

# **BIRMINGHAM CITY COUNCIL**

## **DEVELOPMENT MANAGEMENT IN BIRMINGHAM: PUBLICATION VERSION (OCTOBER 2019)**

**ON BEHALF OF COUNTRYSIDE PROPERTIES**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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## 1. INTRODUCTION

- 1.1 These representations are made on behalf of Countryside Properties in response to the Birmingham City Council (October 2019) 'Development Management in Birmingham Publication Version (Regulation 19) Consultation' (DMB).
- 1.2 The DMB is a formal Development Plan Document (DPD) and it is stated that the Publication Document will be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The DMB is accompanied by a Sustainability Appraisal.
- 1.3 It is the intention that the DMB will provide the Development Management policies to support the implementation of the Birmingham Development Plan which was adopted January 2017, replacing the saved policies of the Unitary Development Plan 2005, once adopted.
- 1.4 The above representations are framed in the context of the requirements of the Local Plan to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 35. For a Plan to be sound it must be:
  - a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

## 2. CONTEXT

2.1 Birmingham City Council's Local Plan consists of the following:

- Adopted Birmingham Development Plan (BDP) (2017)
- Saved 2005 Birmingham Unitary Development Plan policies
- Adopted Aston, Newtown and Lozells Area Action Plan
- Adopted Longbridge Area Action Plan
- Balsall Heath Neighbourhood Development Plan
- Bordesley Park Area Action Plan

2.2 Once the DMB is adopted it will replace the Saved Policies from the Birmingham Unitary Development Plan (2005) and will become part of the Local Plan.

2.3 The Birmingham Development Plan was adopted in January 2017. Policy PG1 sets out the overall levels of growth which will be accommodated within the City's administrative boundaries including provision for 51,100 homes to 2031. The policy states that: *'Birmingham's objectively assessed housing need for the period 2011 to 2031 is 89,000 additional homes, including about 33,800 affordable dwellings. It is not possible to deliver all of this additional housing within the City boundary. The City Council will continue to work actively with neighbouring Councils through the Duty to Co-operate to ensure that appropriate provision is made elsewhere within the Greater Birmingham Housing Market Area to meet the shortfall of 37,900 homes, including about 14,400 affordable dwellings, within the Plan period. Policy TP48 provides further details on this.'*

2.4 Policy TP48 sets out further detail in terms of monitoring stating: *'The City Council will monitor progress annually towards the achievement of the key targets for growth (housing, including affordable housing, employment, offices and retail) set out in policy PG1. In the event that the supply of land falls significantly behind that required to achieve these targets, the Council will undertake a full or partial review of the Plan in order to address the reasons for this.'* It then sets out a series of key indicators for triggering a review which include *'A failure to provide a 5 year housing land supply in any monitoring year with the following 2 monitoring years indicating no recovery in the position'* and *'Housing completions fall more than 10% beneath the targets in the housing trajectory over any rolling 3 year period'*. Furthermore, the policy states that *'The Council will also play an active role in promoting, and*

*monitor progress in, the provision and delivery of the 37,900 homes required elsewhere in the Greater Birmingham Housing Market Area to meet the shortfall in the city'.*

- 2.5 Work has been ongoing across the Housing Market Area, with a series of reports having been commissioned by the fourteen authorities involved in addressing the shortfall. The most recent of these is the Greater Birmingham HMA Strategic Growth Study (the SGS), published in February 2018 and produced by GL Hearn / Wood. This concluded that, at the point of publication, there was an outstanding minimum shortfall of 28,150 dwellings to 2031 and 60,900 to 2036 across the Greater Birmingham HMA. The report then goes on to illustrate how the shortfall could be reduced by around 13,000 homes, particularly to 2031, through the assumption that minimum densities are achieved in the conurbation (Birmingham and Black Country) of 40 dwellings per hectare (dph), with minimum densities of 35 dph in other parts of the HMA (Paragraph 1.33 of the SGS).
- 2.6 The GBHMA authorities issued a Housing Need and Housing Land Supply Position Statement in September 2018, however this is now out of date and it is clear that the matter of the shortfall remains a significant issue both for the City Council and for the HMA as a whole. More recently, this has clearly been evidenced through the Black Country's recently updated evidence base which demonstrates that a significant shortfall continues to exist across the HMA. Achievement of the suggested densities is being monitored so it is too early to conclude how effective this is at present.
- 2.7 In terms of this consultation document, it is noted that this is now at the Publication stages, and that the initial Issues and Options consultation was undertaken in March 2015. This is of concern given that almost five years have elapsed since the original consultation during which time both the national and local policy context has changed significantly. The implications of this will be dealt with under the responses to the individual questions where applicable as despite the Preferred Options Consultation which took place at the beginning of 2019 there has been few changes to the document to take account of the changing planning policy context since the original consultation on the document.

### 3. POLICY DM1 AIR QUALITY

#### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 3.1 The wording of the policy is broadly supported. However, it is considered that the wording of Part 1 of the Policy which states: *'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 Zones. Development that would, in isolation or cumulatively, lead to unacceptable deterioration in air quality or 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'*, currently fails to recognise the wider benefits of development as identified within the supporting text to the Policy. Paragraph 2.9 sets out that *'any impacts upon air quality will be considered in the context of the benefits the development brings to the City'*. This is particularly welcomed and in order to strengthen the policy, Countryside Properties propose that a clear hook is provided in the policy wording itself to provide a direct link to the related text in the chapter.

#### **Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 3.2 It is proposed that the statement *'any impacts upon air quality will be considered in the context of the benefits the development brings to the City'* is incorporated into the policy section rather than supporting text. This would then support the NPPF objective of considering the policies of the Framework as a whole when weighing up the planning balance in determining applications, as well as supporting delivery of the BDP.

#### 4. Policy DM4: LANDSCAPING AND TREES

##### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 4.1 Although the principle of high-quality landscaping and the retention of trees where possible is supported under the provisions of Policy DM4. It is acknowledged that landscaping plays a key role in the delivery of high-quality residential environments and therefore the provisions of Parts 1 and 2 of Policy DM4 are supported.
- 4.2 Part 3 of the policy is clear that *'development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland and/or hedgerow of visual or nature conservation'*. The policy continues to set out that the loss of trees should be justified as part of an Arboricultural Impact Assessment, the principle of which is again supported and is considered to be a reasonable approach to the consideration of existing trees.
- 4.3 However, in terms of the policy more generally, Paragraph 2.36 and 2.37 of the supporting text refers to the retention of protected trees, woodland and hedgerows, as well as the retention of Category A and B trees, however the Policy itself is, as a whole, less specific, referring to the retention and replacement of 'trees' more generally. The policy itself should therefore 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.
- 4.4 At Point 5) it is set out that *'to ensure that the benefits of proposed development outweigh the harm resulting from the loss of **any** trees, woodlands or hedgerows adequate replacement planting will be required to the satisfaction of the Council'*. The Policy 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.
- 4.5 Paragraph 2.39 refers to the use of the *Capital Asset Value for Amenity Trees* methodology to calculate the monetary value of trees, however details of the CAVAT methodology are not included within the DPD and whether the 'full method' or 'quick method' will be utilised in calculating contributions. 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...'* (as identified within supporting para 2.39).

- 4.6 It is unclear what level of replacement planting would be considered acceptable by the Council and how replacing low quality Category U trees for example would be addressed in terms of the quality and quantity of replacement trees to be planted across a development. Similarly, it is unclear how the monetary value will be calculated for an individual or group of trees which takes into account both its amenity value (CAVAT) and biodiversity value of a tree/s. It is important that any requested off site s106 contributions are not double counted alongside any further off-site ecological contributions.
- 4.7 The policy places emphasis on the biodiversity value of trees however it is important that as part of any request for s106 contributions recognition is also given to the development as a whole and other features of ecological and landscape value proposed as part of a comprehensive Ecological Enhancement Strategy, in weighing up the benefits of the development against any potential harm resulting from the loss of trees (with amenity and biodiversity value). The policy and supporting text does not adequately address this point and should be read in conjunction with the other policies of the Local Plan and the NPPF which should be read as a whole.
- 4.8 The policy also fails to indicate where off site s106 contributions will be spent. In order for any contributions to be reasonably related to the development it is important that any new replacement tree planting is within the immediate vicinity/defined catchment area of the site.

**Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 4.9 To ensure the policy is fully justified further clarity should be incorporated within the policy itself referring specifically to a supporting Tree Strategy (as referenced within Paragraph 2.39) which should set out specific details of any s106 calculators, which should be consulted upon in advance of any formal publication.
- 4.10 It is therefore proposed that the policy should be amended to read "*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*'

## 5. POLICY DM5: LIGHT POLLUTION

### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 5.1 The first part of Policy DM5 states: '*Development incorporating external lighting should make a positive contribution to the environment of the city and must seek to avoid or mitigate any potential adverse impacts from such lighting on amenity or public safety*'.
- 5.2 The first sentence of the policy has been added following the last round of consultation. However, this is considered unnecessary and should be deleted from the policy. 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. Part 2 (d) of the policy is considered to adequately cover off the design considerations relating to proposed lighting.
- 5.3 The definition 'adverse' can be subjective and the policy will need to be read in conjunction with the other policies of the Local Plan and the NPPF which should be read as a whole. Furthermore, '*positive contribution to the environment of the city*' is also ambiguous and needs further information as to how this will be determined in practice.

### **Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 5.4 It is therefore proposed that the first sentence of the policy is therefore removed and the policy amended to read '*Development incorporating external lighting must seek to avoid or mitigate any potentially **unacceptable** adverse impacts of any proposed lighting on amenity or public safety*'.

## **6. POLICY DM6: NOISE AND VIBRATION**

### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 6.1 Part 1 of Policy DM6 sets out a number of factors a)-f) that will be taken into account when assessing new development proposals in relation to noise and vibration exposure. It is noted that the provisions of the policy have been amended following the last round of consultation and are consistent with the other Policies of the Local Plan and NPPF.

### **Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 6.2 It is noted that 1f) does not relate to noise or vibration and appears to have been included in error as this relates to lighting. This should therefore be deleted from the policy.

## 7. POLICY DM10 STANDARDS FOR RESIDENTIAL DEVELOPMENT

### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 7.1 Policy DM10: Standards for residential development states (in Part 1) that *'All residential development (including extensions) is required to meet the minimum Nationally Described Space Standards. (Appendix 1), whilst Part 2 of the policy states: 'All residential development, should as a minimum, be accessible and adaptable in accordance with Building Regulation Part M4 (2).'*'
- 7.2 The National Planning Policy Framework (February 2019) states in Paragraph 127 (Part f) that *'Planning policies and decisions should 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'*. This sentence links to footnote 46 which states *'planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified'*.
- 7.3 The Technical Housing Standards (Nationally Described Space Standard) was published by the Department of Communities and Local Government on 27 March 2015. Its publication was accompanied by a Planning Update issued as a Written Ministerial Statement to Parliament by the Rt. Hon. Sir Eric Pickles MP on 25th March 2015. Further notes for clarification were added on 19<sup>th</sup> May 2016. It is now published under the Planning Practice Guidance.
- 7.4 The guidance is clear: that such standards are optional and can only be introduced when there is evidence to justify the case. The guidance states: *'Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans.'* (Paragraph: 002 Reference ID: 56-002-20160519, Revision date: 19 05 2016).
- 7.5 Furthermore, the guidance then goes on to state that *'Local planning authorities should consider the impact of using these standards as part of their Local Plan*

*viability assessment. In considering the costs relating to optional Building Regulation requirements or the nationally described space standard, authorities may wish to take account of the evidence in the most recent Impact Assessment issued alongside the Housing Standards Review.'* (Paragraph: 003 Reference ID: 56-003-20150327 Revision date: 27 03 2016).

- 7.6 Similarly, the Building Regulations 2010 (as amended), Part M4(2) relating to accessible and adaptable dwellings is also optional.
- 7.7 The policy has been amended since the last round of consultation however it continues to require **all** residential development to meet minimum NDSS. Following on from the last round of consultation further evidence has been prepared to support the Council's position in relation to the provisions of Policy DM10, including a 'Financial Viability Assessment' (prepared by BNP Paribas Real Estate) as well as a 'Standards for Residential Topic Paper', to provide further evidence in relation to the requirement for Nationally Described Space Standards to be met on all developments. The level of evidence prepared is however considered to inadequately support the policy, in particular 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.
- 7.8 The Viability Assessment uses a range of development profiles to assess the impact of introducing NDSS alongside all other policy provisions required under the DMDPD. In doing so however the report acknowledges that there will be some sites where there are exceptional costs, including remediation works on urban brownfield sites for example where the provision of NDSS will have implications for viability, whilst other sites will have difficulties delivering 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 such sites and in turn the wider housing growth objectives of the City and the policy provisions of the NPPF.
- 7.9 Following an assessment of a range of approved housing developments across Birmingham the Topic Paper at Paragraph 6.30 is clear that the '*overall percentage of dwellings which are 100% compliant with NDSS is 42%*' and that '*24% of dwellings fell more than 10% below the standard*'. Contrary to these conclusions however Paragraph 6.34 sets out that in terms of NDSS '*the standard is capable of being met across the city and that the size and type of dwellings currently being*

*delivered confirms this...some are not meeting the standard which may be due to the lack of policy in relation to space standards or site specific reasons. It is considered that Policy DM10 as worded provides sufficient flexibility to allow for exceptions to meet the NDSS to be considered'. However, based on the evidence set out within the Topic Paper it certainly doesn't appear to be the case that at 42%, 'the majority' of approved schemes have met with NDSS (42% is not 'a majority'), whilst the Policy as currently worded provides **no flexibility** in relation to NDSS as set out within the report, apart from Part 6 of the Policy which is very restrictive in terms of any allowable exceptions. Furthermore, the evidence has currently presented fails to focus on the 'need' for NDSS across Birmingham rather than whether the NDSS is 'capable of being met' across the City. As set out at Paragraph 7.4 The PPG is clear in its advice to local authorities that they 'will need to gather evidence to determine whether there is a need for additional standards in their area'.*

- 7.10 In relation to NDSS, the Viability Assessment also sets out at Paragraph 5.4 that *'In most cases, these standards are already being applied by developers to meet market demand'* which is clearly contrary to the evidence set out within the supporting Topic Paper. The Viability Assessment continues to conclude that the application of all policy requirements could result in the residual land value of sites falling below the existing land value and, in these circumstances, **'flexible application'** of policy requirements are needed.
- 7.11 Throughout the supporting evidence the focus is placed on a reduction of affordable housing where flexibility is required rather than greater flexibility in the application of NDSS. There is already a shortfall in affordable housing provision and therefore the introduction of NDSS will further exacerbate this position, whilst there is no strong evidence to suggest that a shortfall in NDSS will impact on the delivery of quality homes to meet housing need, where householder occupation sits above average and homelessness is on an increase.
- 7.12 The Topic Paper continues to refer to the Vision of the Birmingham Housing Strategy which is that *"Every citizen can find a great place to live"*, and at Paragraph 5.9 notes that household sizes in Birmingham are larger than the national average. The evidence set out within the Topic Paper also focuses largely on the needs of the elderly and an ageing population. The Paper implies that developments which fall short of NDSS would provide lower standards of living, whilst NDSS would contribute to addressing the issues of overcrowding, however assumptions appear

to be supported by limited evidence and provided as sweeping statements with no robust evidence base to support the introduction of NDSS.

- 7.13 The Topic Paper refers to a flatted scheme which was dismissed at appeal and draws on the Inspector's reference to NDSS Standards within his decision. In this particular case the Inspector concluded that given there were no standards set out for studio flats, he would attach '*significant weight to the NDSS as a guide*'. The flats however were very small and less than half the minimum space standard for one-bedroom flats. Although the Inspector placed '*significant weight*' to the NDSS, this was as a **guide** to space standards rather than a standard that should be applied rigidly as has been done by the Council under Policy DM10. No other examples of appeal cases were referred to as part of the Council's evidence base and other than this there appears to be no other evidence provided which demonstrates that current dwelling sizes which fall short of the optional NDSS provide poor quality living accommodation.
- 7.14 Throughout the Topic Paper reference is made to NDSS as providing the flexibility to meet with the needs of elderly and less physically able however this is achieved under the provisions of Part 2 of Policy DM10 in requiring the provision of M4 (2) compliant properties. Furthermore, reference to the introduction of NDSS (at Paragraph 6.45) as enabling more flexible homes to meet a range of needs i.e. '*two bedroom apartments... can be used to accommodate families, or alternatively can be used for rented housing by shares*' appears to defeat the main objective of NDSS.
- 7.15 Although Part 2 of the policy has been amended so as not to apply to all residential developments, it continues to set out that '*housing developments of 15 or more dwellings should seek to provide at least 30% of dwellings as accessible and adaptable homes in accordance with Building Regulation Part M4 (2) unless demonstrated to be financially unviable*'. There appears however to be no evidence to justify the proposed threshold of 15 dwellings or proportion of dwellings to meet Part M4 (2) standards set at 30.
- 7.16 The evidence base which supports the policy including both the Financial Viability Assessment and Residential Standards Topic Paper fail to provide any justification for the introduction of the 15 dwelling threshold and 30% M4(2) compliant dwelling provision. Paragraph 6.26 of the Topic Paper simply sets out that '*a requirement of 30% new homes to meet the optional building regulation M4(2) for accessible and adaptable homes is considered appropriate*', with no justification of where the

30% figure has derived from. The threshold of 15 dwellings has also not been justified within the supporting evidence. Overall the Topic Paper provides very generic statements with very little if anything in the way of robust evidence which adequately justifies the provisions of the policy in the context of local need/demand.

- 7.17 It is noted that the accompanying Sustainability Appraisal states *'This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high-quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented'*. (page 98). However, the only 'reasonable alternatives' cited relate to firstly retaining the existing UDP policy, which is dismissed as it would need updating, or alternatively having no minimum space standards or policy which is rejected on the grounds of amenity and the impact on quality of life. Furthermore, the introduction of the revised thresholds for M4 (2) dwellings within new developments does not appear to be addressed.
- 7.18 It is considered that this second 'reasonable alternative' (no minimum space standards or policy) should not have been dismissed without having first been justified as set out in the Planning Practice Guidance referred to above. The evidence prepared to date does not adequately address this point. There also appears to be a very 'all or nothing approach' to NDSS and instead, as per the revised M4(2) policy requirements, a 'reasonable alternative' would be to allow greater flexibility in the introduction of NDSS standards.
- 7.19 Paragraph 1.34 (page 19) of the Strategic Growth Study suggests that the densities *'need to be applied through the review of development management policies as appropriate'*. This should be given consideration alongside a thorough and carefully considered evidence base, as well as through and appropriate consultation process.
- 7.20 There is a need for the plan to consider how it will address the matter of density in order to deliver the Birmingham Development Plan and help address the matter of the shortfall in line with the Strategic Growth Study. It is important that this is addressed, in order to comply with the National Planning Policy Framework (2019) section 11 'Making Effective use of Land'. As currently written Policy DM10 fails to address this issue and therefore this is something that must be reviewed to ensure the delivery of the development Plan is effective in line with the NPPF.

- 7.21 Furthermore, the introduction of such restrictive policy requirements would be unduly onerous in terms of the consequences for the range of affordable products which could be offered. Through the insistence on the provision of oversized small properties as 'standard' this has the potential to impact on the delivery of a range of other affordable stock available to the consumer as per adopted Policy TP31 (affordable housing) of the BDP, and in conformity with the NPPF (2019), as well as having implications for viability which could undermine plan delivery.
- 7.22 The Viability Assessment fails to take account of the impact of housing developments which provide over and beyond policy compliant affordable housing provision. It is clearly demonstrated through the document that the greater the proportion of affordable housing provided the less viable a development is likely to become and indeed highlights that in meeting NDSS standards for example, that to ensure a scheme is viable the provision of affordable housing is likely to be the first policy requirement which is to reviewed and given greater flexibility at the application stages.
- 7.23 The evidence base however fails to explore further the implications of delivering schemes which include a greater proportion of affordable housing than required under policy including 100% affordable housing schemes, making the assumption that all affordable housing schemes that provide over and beyond policy requirements will be covered by funding. This assumption however fails to take into account the funding requirements of Homes England specifically in relation to NDSS Standards. The majority of high proportion/100% affordable housing schemes are only able to come forward with the support of funding from Homes England, with the funding model allowing flexibility in relation to meeting NDSS. Funding is key to the overall viability of many schemes where a high proportion of affordable housing is provided and particularly those sites where funding has already been obtained and land contracts have been signed.
- 7.24 The insistence on NDSS on all developments would therefore jeopardise schemes financially, particularly in the shorter term where there is no lead in time 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 in relation to the rigid stance taken and blanket approach to the introduction of NDSS across all residential developments. In addition, there is still of course the ability for new residential dwellings to come forward through changes of use under permitted

development rights, where there is no control at all in relation to internal space standards, and it is these schemes rather than those requiring planning permission, which often present 'problem' schemes in terms of quality housing provision.

- 7.25 Therefore in the apparent absence of robust evidence, Countryside Properties **object** to the requirement for all residential development to meet the minimum Nationally Described Space Standards as set out in Policy DM11 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 house, in particular 100% affordable housing schemes. In any case, such standards should be applied only in cases where need is clearly evidenced and NOT applied on a blanket approach to the whole plan as this could have other, serious and unintended consequences for delivery of the plan as a whole.
- 7.26 Should the Council wish to progress with requiring development to comply with Nationally Described Space Standards and to require Part M4(2) of the Building Regulations as a minimum, this must be supported with appropriate, robust and justified evidence and applied only in cases where there is a clear and accurate evidence of need and most certainly not as a blanket approach.

**Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 7.27 Further regard needs to be had to the provisions of NPPF paragraph 123 which states:

*'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:*

*a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of*

*residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*

*b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*

*c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*

7.28 It is vital that the Framework should be read as a whole as set out in the introduction to the NPPF (Paragraphs 3 and 6 in particular) and therefore it is important that any evidence considers the matters raised above. 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. Taking the policies of the Framework as a whole, the implications need to be considered for making effective use of land including the impact on densities, and recognising the tension between applying the NDSS and increasing the capacity of homes that can be delivered within Birmingham City.

7.29 If the introduction of the optional NDSS are considered appropriate it is suggested that Policy DM10 is reworded to allow greater flexibility, with the Council seeking 'Where possible' the introduction of NDSS or require the introduction of NDSS 'excluding affordable housing' or require minimum NDSS 'unless demonstrated to be financially unviable'. 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.

7.30 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.

**Q9: Are there any additional comments you would like to make with regard to the DMB?**

7.31 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 range of other affordable products, undermining other elements of plan delivery.

## 8. POLICY DM15 PARKING AND SERVICING

### **Q6: Why Do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?**

- 8.1 Part 2 of Policy DM15 sets out that *'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 Documents'*. Further clarity is required however on the requirements of developers within the main text of this policy rather than as a passing statement only.
- 8.2 The principle of parking standards that enables location and local infrastructure to be taken into consideration (as set out within the Draft Parking SPD through 'Parking Zones' and maximum parking standards) is supported, as these will contribute positively to the creation of high-quality residential environments with less engineered, car park dominated designs, as well as encouraging more sustainable movement as advocated through the NPPF.
- 8.3 In reviewing the draft Parking SPD which is also currently out for consultation however, it is clear that there are a number of potentially onerous requirements on housing developers and in some circumstances the need to provide financial contributions towards a number of parking strategies, including car clubs, EV charge points and controlled on street parking.
- 8.4 In terms of EVCP provision, it should be noted that in October 2019 the Department for Transport consulted on Electric Vehicle Charging in Residential and Non-Residential Buildings. This set out the Government's preference to introduce a new functional requirement through the Building Regulations, anticipated to come into force early 2020. This will ensure a standardised approach for new development: proposals are for one charge point per dwelling, relating to parking spaces in or adjacent to buildings.
- 8.5 However, the Government also recognised that this could impact on housing supply as in some areas the proposed requirements might not be technically workable, for example site-specific conditions will vary meaning that the costs of installing the necessary infrastructure will vary depending on the capacity of the local grid. The

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.

- 8.6 The advice set out within Planning Practice Guidance is clear that Supplementary Planning Documents *'should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan'* and that *'they should not add unnecessarily to the financial burdens on development'*. It is clear therefore that 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, with the SPD then going onto further substantiate these requirements whilst also setting out detailed contribution methodologies and any other relevant implementation and management strategies for example.
- 8.7 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 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.

**Q7: What Changes do you consider are necessary in order to make DMB legally compliant or sound?**

- 8.8 Should the Council wish to progress with the strategies included within the Draft Parking SPD, these must be expanded upon within the content of Policy DM15 making clear when specific requirements, in particular financial obligations, will be required of developers in order that these requirements are supported with appropriate, robust and justified evidence.
- 8.9 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.

## 9. CONCLUSION

- 9.1 It is considered that Policy DM1 (air quality) needs to be strengthened by expanding the policy wording to ensure that the issue is considered within the context of the Local Plan (and the NPPF) as a whole.
- 9.2 It is considered that Policy DM4 (landscaping and trees) is amended to provide further clarity.
- 9.3 It is considered that Policy DM5 (light pollution) is amended to provide further clarity and flexibility.
- 9.4 It is considered that Policy DM6 (noise and vibration) should be reviewed as it currently refers in error to policy provisions relating to lighting.
- 9.5 Countryside Properties objects to Policy DM11 on the grounds that there is no evidence to adequately justify a requirement for all residential development (including extensions) to meet the minimum Nationally Described Space Standards, nor for introducing a requirement for optional Building Regulation Part M4 (2) to be met on 30% of all properties on residential developments of over 15 dwellings. The Sustainability Appraisal does not adequately assess all 'reasonable alternatives' and the option of not adopting such standards should not have been dismissed as it remains a reasonable alternative.
- 9.6 It is considered that Policy DM15 (parking and servicing) should be reviewed to provide further clarity, given the extent of the requirements upon developers set out within the emerging Birmingham Parking SPD.
- 9.7 Countryside Properties considers that, should such evidence be prepared, this should justify the need for the application of standards and where these should apply and the impact on viability and delivery. In addition, and – taking the policies of the Framework as a whole – the implications need to be considered for making effective use of land including the impact on densities, and recognising the tension between applying the NDSS and increasing the capacity of homes that can be delivered within Birmingham City.
- 9.8 In any case, 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 range of other affordable products, undermining other elements of plan delivery.

# Representation Form (Part A)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

### How to use this Representation Form

Please complete this Part A in full. Please note that anonymous comments cannot be accepted. Then please complete a Part B form for each representation that you wish to make.

The Development Management in Birmingham DPD (DMB), including all supporting and accompanying documentation, is available to view in full online at [www.birmingham.gov.uk/DMB](http://www.birmingham.gov.uk/DMB)

Representations on the Publication version of DMB can be made from **Thursday 9<sup>th</sup> January 2020 to 17:00hrs on Friday 21<sup>st</sup> February 2020**. Please note that the Council is unable to accept representations after this point.

The Council strongly recommends the use of this Representation Form for submitting any comments. This will help to ensure that any formal representations that are made are matters of relevance to the subsequent examination by the Planning Inspectorate – an Inspector will only consider issues relating to the 'soundness' or 'legal compliance' of the DMB at examination.

### PART A

#### 1. Personal Details\*

*\* if an agent is appointed, please complete only the Title, Name and Organization boxes below but complete the full contact details of the agent in Section 2*

Title:

First Name:

Last Name:

Job title (where relevant):

Organisation (if relevant): **Countryside Properties (West Midlands and South Midlands)**

Address Line 1:

Address Line 2:

Town:

County:

Postcode:

Telephone:

Email address:

<b>2. Agent Details*</b> <i>* only complete this section if an agent has been appointed</i>	
Title: Mrs	
First Name: Katherine	
Last Name: Lovsey-Barton	
Job title (where relevant): Principal Planner	
Organisation (if relevant): Pegasus Group	
Address Line 1: 5 The Priory, Old London Road	
Address Line 2: Canwell	
Town: Sutton Coldfield	County:
Postcode: B75 5SH	Telephone: 0121 308 9570
Email address: katherine.lovsey-barton@pegasusgroup.co.uk	

<b>3. Requests for Notifications</b>	
<i>This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.</i>	
<b>I wish to be notified of the following stages of the DMB (please tick/check all that apply):</b>	
Submission to the Secretary of State for Communities and Local Government Y/N	
Publication of the Planning Inspector's Report on the Publication Version Y/N	
Adoption by the Council Y/N	

<b>4. Declaration</b>	
If you are submitting Part B form(s), please confirm how many:	6
<b>Data Protection</b> The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.	
<b>Declaration:</b> I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.	
Name: Katherine Lovsey-Barton	Date: 13.02.20

Please ensure that you submit this form no later than **17:00hrs** on Friday 21<sup>st</sup> February 2020

Email completed forms to: [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323

# Representation Form (Part B)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	<b>X</b>

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM1</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
<i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i>	
See response within Section 3 of the attached detailed written representations.	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
See response within Section 3 of the attached written representations along with revised policy wording.	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
N/A	

### 3. Declaration

#### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

**Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.**

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

**Tel:** 0121 303 4323

# Representation Form (Part B)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	<b>X</b>

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM4</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
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See response within Section 4 of the attached detailed written representations.	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
See response within Section 4 of the attached written representations along with revised policy wording.	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
N/A	

### 3. Declaration

#### Data Protection

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#### Declaration:

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**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

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**Tel:** 0121 303 4323

# Representation Form (Part B)

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### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	<b>X</b>

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM5</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
<p><i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i></p>	
<p>See response within Section 5 of the attached detailed written representations.</p>	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<p><i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i></p>	
<p>See response within Section 5 of the attached written representations along with revised policy wording.</p>	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<p><i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i></p>	
<p>Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.</p>	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
<p>N/A</p>	

### 3. Declaration

#### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

**Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.**

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

**Tel:** 0121 303 4323

# Representation Form (Part B)

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### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

\* please print your name on each separate representation (the name should match that entered on the Part A form)

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	<b>X</b>

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM6</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
<i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i>	
See response within Section 6 of the attached detailed written representations.	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
See response within Section 6 of the attached written representations along with revised policy wording.	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
N/A	

### 3. Declaration

#### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

**Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.**

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

**Tel:** 0121 303 4323

# Representation Form (Part B)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	<b>X</b>
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	<b>X</b>

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM10</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
<i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i>	
See response within Section 7 of the attached detailed written representations.	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
See response within Section 7 of the attached written representations along with revised policy wording.	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
See response within Section 7 of the attached detailed written representations.	

### 3. Declaration

#### Data Protection

The personal information that you provide as part of this representation will only be used by Birmingham City Council for the purposes of preparing this DMB document.

#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

**Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.**

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

**Tel:** 0121 303 4323

# Representation Form (Part B)

## Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

### How to use this Representation Form

Please complete the Part A (Personal Details) form in full.

Then, please complete this Part B form for each representation that you wish to make. It is important that you identify on this Part B form which part of the DMB (e.g. paragraph and / or policy number) on which you are making the representation. Please use a separate form for each representation that you wish to make.

### PART B

#### 1. Confirmation of Name\*

*\* please print your name on each separate representation (the name should match that entered on the Part A form)*

**Full Name: Katherine Lovsey-Barton (Agent)**

**Organisation (if relevant): Pegasus Group C/o Countryside Properties (West Midlands and South Midlands)**

#### 2. Your Representation

*Important Note: For each question, please mark with an X, ONE of the available options only. Please complete a separate form for EACH of your comments. Please also refer to the accompanying guidance note for an explanation of the terms used.*

<b>Q1. Do you consider the DMB to be legally compliant?</b>	<b>YES</b>		<b>NO</b>	
<b>Q2. Do you consider the DMB to be sound?</b>	<b>YES</b>		<b>NO</b>	<b>X</b>
<b>Q3. Does the DMB comply with the Duty to Cooperate?</b>	<b>YES</b>		<b>NO</b>	

*If you have answered yes to both Q1 Q2 and Q3, please proceed to Q9. If you answered no to Q1 or Q3, please proceed to Q5. If you answered NO to Q2, then please go to Q4.*

#### Q4. Why do you believe that the DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	<b>X</b>
c/ It is not effective	<b>X</b>
d/ It is not consistent with national policy	

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	<b>DM15</b>
Paragraph Number	
Table / Figure / Appendix	
Other	
<b>Q6. Why do you feel that this part of the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?</b>	
<i>Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector, based on the matters he/she identifies for examination. As such, please be as clear and detailed as possible in your response, including any information, evidence or supporting documentation that you are relying on to justify your representation.</i>	
See response within Section 8 of the attached detailed written representations.	
<b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>	
<i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>	
See response within Section 8 of the attached written representations along with suggested amendments to policy wording.	
<b>Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?</b>	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Yes, participation within the oral examination is considered necessary in order to expand where required upon the representations submitted and to actively contribute to discussions as they unfold through the examination process, in particular where further evidence is presented.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
N/A	

### 3. Declaration

#### Data Protection

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#### Declaration:

I understand that any representations submitted will be made public as set out above, and that my personal details will not be passed to any third parties without my prior written consent.

**Name: Katherine Lovsey-Barton**

**Date: 13.02.2020**

**Please ensure that you submit this form no later than 17:00hrs on Friday 21<sup>st</sup> February 2020, with an accompanying Part A form completed.**

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

**Post to:** Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

**Tel:** 0121 303 4323