

# 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): c/o Turley

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: Mr	
First Name: Ben	
Last Name: Williams	
Job title (where relevant): Senior Planner	
Organisation (if relevant): Turley	
Address Line 1: 9 Colmore Row	
Address Line 2:	
Town: Birmingham	County: West Midlands
Postcode: B3 2BJ	Telephone: 0121 234 9105
Email address: ben.williams@turley.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	Y
Publication of the Planning Inspector's Report on the Publication Version Y/N	Y
Adoption by the Council Y/N	Y

<b>4. Declaration</b>	
If you are submitting Part B form(s), please confirm how many:	1
<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: BEN WILLIAMS	Date: 21 FEBRUARY 2020

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:** Ben Williams

**Organisation (if relevant):** Turley

#### 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	
c/ It is not effective	X
d/ It is not consistent with national policy	X

<b>Q5. Which part of the DMB are you commenting on?</b>	
Page Number	
Policy Number	DM10
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>	
Please see accompanying letter.	
<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>	
Please see accompanying letter.	
<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>	
Please see accompanying letter.	
<b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>	
Please see accompanying letter.	

### 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:** BEN WILLIAMS

**Date:** 21 FEBRUARY 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.

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21 February 2020

Delivered by email to [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

Birmingham City Council  
Planning and Regeneration  
1 Lancaster Circus  
Birmingham  
B4 7DJ

Ref: MARQ3006

Dear Sir / Madam

## **REPRESENTATIONS TO THE DEVELOPMENT MANAGEMENT IN BIRMINGHAM DPD CONSULTATION (PUBLICATION VERSION – REGULATION 19) (OCTOBER 2019)**

These representations have been prepared by Turley on behalf of a client with significant land-owning interests in the city centre core. Our client is currently developing ambitious plans to redevelop a site within the city centre core and so welcomes the opportunity to contribute to the consultation on the 'Publication Version' of the 'Development Management in Birmingham' development plan document (DMB).

The DMB will replace the remaining saved policies of the Birmingham Unitary Development Plan (2005) once it is adopted. It will therefore form part of the development plan for Birmingham and so planning applications will be determined in accordance with its policies (unless material considerations indicate otherwise) as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The purpose of the DMB is to provide detailed non-strategic policies to support the delivery of the Birmingham Development Plan (BDP) (adopted 2017). This will ensure that development is guided to the right location, is of a high standard, appropriate, and will deliver sustainable growth. These policies must pass the soundness test in the National Planning Policy Framework (NPPF). This includes whether the policies are positively prepared, justified, effective and consistent with national policy (paragraph 35).

In principle, our client supports a number of objectives of the DMB. This includes making provision to significantly increase the city's population, to develop sustainable neighbourhoods, to create a prosperous, successful and enterprising economy, and to promote Birmingham's national and international role.

However, there are a number of policies within the document which do not adequately address the complexities of different forms, types and scales of development likely to be brought forward within the city centre over the development plan period up to 2031. Draft Policy DM10 set out a series of detailed requirements which applications must comply with. For instance, one such requirement is that all residential units must be compliant with Nationally Described Space Standards (DM10(1)). Another is that residential development must provide at least 30% of dwellings as 'accessible and adaptable' in accordance with Building Regulations (DM10(2)).

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Although there is an exception test related to this particular policy, DM10(6), we contend that there may be circumstances where it will not be possible to comply fully with the requirements of DM10(1-5) where other material considerations will allow for a more balanced and 'exceptional' consideration of the weight to be applied to this policy when considering the merits of the proposed development as a whole.

In our experience, this can often be the case with major and complex planning applications for the redevelopment of sites within Birmingham city centre.

We therefore submit that such policies should not be applied too rigidly as there may be circumstances where development will be compliant with the 'development plan' as a whole but contrary to such detailed requirements. It is in these instances that a balanced approach to the assessment of the overall merits of a proposal should be undertaken, and it may be that certain non-strategic policies within the DMB will carry less weight in the overall planning balance.

In particular, there ought to be a degree of flexibility built into the DMB for the various types and tenures of residential development being brought forward in the city. This will include build to rent and potentially co-living which offer different types of provision to more traditional housing (such as high quality residents' amenity areas including gyms, cinema and games rooms, and communal areas etc). The absence of any clear reference to these models (the Private Rented Sector is referred to in the BDP) is a concern given that these types and forms of housing development are becoming more prevalent in the city and are already forming a key part of the city council's housing supply.

The Planning Practice Guidance (PPG) sets out guidance on planning for built to rent accommodation. In relation to Nationally Described Space Standards, it states that "*where authorities choose to apply them the national policy does not preclude authorities from dis-applying them for particular parts of the local plan area, or for particular development types, such as build to rent schemes*".

In addition, reference ought to be made in the 'exception' test for DM10(6) in respect of economic viability in accordance with the NPPF, which states that policies should support development that makes efficient use of land, taking into account "local market conditions and viability" (paragraph 122.b).

Accordingly, in order to ensure there is sufficient flexibility within Policy DM10 to cover a range of types of housing development in accordance with the Planning Practice Guidance, it is recommended that the exception criterion (part 6) is expanded to include the following considerations:

1. Where the development includes housing types with specific and unique considerations (i.e. build to rent and co-living), and
2. Economic viability.

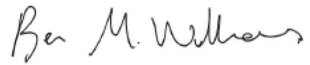
The inclusion of additional criteria for the exceptions test is deemed necessary to ensure the policy is 'effective' (i.e. deliverable) and thus to make the policy sound.

In more general terms, all draft policies within the DMB ought to have due consideration for local market conditions and viability matters to ensure that the document as a whole supports development that is deliverable and that makes the most efficient use of land.

Our client is generally supportive of the policies contained within the DMB, however is concerned that some of the specific policies do not meet the tests of 'soundness' as set out in paragraph 35 of the National Planning Policy Framework (NPPF) (February 2019).

On behalf of our client we thank you for the opportunity to contribute to the consultation on the DMB. If you require any clarification on the information provided in these representations we would be happy to assist further.

Yours faithfully

A handwritten signature in black ink that reads "Ben M. Williams". The signature is written in a cursive style with a clear, legible font.

Ben Williams  
**Senior Planner**

ben.williams@turley.co.uk