

FAO: Planning Policy Team  
Birmingham City Council  
Planning and Regeneration  
PO Box 28,  
Birmingham,  
B1 1TU  
By email only

21st February 2020

Dear Sir/Madam,

**Representations submitted with regards to the Regulation 19 consultation concerning the proposed Publication Version Development Management in Birmingham DPD**

St Joseph Homes Limited (St Joseph) is part of the Berkeley Group, a FTSE 100 residential developer focussed on delivering high quality homes and vibrant communities. St Joseph is the newest division of the Berkeley Group, and operates within Birmingham and the West Midlands.

St Joseph is currently developing two major brownfield sites within Birmingham, Glasswater Locks and Snowhill Wharf. We are passionate about regenerating brownfield land in areas in need of regeneration, utilising Berkeley Group's expertise across the development spectrum to deliver places designed for life.

We welcome the opportunity to work with Birmingham City Council and provide comments as part of the consultation on the proposed Development Management in Birmingham DPD. The Council has adopted a pragmatic approach to planning and we are grateful for their response to our previous comments on Policy DM3. We support the general approach of the policy, and the Council's acknowledgement that not all sites require a full ground investigation before planning permission is granted.

We request that our observations regarding the soundness of a small number of proposals in the Plan are fully considered, in order to ensure the DPD does not hinder the delivery of otherwise acceptable development. It is important that the policies in this document are based on a robust and up to date evidence base and that planning decisions are made on a site by site basis on their own merits.

Our comments on the draft DPD are enclosed with this letter.

If you have any questions please contact me at [tom.biggs@stjosephhomes.co.uk](mailto:tom.biggs@stjosephhomes.co.uk) or on 0121 200 3555.

Yours faithfully,



Tom Biggs – Development Graduate  
St Joseph Homes Ltd

St Joseph Homes Limited, 9 Colmore Row, Birmingham, B3 2BJ  
Tel: 0121 200 3500



Proud to be a member of the Berkeley Group of Companies  
Registered in England and Wales Number 09277367  
Registered Office: Berkeley House, 19 Portsmouth Road, Cobham, Surrey KT11 1JG

# 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:** Mr

**First Name:** Tom

**Last Name:** Biggs

**Job title (where relevant):** Development Graduate

**Organisation (if relevant):** St Joseph Homes Ltd

**Address Line 1:** 2nd Floor, 9 Colmore Row

**Address Line 2:**

**Town:** Birmingham

**County:** West Midlands

**Postcode:** B3 2BJ

**Telephone:** 0121 200 3555

**Email address:** tom.biggs@stjosephhomes.co.uk

| <b>2. Agent Details*</b><br><i>* only complete this section if an agent has been appointed</i> |            |
|--|------------|
| Title:   |            |
| First Name:  |            |
| Last Name:   |            |
| Job title (where relevant):  |            |
| Organisation (if relevant):  |            |
| Address Line 1:  |            |
| Address Line 2:  |            |
| Town:  | County:    |
| Postcode:  | Telephone: |
| Email address:   |            |

| <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:  | 2                |
| <b>Data Protection</b><br>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><br>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: Tom Biggs   | Date: 21/02/2020 |

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:** Tom Biggs

**Organisation (if relevant):** St Joseph Homes Ltd

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

| <b>Q5. Which part of the DMB are you commenting on?</b>   |     |
|---|-----|
| Page Number   | 10  |
| Policy Number   | DM1 |
| Paragraph Number  | 2.7 |
| 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>   |     |
| St Joseph agree with the principle of Policy DM1, and welcome the Council's approach to improving air quality in Birmingham, although we request some changes to the Policy in order to better capture the great improvements that can be made through mitigation. Paragraph 2 details mitigation measures to improve air quality over time but reference is not made to mitigation measures that could be implemented to reduce exposure to NOx in the shorter term and make development acceptable. |     |
| <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>  |     |
| 'Unacceptable' deterioration should be defined as where development would result in exposure to pollutant concentrations at or above the unit value.  |     |
| The following wording should be added to paragraph 1:   |     |
| <i>"... will not be considered favourably; unless mitigation measures are included".</i>  |     |
| <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, if deemed necessary by the inspector to further explain St Joseph's position regarding the soundness of the Plan.  |     |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>   |     |
| No  |     |

### 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:** Tom Biggs

**Date:** 21/02/2020

**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



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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:** Tom Biggs

**Organisation (if relevant):** St Joseph Homes Ltd

#### 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>X</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>X</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                       |          |
| d/ It is not consistent with national policy | <b>X</b> |

| Q5. Which part of the DMB are you commenting on?  |      |
|---|------|
| Page Number   | 28   |
| 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>   |      |
| <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>We welcome the additional text added to outline possible exceptions to the policy, which provides more flexibility to the approach as it is imperative that individual site circumstances are taken into account.</p> <p>With regards to paragraph 2 we appreciate the Council's ambition to provide accessible and adaptable homes. However, it is unclear how the Council have arrived at the 30% figure for M4(2) compliant dwellings as this is neither a national standard nor included in the evidence base. Therefore we consider the policy to not be in compliance with the NPPF test of being justified and as such unsound. We have included our recommended amendments below.</p> <p>We are in general agreement with the aspirations of paragraph 3, and acknowledge that this policy falls under principles of good urban design. The Places for Living SPD is now 19 years old and the separation distances referred to within it are of a suburban disposition and if applied to the City Centre would result in highly inefficient use of space. This is in contradiction with NPPF paragraphs 117 – 123 which state that planning policies and decisions should promote an effective use of land and achieve appropriate densities. We hope that the Birmingham Design Guide will go through a formal consultation stage where the separation distances can be thoroughly reviewed before they are mandated in policy.</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><i>As of the above we recommend the following alterations to the wording:</i></p> <p><b><i>"2. Housing developments of at least 15 or more dwellings should seek to provide <del>at least 30% of dwellings that are as</del> 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></b></p> <p><b><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 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></b></p>   |      |



**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)?**

*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*

Yes, if deemed necessary by the inspector to further explain St Joseph's position regarding the soundness of the Plan.

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

N/A

### 3. Declaration

#### Data Protection

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#### Declaration:

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**Name:** Tom Biggs

**Date:** 21/02/2020

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