	Policy DM10	1. The exceptions test in Part 6 of the policy is welcomed. However, it is recommended that the exception	Recommended that the exception criterion is expanded to include the	N/A	<p>1. Disagree – no change.</p> <p>Point 6 allows any applicant to</p>

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	Estate)				<p>criteria is expanded to include the following considerations: different housing types i.e. build to rent and co-living</p> <p>2. Policy should take account of likely economic impact in light of PPG Para 011: Reference ID: 60-011-20180913. The additional criteria will provide the market with sufficiently flexibility to address the local housing need while responding to the high quality design expectation in current and emerging guidance (Design Guide).</p>	<p>following considerations: different housing types i.e. build to rent and co-living and likely economic impact.</p>		<p>seek exceptions to the residential standards subject to the criteria stated.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913; The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913; The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>2. Partly agree - 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 evidence.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality</i></p>

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								<p><i>design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished."</i></p>
30/4	Charlotte Palmer, Turley (on behalf of Argent LLP)	No	Yes	Policy DM10	<p>1. The exceptions test in Part 6 of the policy is welcomed. However, it is recommended that the exception criterion is expanded to allow for a more balanced approach to the assessment of the overall merits of a proposal. In particular, flexibility should be incorporated to reflect the variety of types and tenures of residential development being brought forward, including build to rent and co-living.</p> <p>2. 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.</p>	<p>The exception criterion (part 6) should be expanded to include the following considerations:</p> <p>1. Where the development includes housing types with specific and unique considerations (i.e. build to rent and co-living), and 2. Economic viability</p> <p>This is necessary to ensure the policy is effective and make it sound.</p>	N/A	<p>1. Disagree – no change.</p> <p>Point 6 allows any applicant to seek exceptions to the residential standards subject to the criteria stated.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913; The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>In the context of PPG Para 011: Reference ID: 60-011-20180913; The City Council is not seeking to dis-apply the national space standards to build to rent or co-living schemes; but through DM10 (6), there is sufficient flexibility for proposals to seek to demonstrate how a quality living environment could be maintained outside these parameters.</p> <p>2. Partly agree - minor change proposed to clarify that proposals</p>

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								<p>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 evidence.</p> <p>Amend Part 6 of policy DM10 to: <i>“Exceptions to all of the above will only be considered where it can be robustly demonstrated with appropriate evidence that to deliver innovative high quality design, deal with exceptional-site specific issues, or respond to local character, adhering to the standards is not feasible due to physical constraints or financial viability issues. Any reduction in standards as a result must and where it can be demonstrated that residential amenity will not be significantly diminished.”</i></p>
32/6	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM10	Policy DM10 should require residential development to comply with ‘Secured by Design’ Standards.	<p>An additional criterion to DM10:</p> <p>‘All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.’</p>	None	<p>Disagree – no change.</p> <p>BDP policy PG3 already requires all new development to “Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance.”</p> <p>The emerging Birmingham Design Guide, which will replace existing design guidance, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.</p>

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Policy DM11 Houses in multiple occupation								
6/1	Dean Othman	No	Yes	Policy DM11	<p>The Article 4 Direction will come into effect on 8th June leaving me not knowing whether I will be able to convert my house to HMO. This will devalue my property.</p> <p>The case against HMOs e.g. high amounts of litter, high incidence of crime and anti-social behaviour and parking problems do not apply to Dale Road.</p>	N/A	N/A	<p>Disagree - no change.</p> <p>Comments on the Article 4 Direction do not relate directly to the policy DM11.</p> <p>The explanatory text to policy DM11 does also recognise the important contribution HMOs make to meeting housing need and providing choice. The policy aims to ensure that such development also preserves the residential amenity and character of areas and that harmful concentrations do not arise.</p>
21/10	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM11	N/A	N/A	The Consortium welcomes the clarification provided on the term 'non-family housing' and have no further comments to make.	Support noted.
13/1	Lorraine Callery	No	Yes	Policy DM11 HMOs Para 4.21 Stage 2	1. Under counting – Are properties that may be classified as C3 (b) and C3(c) which the general public classify as HMOs even if this is not the planning department classification included in the count of % concentration? Many landlords in recent year have given their properties over to housing associations and RSL on 3-5 year leases. Are these properties going to be included when working out the number of HMOs within a 100-metre radius? Do these properties need to be declared under the	Make clear the situation with regard to C3(b) and C3(c) properties.	2. Query on room sizes for bedrooms mentioned in the document in the blue box on page 30. Section 1f refers to a room size of 7.5 sqm whereas the current minimum room standard has been advised as 6.51 sqm - Does this only relate to new HMOs that are applied for or will it be relevant to existing HMOs too?	<p>1. Use Class C3(b) and C3(c) are not classified as HMOs for planning purposes and are therefore not included in the calculation of HMOs.</p> <p>2. The policy would only apply to new HMOs.</p> <p>3. Agree – minor change proposed to provide clarity.</p> <p>Amend 1.d. of the policy to:</p> <p>1.d. "...would not result in the loss</p>

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					Article 4 Direction? It is more often the concentrated number of the type of property that causes concern to the neighbouring community rather than standard professional HMOs.		3. Point 1.d. "...would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies" of the policy is far to grey and broad. I would like to see more detail and examples on what might this refer to.	<i>of an existing use that makes an important contribution to other Council objectives, strategies and policies." It does not conflict with any other Policies in the Local Plan".</i>
32/7	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM11	Reference should be added to ensure that proposals for HMOs do not give rise to adverse cumulative impacts in terms of safety, security and the fear of crime.	Additional wording in bold to point e of DM11: e. would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking; safety and security, crime and the fear of crime.'	None	Disagree – no change. BDP policy PG3 already requires all new development to "Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance." The emerging Birmingham Design Guide, which will replace existing design guidance, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures. Furthermore, policy DM11 criteria e) requires development proposals for HMOs to e. would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, highway safety and parking". Policy DM2 Amenity states that "in assessing the impact of development on amenity the following will be considered..." This includes at point f: "f. Safety considerations, crime,

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								fear of crime and anti-social behaviour.”
Policy DM12 Residential conversions and specialist accommodation								
21/11	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM12	<p>1. Part e) is so broad that in theory it could prevent any conversions or subdivisions of any properties to create individual residential units or specialist accommodation, given that it could be argued that the Council’s objectives, strategies and policies currently support a full mix of uses.</p> <p>2. It is not clear whether the Council is intending part e) to cover other residential and non-residential uses.</p> <p>3. Policy TP30 should be an important consideration in the application of proposed Policy DM12.</p>	<p>The following amended Policy wording is proposed at part e) of the policy: e. It will not result in the loss of an existing use that makes an important contribution to the Council’s objectives, strategies and policies It does not conflict with any other Policies in the Local Plan”.</p>	N/A	<p>Agree – minor change proposed to reduce ambiguity.</p> <p>Amend Part e) of proposed policy DM12 to:</p> <p>e. It will not result in the loss of an existing use that makes an important contribution to the Council’s objectives, strategies and policies It does not conflict with any other Policies in the Local Plan”.</p> <p>2. The policy does not cover other residential and non-residential uses.</p> <p>3. A link to BDP policy TP30 is referenced.</p>
4/5	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM12	<p>1. The policy is welcomed, but the explanatory text does not set out significant need for specialist elderly accommodation. The @SHOP tool should be used to understand need and properly plan to meet it. The policy should offer more encouragement for specialist elderly accommodation.</p> <p>2. Retirement villages’, extra care, or housing with care should be excluded from the policy.</p> <p>3. How would policy point 1.a. be applied to a new purpose-built development or does the policy</p>	<p>The explanatory text/policy should clarify that policy DM12 applies to any development falling into use Class C2.</p> <p>Retirement villages’, extra care, or housing with care should be excluded from the policy.</p>	N/A	<p>1. Proposed policy DM12 links to BDP Policy TP27 which recognises the importance of meeting a wide range of housing needs, including homes for families, the elderly and appropriate levels of affordable housing.</p> <p>2. 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.</p>

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					point apply solely to conversions?			3. The policy applies to change of use and new purpose-built development. The considerations of 1.a. i.e. Impact on amenity, public and highway safety etc, would equally apply to new purpose-built development.
Policy DM13 Self and custom build housing								
21/12	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	Not stated	Not stated	Policy DM13	N/A	N/A	The Consortium notes that there is no material change in Policy wording between the current consultation draft and the Preferred Options consultation. The proposed Policy wording is consistent with the Birmingham Development Plan. The Consortium has no further comments to make to this particular Policy.	Support noted.
24/2	Leonie Stoate Tetlow King (on behalf of West Midlands Housing Association Planning Consortium)	No	Not stated	Policy DM13	Any requirement to deliver affordable housing should be separate to the delivery of self and custom-build plots. Affordable, self and custom-build plots have very different requirements for funding and delivery. Given the very substantial need for affordable housing across Birmingham, the affordable housing requirement should not be off-set by self and custom-build delivery.	N/A	N/A	Partly agree – minor change proposed. The affordable housing policy set out in BDP Policy TP31 continues to apply. Self-built is often used as a way onto the property and to facilitate this sector the policy DM13 states that ‘affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement on larger sites’. It is, however, recognised that the delivery of ‘traditional’ affordable

ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
								properties remains the first priority for the Council. As such it is proposed to amend Part 3 of the policy to: <i>"3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement mix provided on larger sites (200 dwellings or more) where it is demonstrated to meet an identified need and is not substituted for needed social rented and affordable rented housing."</i>
32/8	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes	DM13	The policy should address the need for proposals to meet 'Secured by Design' standards.	An additional criterion to DM13: ' <i>...4. 'All new development should include consideration of crime prevention measures and Secured by Design principles to reduce crime, the fear of crime and anti-social behaviour.'</i> '	None	Disagree – no change. BDP policy PG3 already requires all new development to "Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance." The emerging Birmingham Design Guide, which will replace existing design guidance, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.
Policy DM14 Highway safety and access								
4/6	Alex Jones, Adlington Retirement Living	No	Not stated	Policy DM14	Point (1) conflicts with NPPF paragraph 109 and should be amended.	Point (1) conflicts with NPPF paragraph 109 and should be amended to ' <i>unacceptable</i> adverse impact.'	N/A	Agree – minor change proposed for consistency with the NPPF. Amend Part 1 of policy to: <i>"1. Development must ensure that the safety of highway users is</i>

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								<i>properly taken in consideration and that any new development would not have an unacceptable adverse impact on highway safety."</i>
5/2	Ailith Rutt, Canals & Rivers Trust	No	Yes	Policy DM14 Para 5.4 & 5.5	1. Specific references to likely types of requirements of developers via planning obligation should be included in policy DM14	2. Para 5.4 and Para 5.5 should go further towards requiring new developments to provide alternative means of sustainable travel for residents, staff, visitors etc. Text such as: <i>"Applicants should be required to provide details of existing and proposed sustainable travel routes in the vicinity of the development site and how they would be identified, improved and promoted as a result of their proposals."</i> We acknowledge that this would need to be proportionate to the type and scale of development proposed.	3. Concerned that the matters we raised have not been properly understood and taken into account. The focus of the policy appears to be on road vehicles and parking arrangements, rather than on seeking to require appropriate alternative travel methods and the relevant infrastructure provision 4. The Trust is unaware of any separate guidance on travel plans and their content, and none is referenced in the draft DPD. 5. The promotion of the canal network for sustainable travel is referred to in BCC response as already being located in the BDP, however no references are provided either in the Consultation Statement or in the draft DPD. 6. Policy TP42 of the BDP relating to how waterborne freight might be encouraged and	1. Disagree - no change. The implementation section of the policy recognises that the requirements may need to be delivered through planning obligations. 2 and 4. Disagree – no change. Para. 5.6 of the supporting text to DM14 states that "Detailed guidance on Travel Plans is provided on Birmingham Connected Business Travel Network with requirements for updating and maintaining Travel Plans through StarsFor. Further detail is set out in para 5.6 on how Travel Plans should be worked up and what should be included. 3. BDP policies TP38-45 promote and encourage sustainable travel. Policy DM14 sets out the detail transport and traffic considerations relevant to individual development proposals. 5. BDP Policy TP40 Cycling promotes cycling as a form of active sustainable travel and encourages and supports <i>"further development and enhancement of an extensive off-road network of canal towpaths and green routes."</i> 6. BDP Policy TP42 already

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							<p>achieved (or required) should also be provided but has been omitted from this document, although we accept that this policy has been added to the list of references at the end of the chapter. Again, we consider that inserting a policy and a vision for its delivery would assist in the decision-making process and would have made the draft DPD more effective in delivering more sustainable travel options.</p>	<p>covers the topic of Freight and para. 9.40 recognises that “the existing network of canals in Birmingham also offers some potential for freight transport.” A link to this policy is made in the DMB. The Council has also prepared a draft Birmingham Transport Plan, which sets out what the city needs to do differently/ ‘Big Moves’ to meet the transport demands of the future. It includes a vision around efficient, economical and sustainable freight movement. It also proposes to re-invest any funding raised through a potential Workplace Parking Levy to contribute towards the delivery of cycle routes and canal improvements, amongst other public transport infrastructure and public realm improvements.</p>
7/3	Caroline McDade Deloitte LLP (on behalf of Universities Superannuation Scheme)	Yes	Yes	Policy DM14	Policy TP14 must not restrict the operations of employment areas outlined in policy TP19 of the BDP and support improvements to access arrangements whereby it can be demonstrated that this would enhance the functionality of these sites, including the USS site. The council needs to adopt a flexible approach in applying policy DM14.	N/A	N/A	<p>Noted - no change.</p> <p>It is not considered that proposed policy DM14 will restrict the operation of employment areas outlined in BDP Policy TP19.</p>
10/6	Catherine Townend Highways England	Yes	Yes	Policy DM14	Highways England still supports inclusion of this policy.	N/A	Any proposals for new accesses to the SRN must be delivered in accordance with DfT Circular 02/2013 Paragraph 37 – 44 and relevant standards and DMRB CD 123 Geometric Design of At-	Support noted.

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							Grade Priority and Signal-Controlled Junctions.	
14/6	Paul Gilmore	Not stated	Not stated	Policy DM14	<p>1. DM14 is silent on requirement to provide tens of thousands of new on street charging points for EV's during the plan period.</p> <p>2. The move to EV and the requirement for charging in areas not well served by on plot parking will need managing as it will have an effect on highway safety.</p> <p>3. Part 1 conflicts with maximum parking standards in current draft Parking SPD.</p> <p>4. Part 2 should refer to the need to provide safe on plot charging for EV's.</p>	N/A	N/A	<p>1. Disagree – minor change proposed for clarity.</p> <p>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, the following amendment to the first para. 5.14 of the supporting text to Policy DM14 is proposed:</p> <p><i>“5.14 The Council will support and promote the provision of on-street and off-street charging points for ultra-low emission vehicles and car clubs.”</i></p> <p>2. Noted. This issue is addressed in the Draft Parking SPD (p32) which clarifies that <i>“where no parking spaces are provided, there is no requirement to install an electric vehicle chargepoint, For unallocated residential parking provided on-street, an assessment must be made in liaison with the network provider, to take account of existing chargepoint availability and whether this is appropriate provision for the likely demand generated by the development. Where further provision is required, a planning obligation will be sought for the provision of additional chargepoints to meet the identified need”</i></p>

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								<p>3. Disagree – no change.</p> <p>The draft Parking SPD supports the objectives of DM15.</p> <p>4. Disagree – no change.</p> <p>The provision of safe charging for EV is assumed. Detailed guidance will be provided in the Parking SPD.</p>
16/9	Richard Hodson, Persimmon Homes Central	Yes	Not stated	Policy DM14	Support the aspirations of Policy DM14 Highway safety and access	N/A	N/A	Support noted.
18/5	Mairead Kiely, Planning Prospects (on behalf of St Modwen Homes Ltd)	No	Yes	Policy DM14 Para 5.7	Para 5.7 of the supporting text to DM14 refer to 'sanctions' for Travel Plans. Further information should be provided on the type of sanctions to ensure the policy is justified, effective and consistent with national policy.	Paragraph 5.7 should be deleted in the absence of any clarification or justification of the type of sanctions	N/A	<p>Disagree – no change.</p> <p>Enforcement action or the instigation of default mechanisms or remedial measures set within planning obligations would be a last resort in the event of failure to achieve agreed targets. The details of remedial measures will depend on the nature, scale and severity of the transport impacts and the sanctions must be reasonable and proportionate. Where possible, non-financial sanctions, such as more active or different marketing of sustainable transport modes or additional traffic management measures.</p>
21/13	Michael Burrows, Savills(on behalf of Langley Sutton Coldfield Consortium)	No	Not stated	DM14	1. 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.	The following additional wording is proposed to Criteria e) " <i>the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no</i>	N/A	<p>1. Agree – minor change proposed to rectify the internal inconsistency between Parts 5 and 6 of the policy. The Council proposes that Part 6 of the policy is amended to:</p> <p>"6. In other locations, All-new</p>

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					<p>2. Policy to be supported by a definition and plan to assist with identifying what the Birmingham strategic highway network, principal routes and distributor routes comprise and where they are located.</p>	<p><i>practical alternatives.</i>"</p>		<p><i>vehicle access points (including private driveways) will be supported where it would will not result in:</i></p> <ul style="list-style-type: none"> <i>a. reduction in pedestrian or highway safety;</i> <i>b. detrimental impact on public transport, cycling and walking routes;</i> <i>c. adverse impact on the quality of the street scene and local character of the area;</i> <i>d. the loss of important landscape features, including street trees and significant areas of green verge which cannot be appropriately replaced, or their loss mitigated; and</i> <i>e. the prevention or restriction of the implementation of necessary or future transport improvements unless there are no practical alternatives."</i> <p>2. Agree – minor change proposed for consistency with the BDP.</p> <p>The definition of the city's Strategic Highway Network (SHN) is set out in the BDP para. 9.50 and in Plan 3 on page 25 of the BDP. The SHN comprises of the M6 and A38(M) Aston Expressway and the A road primary route network which is generally characterised by key corridors radiating out from the City Centre.</p> <p>As a consequence, amend Part 5 of DM14 to:</p> <p><i>"5. On Birmingham's strategic highway network, and other</i></p>

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								<i>principle and main distributor routes, development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where specified in a local plan or where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety)."</i>
25/1	Helen Davies (Senior Policy Officer) Transport for the West Midlands	Not stated	Not stated	Policy DM14	<p>1. The policy focuses very much on highway capacity. We encourage a presumption in favour of sustainable transport provision and infrastructure.</p> <p>2. In addition to Construction Traffic Management Plans, we 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.</p> <p>3. A greater focus on better connectivity, legibility, quality, usability and capacity of public transport is recommended.</p> <p>4. Detailed advice on the Key Route Network can be provided by TfWM.</p> <p>5. The document does not demonstrate how important public realm measures are to encourage healthy living and active travel.</p> <p>6. The policy fails to consider innovation in sustainable transport or maximise technology to enhance</p>	N/A	N/A	<p>1. Disagree – no change.</p> <p>The core policies in relation to the promotion and improvement of sustainable transport and the enhancement of the public realm in Birmingham is set out in the adopted Birmingham Development Plan.</p> <p>2. Noted. Where appropriate, the Council can informally encourage developers to sign up to CLOCS.</p> <p>3. Policies in relation to the promotion of public transport are contained in adopted Birmingham Development Plan, specifically policies TP38 A sustainable transport network and TP41 Public transport.</p> <p>4. Noted.</p> <p>5. Disagree – no change.</p> <p>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</p>

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					and support new developments.			policies TP37 Health, TP38 A sustainable transport network, TP39 Walking and TP40 Cycling. 6. Disagree – no change. 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.
32/9	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	Yes	Yes	DM14	The CCWMP supports this policy.	None	N/A	Supported noted.

Policy DM15 Parking and servicing

9/4	Simon Hawley, Harris Lamb (on behalf of Bloor Homes)	No	Yes	Policy DM15	<p>1. No concerns with policy DM15, but significant concerns with the council's draft Parking Supplementary Planning Document.</p> <p>2. Support para. 5.15 specifically the use of garages as contributing to parking spaces.</p> <p>3. 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 which could potentially cause highway safety issues and detract from the local environment.</p>	N/A	N/A	<p>Noted.</p> <p>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</p>
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ID ref	Name	Sound	Legally comply	Policy/ para	Main Issues raised	Changes sought	Additional comments	Council response and proposed changes
10/7	Catherine Townend Highways England	Yes	Yes	Policy DM15	Highways England still welcomes the approach to the parking policy.	N/A	N/A	Support noted.
12/2	Sue Green Home Builders Federation	No	Not stated	Policy DM15	<p>1. The Regulations state that DM policies should be set out as Local Plan policy yet DM15 states that the car parking requirements, including provision of EVCPs will be carried forward in an SPD. This gives DPD status to a document.</p> <p>2. 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.</p> <p>3. There needs to be exemptions where the provision of a charging point is not technically feasible or financially unviable otherwise there will be an impact on housing supply.</p> <p>4. A requirement for large numbers of charging points will require a larger connection to the development and will introduce a power supply requirement, which puts strain on the developer and distribution network operator.</p>	Before the DPD is submitted for examination, Policy DM15 Bullet Points (2) and (3) should be modified.	N/A	<p>1. Agree – minor change proposed for clarity purposes.</p> <p>Proposed policy DM15 links to BDP policy TP44 which references the city's Parking SPD in para. 9.53 as "providing information on appropriate levels for various land uses... The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking."</p> <p>A policy hook to the Parking SPD therefore exists in the adopted BDP. To be consistent with the BDP and not confer DPD weight the to the Parking SPD, a minor modification to Part 2 of policy DM15 is proposed:</p> <p><i>"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document."</i></p> <p>2. Disagree – no change.</p> <p>The Council's approach to EV</p>

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								<p>standards follows the principles and proposals set out in the Government's consultation on 'Electric vehicle charging in residential and non-residential buildings.' 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.</p> <p>3. Partly agree – minor change proposed.</p> <p>The re-wording of Part 2 of policy DM14, as suggested above, will provide sufficient flexibility.</p> <p>In addition, paragraph 9.53 of the BDP can be added to the supporting text of the DMB document at para 5.14 to provide consistency and clarity.</p> <p>Amend para. 5.13 to:</p> <p><i>"5.13 The Council's parking standards currently set out in the is currently consulting on a new Parking Supplementary Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document and elements of the Birmingham Parking Policy (2010). It provides revised parking standards for all new developments in the city to</i></p>

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								<p><i>reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city."</i></p> <p>4. Noted. Para 105 of the NPPF requires local authorities, where setting local parking standards, 'to take account of the need to ensure an adequate provision of spaces for charging plug-in and other ultra low emission vehicles.'</p> <p>Past and current governments have supported measure to encourage uptake of EVs. Concerns have been raised that increasing the number of electric vehicles will add to electricity demand and place pressure on the UK's grid network, operated by National Grid. While National Grid do expect electricity demand to increase, they have said that policies and incentives should be able to address the increase in demand to reduce the impact on the UK's electricity system. (Source: House of Commons Library Briefing Paper on Electric Vehicles and Infrastructure, 25th</p>

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								March 2020)
14/7	Paul Gilmore	Not stated	Not stated	Policy DM15	<p>1. Policy DM15 is good but not consistent with draft Parking SPD regarding maximum car parking spaces. These maximums are not supported by evidence as required by NPPG at para 105 & 106.</p> <p>2. Policy needs to address how the city will manage the provision of EV charging where linked to residential and on street parking.</p>	3. Part 2 remove text after word “clubs” to remove internal inconsistency within this policy.	N/A	<p>1. Disagree – no change.</p> <p>The draft Parking SPD is supported by an evidence base which justifies the approach.</p> <p>2. Disagree – no change.</p> <p>The draft Parking SPD provides detailed guidance on EV charging which is in line with the government’s proposals on EV charging infrastructure in residential and non-residential development. This includes guidance in relation to provision of residential EV charging on street</p> <p>3. Disagree – It is not clear as to the internal consistency that the respondent refers to, but the Council proposes a minor change to Part 2 of DM15 to be consistent with the BDP and not confer DPD weight the to the Parking SPD</p> <p><i>“2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is-in-accordance-with the Council’s Parking Supplementary Planning Document.”</i></p>
15/6	Katherine Lovsey-Barton,	No	Not stated	Policy DM15	1. Further clarity is required on Part 2 on the requirements of developers within the main text of	Should the Council wish to progress with the strategies included within the Draft	N/A	1. Disagree – the Council considers that the policy is clear. However, a change is proposed to

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	Pegasus Group (on behalf of Countryside Properties)				<p>this policy rather than as a passing statement only.</p> <p>2. The draft car parking SPD imposes onerous requirements on housing developers including the need to provide financial contributions towards a number of parking strategies such as car clubs, EV charge points and controlled on street parking.</p> <p>3. Government will introduce a new functional requirement through the Building Regulations, anticipated to come into force early 2020 which will ensure a standardised approach for new development. Government has proposed that an exemptions procedure could apply to allow for such circumstances which could render a development unviable. The Council's viability assessment does not take account of these wider cost impacts as it only focuses upon providing estimates for the cost of installing EVCP. The policy should be modified to take account of these issues.</p> <p>4. 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.</p> <p>5. There should also be clear hooks to other relevant policies proposed through the DPD, including for example the impact of Policy DM10 (standards for residential development) and the requirements</p>	<p>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 in order that these requirements are supported with appropriate, robust and justified evidence.</p> <p>To ensure clarity to readers, clear hooks to other policies of the DPD, where there is a direct link/correlation in policy requirements i.e. Policy DM10 in relation to building regulation M4(2) standards, should also be included within the wording of the policy.</p>		<p>Part 2 of the policy in response to other representations. It is proposed that Part 2 of policy DM15 is amended to:</p> <p><i>"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document."</i></p> <p>2. Disagree – no change.</p> <p>Requirements within the Parking SPD are not deemed unduly onerous. EV charging requirements have been aligned with proposed DfT legislation. The DfT has undertaken detailed viability work to support the new requirements that the government is seeking to introduce. See point 4 below.</p> <p>3. Noted. Reference to exemptions will be included in the Parking SPD. The Financial Viability Assessment (FVA) prepared by BNP Paribas (November 2019) has been undertaken in line with the NPPF. The FVA assessed the requirements set out in the publication version of the 'Development Management in Birmingham: Development Plan Document (October 2019)</p>

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					to introduce building regulation M4(2) standards on 30% of properties, which in turn will have clear implications for the proportion of disabled spaces required as part of new developments.			<p>alongside the policy requirements in the adopted Birmingham Development Plan (January 2017).</p> <p>4. Disagree – no change.</p> <p>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 considered to be consistent with the above policies in the BDP.</p> <p>5. Agree – no change.</p> <p>The Parking SPD addresses provision of appropriate disabled spaces taking into account Policy DM10,</p>
16/8	Richard Hodson, Persimmon Homes Central	No	Not stated	Policy DM15	The Regulations make it clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out as Local Plan policy yet Policy DM15 states that the car parking requirements including provision of	N/A	N/A	<p>Agree – minor modification proposed for consistency and clarity.</p> <p>Proposed policy DM15 links to BDP policy TP44 which references the city’s Parking SPD in para. 9.53 as “providing information on appropriate levels for various land</p>

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					<p>EVCPs will be carried forward in an SPD. This gives DPD status to a document, which is not part of the DPD and has not been subject to the same process of preparation, consultation and Examination. This is not compliant with the Regulations. Where an SPD is prepared, it should only be used to provide more detailed advice and guidance on the policies in the DPD and not as an opportunity to introduce requirements of a policy. New concepts should not be introduced within SPD. The notions should be presented within the DPD, with the SPD adding further detailed advice and guidance.</p>			<p>uses... The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking.”</p> <p>A policy hook to the Parking SPD therefore exists in the adopted BDP. So as to be consistent with the BDP and not confer DPD weight to the Parking SPD, a minor modification to Part 2 of policy DM15 is proposed:</p> <p><i>“2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council’s Parking Supplementary Planning Document.”</i></p>
17/6	Mairead Kiely, Planning Prospects (on behalf of St Modwen Homes Ltd)	No	Yes	Policy DM15 Para 5.15	<p>1. The policy should reflect that site and development specific considerations may justify alternative levels of parking to those outlined in the Parking SPD.</p> <p>2. The approach in para 5.15 is supported, however it is unclear what constitutes as ‘adequate functional space’. This should be defined to make the policy effective.</p>	<p>Part 2 of the policy should be amended as follows:</p> <p><i>“New development will be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs is in accordance with the Council’s Parking Supplementary Planning</i></p>	N/A	<p>1. Agree – minor change proposed for clarity and consistency.</p> <p>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.</p> <p>Amend para. 5.13 to:</p> <p><i>“5.13 The Council’s parking standards currently set out in the is currently consulting on a new Parking Supplementary</i></p>

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						<p><i>Document unless justified otherwise.</i></p> <p>Paragraph 5.15 should be supported with a definition of “adequate functional space”.</p>		<p><i>Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document and elements of the Birmingham Parking Policy (2010). It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.”</i></p> <p>2. Agree – minor change proposed for clarity.</p> <p>Adequate functional space’ is defined with the draft Parking SPD. This is set as: 6 metres by 3 metres, or 7 metres by 3.3 metres to include cycle storage as well.</p> <p>Amend para. 5.15 to: <i>“5.15 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space defined within the Parking</i></p>

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								SPD.”
18/1	Nick Pleasant, NJL (on behalf of Unite the Union and their Birmingham Knowledge Quarter partners)	Not stated	Not stated	Policy DM15	<p>1. It is unclear if the policy is an ‘and’ or ‘or’ criteria-based policy, and this should be addressed in revised wording.</p> <p>2. The suggested revisions are in the context that changes to parking policy must be brought forward alongside significant public transport improvements.</p> <p>3. The KQ partners consider there to be justification for new standalone parking in regeneration areas where proposals can assist in delivering regeneration.</p>	<p>A new part B on new standalone parking provision should read:</p> <p>Part 4 “<i>New standalone car parking will be supported in defined regeneration areas, or areas subject to wider masterplans. For example, where: there is a parking need; the provision of a standalone car park can be shown to have demonstrable benefits; and/or new parking can release existing car park sites for development</i>”.</p> <p>Part 5 should read: “<i>Proposals for standalone parking facilities outside of these regeneration areas must clearly demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems.</i>”</p>	N/A	<p>1. Disagree – no change.</p> <p>The Council considers that it is clear that the policy is ‘and’ criteria based.</p> <p>2. Noted.</p> <p>The Council, alongside its partners has, and is continuing, to bring forward major new public transport infrastructure and improvements such as extensions to the Midland Metro, redevelopment of New Street Station, SRINT/ rapid transit routes. (See BDP policy TP41 Public transport).</p> <p>3. Disagree – no change.</p> <p>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.</p>
20/2	Cameron Austin-Fell, RPS Consulting	No	Not stated	Policy DM15	1. Significant concerns with regards to the adoption of an updated policy for parking provision through the DMB, particularly the status being conferred to SPD on proposed parking standards. Policy DM15 (criterion 2) by stating that the car parking requirements, including the updated parking standards and provision of electric vehicle	The policy requirements of the draft Parking SPD should be incorporated into the DMB.	While not part of this consultation, RPS notes that there is a considerable amount of commentary in the draft Parking SPD which represents ‘policy wording’, particularly in relation to cycle parking and EVCPs. Properties	<p>1. Agree – minor change proposed for clarity purposes.</p> <p>Proposed policy DM15 links to BDP policy TP44 which references the city’s Parking SPD in para. 9.53 as “providing information on appropriate levels for various land uses... The City Council will take account of whether there are any</p>

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					<p>charging points ('EVCPS') will be carried forward in the new Parking SPD, is giving an SPD the same standing and weight as a DPD. This is in conflict with the purpose and status of SPDs as defined in national policy and guidance.</p> <p>2. 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.</p> <p>3. Do not support the use of prescriptive parking standards, especially in suburban locations where car ownership and usage is a necessity.</p>		<p>are required to provide appropriate cycle storage which is tantamount to policy and should be removed and incorporated into the DMB.</p> <p>On EV charging, RPS does not support any policy that seeks to pre-determine or anticipate other legislation that may or may not be brought forward. Suggest deletion of such requirement.</p>	<p>circumstances, related either to the site or the operation of the development, which may support an alternative level of parking."</p> <p>A policy hook to the Parking SPD therefore exists in the adopted BDP. So as to be consistent with the BDP and not confer DPD weight to the Parking SPD, a minor modification to Part 2 of policy DM15 is proposed:</p> <p><i>"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document."</i></p> <p>2. Disagree – no change. 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.</p> <p>3. In preparing the draft Parking SPD the Council has considered the specific nature of suburban locations and taken car ownership into account.</p>
21/14	Michael Burrows, Savills(on behalf of Langley Sutton	No	Not stated	DM15	1. Does not comply with NPPF requirements. The Policy is seeking to make the Parking SPD part of the Policy requirement rather than as guidance and a material consideration.	The following amended Policy wording is proposed: <i>"New development will be required to ensure that the operational needs of the</i>	N/A	1. Partly agree – minor change proposed for compliance purposes. Amend Part 2 of policy DM15 to:

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	Coldfield Consortium)				<p>2. The Consortium has fundamental concerns with the way that BCC is seeking to impose stringent maximum standards on car parking across the City and is making separate representations to this effect.</p> <p>3. The shift towards electric vehicles in the UK is not compatible with BCC's approach towards restricting vehicles being parked in dedicated spaces which have a close and clear relationship to the dwellings that they serve and access to suitable charging points.</p> <p>4. BCC should consider the proposed Building Regulations changes as set out by the department for transport rather than set an alternative untested standard.</p> <p>5. Policy wording should acknowledge paragraphs 105 and 106 of the NPPF.</p> <p>6. Policy DM14 needs to incorporate increased flexibility to bring it in line with the NPPF.</p>	<p><i>development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs is in accordance with, gives appropriate regard to the Council's Car Parking Supplementary Planning Document, whilst also taking into account: the accessibility of the development; the type, mix and use of the development; local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles".</i></p>		<p><i>"2. New development will need be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs aims to meet the guidance contained in is in accordance with the Council's Parking Supplementary Planning Document."</i></p> <p>2. Noted. Comments on the draft Parking SPD will be considered separately. The proposed parking standards within the draft SPD are not considered stringent. In Zone C, which covers a considerable proportion of the city, parking standards are generally less stringent than in current standards.</p> <p>3. Disagree – no change. Proposals do not restrict provision of dedicated parking spaces, but encourage some unallocated provision to ensure parking space is used as efficiently as possible.</p> <p>4. Disagree – no change. Proposals for EV charging within the Parking SPD are exactly as set out in proposed building regulation changes from the DfT.</p> <p>5. Disagree – no change. The supporting text acknowledges the NPPF.</p> <p>6. Partly agree – minor change proposed to para. 5.13 of the supporting text to provide flexibility</p>

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								<p>and reflect wording in BDP para 9.53.</p> <p>Amend para. 5.13 to:</p> <p><i>“5.13 The Council’s parking standards currently set out in the is currently consulting on a new Parking Supplementary Planning Document (SPD) which will replace the existing Car Parking Guidelines Supplementary Planning Document (2012) will be replaced by updated standards in the Parking Supplementary Planning Document and elements of the Birmingham Parking Policy (2010). It provides revised parking standards for all new developments in the city to reflect the National Planning Policy Framework. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The City Council will take account of whether there are any circumstances, related either to the site or the operation of the development, which may support an alternative level of parking. The Parking SPD will also set out how the city will manage on-street (public highway) and off-street parking provision across the city.”</i></p>
24/3	Leonie Stoate Tetlow King (on behalf of West Midlands Housing Association)	No	Not stated	Policy DM15	The Council should consider the wider implications of requiring all new developments to provide infrastructure for the use of low emission vehicles. In our experience, the requirements for low emission vehicle infrastructure	We suggest that the council undertakes a separate assessment of the need and expectations for low emission vehicle infrastructure and seek to publish guidance on this	N/A	<p>Disagree – no change.</p> <p>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</p>

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	Planning Consortium)				requires significant upfront planning for matters including installation, charging to the consumer, other management, and maintenance. This can include monthly and annual consumer unit testing, agreement on liability for and adoption of individual units.	before adopting this requirement in policy.		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.
25/2	Helen Davies (Senior Policy Officer) Transport for the West Midlands	Not stated	Not stated	Policy DM15	<p>1. Policy would benefit from including information on how parking could support the future proofing of the urban environment for new technology.</p> <p>2. 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.</p> <p>3. 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. Minimise any adverse impact on the highway and wider environmental effects.</p> <p>4. The document fails to capture the letting of car parking spaces in new developments.</p> <p>5. No detail on how taxis would be supported in relation to new developments together with freight movements, HGVs and coaches, particularly where development is</p>	N/A	N/A	<p>1. Disagree - no change. 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.</p> <p>2. Disagree – no change. Policy covering freight is set out in the BDP TP44.</p> <p>3. Agree – minor change proposed for clarity. Amend Part 3 of policy DM15 to:</p> <p><i>“3. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking and servicing should be designed to be secure and fully-accessible to its all-users and adhere to the principles of relevant Supplementary Planning Documents.”</i></p> <p>Detailed guidance on the design of parking and servicing will be contained in the Birmingham Design Guide.</p> <p>4. Noted. The letting of car parking</p>

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					<p>near major tourist destinations and transport hubs.</p> <p>6. A stronger stance in favour of buses is requested throughout policies DM14 and DM15.</p> <p>7. Funding should be sought to improve access to public transport facilities. Contributions should be sought on conditional Delivery and Servicing Plans.</p>			<p>spaces will be addressed in the draft Parking SPD with consideration of major destinations and transport hubs as suggested.</p> <p>5. Noted. Guidance on taxi, HGV and coach parking will be set out in the Parking SPD.</p> <p>6. Disagree – no change. Policies in relation to public transport and buses is set out in the BDP, specifically TP41 Public transport.</p> <p>7. Disagree – no change. BDP Policy TP47 sets out the Council’s policy on Developer Contributions. In line with the Community Infrastructure Levy regulations, development will be expected to provide, or contribute towards the “provision of measures to directly mitigate its impact and make it acceptable in planning terms and physical, social and green infrastructure to meet the needs associated with the development” through planning obligations or CIL.</p>
27/5	Samuel Lake Turley (on behalf of IM Properties Plc)	Yes	Yes	Policy DM15	N/A	N/A	Support the flexible and balanced approach in DM15, but the DMB should set out HGV parking standards as well as the Parking SPD and should reflect the operational requirements of future tenants. The emerging Parking SPD should be cross-referenced in the implementation section	Noted. The draft Parking SPD will set out HGV standards. The emerging Parking SPD is referenced in the supporting text.

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							of DM15.	
32/10	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	Yes	Yes	DM15	The CCWMP supports this policy.	None	N/A	Supported noted.

Policy DM16 Telecommunications

11/2	Rosamund Worrall Historic England	No	No	Para 5.19	The draft DMB refers to an organisation that has been renamed in respect of its business	All references to English Heritage should be revised to Historic England.	N/A	Agree – minor change to update organisation name. Change reference from English Heritage to Historic England in para. 5.19
25/3	Helen Davies (Senior Policy Officer) Transport for the West Midlands	Not stated	Not stated	Policy DM16	Important to enhance digital services and extend mobile connectivity and request information on the WMCA 5G programme is included in this section.	N/A	N/A	Disagree – no change. BDP policy TP46 Digital communications already covers the importance of enhancing access to digital services and connectivity. It is not considered necessary to include information on WMCA's 5G programme in proposed policy DM16 as this information is available from WMCA and is likely to require updating as the programme develops.

Other

1/1	Andrew Coulson	Not stated	Not stated	Not stated	A policy is needed on student halls of residence which should specify where they are acceptable and not acceptable. The policy should require halls to be as close as possible to the university/ college where they study; associated with a	A policy on student halls.	N/A	Disagree - no change. A policy on purpose-built student accommodation is already included in the adopted Birmingham Development Plan. Policy TP33 'Student
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					single university/ college; within half a mile of public transport. Cycle parking should be provided for 80% of residents in a hall. Only allow very small number of car parking spaces for students or visitors with disabilities. A proportion of the rooms should be larger for couples. Every hall should have a meeting hall adaptable for sports use or performance space with showers, changing areas and kitchen. Halls should include a common room and smaller rooms for meetings and social use. They should also include and outdoor south facing amenity area, laundry facilities and a small number of shops.			Accommodation' sets out the policy requirements for such development.
19/1	Hannah Gray National Grid	Not stated	Not stated		No comment.	N/A	N/A	Noted.
32/1 1	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes		Object to omission of policies on restaurants, bars, public houses and hot food takeaways. (Previously covered by UDP paras, 8.6-8.7) The Publication version of the DMB does not explain why these have been omitted from the DMB. It simply notes that UDP paras 8.6-8.7 will be replaced by DM2 'Amenity', DM6 'Noise and vibration', DM14 'Highway safety and access, DM15 'parking and servicing'. These policies do not adequately address the potential crime, safety, antisocial behaviour and fear of crime issues arising from restaurant, bar, public house and hot food takeaway proposals	A policy on Hot Food Takeaways, Drinking Establishments, Restaurants and Cafes should be included in the DMB. "A3/A4/A5 outlets should be located within defined centres and will normally be discouraged outside those locations. Proposals within defined centres will be permitted provided they: a) would not result in significant harm to the amenity of nearby residents or highway safety; b) would not result in harmful cumulative impacts due to the existence of any existing or consented	N/A	Disagree – no change. The Preferred Options Document (January 2019) set out the reasons for omitting a policy on Hot Food Takeaways, Drinking Establishments, Restaurants and Cafes. This was because it was considered that the impacts of such development are adequately covered by other policies introduced in the DMB, namely DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing. Adopted BDP Policy TP21 'The network and hierarchy of centres' already requires main town centre uses - retail, office and leisure and community uses (including Hot

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						<p>proposed outlet, including in terms of anti-social behaviour, crime and the fear of crime; and c) are in accordance with the Shopping and Local Centres Supplementary Planning Document.”</p> <p>The policy wording should refer to the Council attaching conditions to restrict opening hours.</p>		<p>Food Takeaways, Drinking Establishments, Restaurants and Cafes) to be located within the network and hierarchy of Birmingham’s centres.</p> <p>In addition, BDP Policy TP24 ‘Promotion of diversity of uses within centres’ places a restriction of hot food takeaways to no more than 10% of units within a centre or any frontage to ensure that harmful concentration of hot food takeaways do not arise.</p> <p>Reference to adherence with the Council’s Shopping and Local Centres SPD is already provided through BDP Policy TP24.</p> <p>Finally, the Council already routinely attaches conditions to restrict opening hours of Hot Food Takeaways, Drinking Establishments, Restaurants and Cafes.</p>
32/12	Tyler Parkes (on behalf of Chief Constable of West Midlands Police)	No	Yes		<p>Object to other policy omissions previous raised through consultation on the Preferred Options Document.</p> <ul style="list-style-type: none"> - Listed Buildings and Conservation Areas - Maintenance following completion of development - Automatic Teller Machines (ATM) 		None	As per response to 32/9 above, which is a similar response to 016/8 in the Council’s response to the comments received from the CCWMP on the Preferred Options Document.