

Our Ref:

P1636/SH/itl

Date:

10 February 2020

Grosvenor House 75-76 Francis Road Edgbaston Birmingham B16 8SP

> **T** 0121 455 9455 **F** 0121 455 6595 **E** info@harrislamb.com

Planning Policy
Planning & Development
Birmingham City Council
PO Box 28
1 Lancaster Circus
Birmingham
West Midlands B1 1TU

Dear Sir or Madam

Development Management in Birmingham DPD Representations on behalf of Bloor Homes

Harris Lamb Planning Consultancy ('HLPC') is instructed by Bloor Homes to submit representations to the publication version of the Development Management in Birmingham DPD.

We have a number of concerns with the consultation document, as detailed in our representations in the attached consultation forms.

It is our view that the Development Management DPD is too prescriptive in a number of areas and adjustments are required in order to facilitate creative and innovative high quality design and to ensure residential development sites are brought forward promptly.

We trust you will find our representations useful. We would welcome the opportunity to discuss these with you further, if that is of assistance.

Yours faithfully

Simon Hawley BA (Hons) MA MRTPI

Director

simon.hawley@harrislamb.com DIRECT DIAL: 0121 213 6015

Encs

BIRMINGHAM 0121 455 9455 NOTTINGHAM 0115 947 6236 STOKE-ON-TRENT 01782 272555 WORCESTER 01905 22666













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

Representations on the Publication version of DMB can be made from **Thursday 9**th **January 2020** to **17:00hrs on Friday 21**st **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 Organisation boxes below but complete the full contact details of the agent in Section 2				
Title: Mr				
First Name: Nick				
Last Name: Rawlings				
Job title (where relevant):				
Organisation (if relevant): Bloor Homes Western				
Address Line 1:				
Address Line 2:				
Town: County:				

Postcode:	Telephone:
Email address:	

2. Agent Details*

* only complete this section if an agent has been appointed

Title: Mr

First Name: Simon

Last Name: Hawley

Job title (where relevant): Director

Organisation (if relevant): Harris Lamb Planning Consultancy (HLPC)

Address Line 1: 75-76 Francis Road

Address Line 2:

Postcode: B16 8SP **Telephone:** 012 1455 9455

Email address: simon.hawley@harrislamb.com

3. Requests for Notifications

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 wish to be notified of the following stages of the DMB (please tick/check all that apply):

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	✓

4. Declaration

If you are submitting Part B form(s), please confirm how many:

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 and that my personal details will not be passed to any third parties without my prior written consent.

Name:	Date: 29 January 2020

Please ensure that you submit this form no later than $\underline{17:00hrs}$ on Friday 21^{st} February 2020

Email completed forms to: planningstrategy@birmingham.gov.uk

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

1TU.

Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



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How to use this R	epresentation Form		
Please complete the [Part A (Personal Details) for	m in full.	
Then, please complet make. It is important	e this Part B form <u>for each r</u>	•	

<u>Please use a separate form for each representation that you wish to make.</u>

PART B				
1. Confirmation of Name* * please print your name on each separate representent on the Part A form)	ntation (the nam	e should n	natch that
Full Name:				
Simon Hawley				
Organisation (if relevant):				
HLPC – on behalf of Bloor Homes				
2. Your Representation Important Note: For each question, please mark options only. Please complete a separate form for also refer to the accompanying guidance note for ar	EACH	of your	comment	s. Please
Q1. Do you consider the DMB to be legally compliant?	YES	✓	NO	
Q2. Do you consider the DMB to be sound?	YES		NO	✓
Q3. Does the DMB comply with the Duty to Cooperate?	YES	✓	NO	
If you have answered yes to both Q1 Q2 and Q3, plead no to Q1 or Q3, please proceed to Q5. If you answered				

a/ It is not positively prepared	
b/ It is not justified	✓
c/ It is not effective	
d/ It is not consistent with national policy	
Q5. Which part of the DMB are you commenting on?	
Page Number	
Policy Number	DM2
Paragraph Number	
Table / Figure / Appendix	
Other	
	1

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.

Enter your reply here

Impact on amenity is clearly a key consideration in the planning application determination process. The various factors identified by policy DM2 are all relevant considerations. However, as noted by supporting paragraph 2.16, the City Council are in the position where it needs to sustainably and suitably manage growth. There is significant pressure for a new residential development to take place within the City due to a lack of urban capacity. Policy PG1 – Overall Levels of Growth of the adopted BDP acknowledges that only 51,100 dwellings can be accommodated in the City's administrative area, meaning a further 37,900 homes need to be provided in neighbouring authority areas within the HMA. The City Council is in a position where it needs to make the best use of their urban land resource.

A significant proportion of the sites identified by the Council's SHLAA are small. They are urban sites surrounded by existing development. As such, a flexible approach must be taken to design standards, in order to ensure their delivery. For example, flexibility is required in terms of garden lengths, carparking arrangements, design and layout matters generally.

In addition, with large schemes flexible and innovative forms of design should be encouraged. This will help to avoid unfair development. As a consequence, policy DM2 should be amended to advise the Council will seek to ensure a satisfactory level of residential amenity are permitted, however, a flexible and innovative approach will be taken to the delivery of development.

It is also noted supporting paragraph 2.21 advises that businesses wanting to develop their existing sites should not have unreasonable restrictions put upon them because of changes in nearby land uses. Whilst we have no particular objection to this approach, it is not clear how the Council will establish whether or not businesses wish adapt, grow and change in the course of the plan period. Residential development schemes should not be unnecessarily hindered due to the fact a business *may* at some point in the future decide to change the way in which they operate. Any residential planning application should be required to respond to the situation as it exists, or how businesses could operate under their existing planning permission. Applicants should not be required to second guess businesses' future growth requirements.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

Policy DM2 should be amended so additional text is inserted at the end of the policy confirming that whilst the Council will seek to ensure satisfactory levels of residential amenity exist, this will not be determined through set design standards and the local authority will support innovative and flexible design approaches to respond to the character and constraints of a local area.

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

Q9. Are there any additional comments you would like to make with regard to the DMB?
Enter your reply here
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.

We would like to reserve the right to attend the examination. The approach of policy DM2 has potential to significantly impact upon the delivery of housing within the City, which is clearly a key consideration give the pressing need for much needed market and affordable

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

Date: 29.01.2020

Email completed forms to: planningstrategy@birmingham.gov.uk

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

1TU.

Name:

Tel: 0121 303 4323

Enter your reply here

dwellings.

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 R	epresentation Form		
Please complete the [Part A (Personal Details) for	m in full.	
Then, please complet make. It is important	e this Part B form <u>for each r</u>	•	

<u>Please use a separate form for each representation that you wish to make.</u>

PART B				
1. Confirmation of Name* * please print your name on each separate representent on the Part A form)	ntation (the nam	e should n	natch that
Full Name:				
Simon Hawley				
Organisation (if relevant):				
HLPC – on behalf of Bloor Homes				
2. Your Representation Important Note: For each question, please mark options only. Please complete a separate form for also refer to the accompanying guidance note for ar	EACH	of your	comment	s. Please
Q1. Do you consider the DMB to be legally compliant?	YES	✓	NO	
Q2. Do you consider the DMB to be sound?	YES		NO	✓
Q3. Does the DMB comply with the Duty to Cooperate?	YES	✓	NO	
If you have answered yes to both Q1 Q2 and Q3, plead no to Q1 or Q3, please proceed to Q5. If you answered				

a/ It is not positively prepared	
b/ It is not justified	
c/ It is not effective	✓
d/ It is not consistent with national policy	
Q5. Which part of the DMB are you commenting on?	
Page Number	
Policy Number	DM3
Paragraph Number	
Table / Figure / Appendix	
Other	
	

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Enter your reply here

It is clearly necessary to ensure new development proposals respond appropriately to land contamination issues in order to ensure new developments are safe for their occupants and protect the surrounding environment. A significant proportion of the potential development sites defined in the BDP and SHLAA are brownfield and a number of have historic uses which could adversely affect ground conditions. Such constraints can affect the viability of development which is clearly a significant matter in the determination process. It is therefore our view policy DM3 should be amended to specifically state abnormal development costs associated with the remediation of brownfield sites should be considered as a potential viability constraint for future development.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

Policy DM3 should be amended to include additional text that advises abnormal development costs associated with contamination, instability and hazard substances, will be a consideration in the determination process, in order to ensure schemes are viable.

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

Enter your reply here
No
Q9. Are there any additional comments you would like to make with regard to the DMB?
Enter your reply here

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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:	Date: 29.01.2020		

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Development Management in Birmingham Development Plan Document (DMB)

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Date Received	Date acknowledged	Ref:	
How to use this R	Representation Form		
Please complete the [Part A (Personal Details) for	m in full.	
Then, please complet make. It is important	e this Part B form <u>for each r</u>	epresentation that you	ı wish to

<u>Please use a separate form for each representation that you wish to make.</u>

PART B				
1. Confirmation of Name* * please print your name on each separate representent on the Part A form)	ntation (the nam	e should n	natch that
Full Name:				
Simon Hawley				
Organisation (if relevant):				
HLPC – on behalf of Bloor Homes				
2. Your Representation Important Note: For each question, please mark options only. Please complete a separate form for also refer to the accompanying guidance note for ar	EACH	of your	comment	s. Please
Q1. Do you consider the DMB to be legally compliant?	YES	✓	NO	
Q2. Do you consider the DMB to be sound?	YES		NO	✓
Q3. Does the DMB comply with the Duty to Cooperate?	YES	✓	NO	
If you have answered yes to both Q1 Q2 and Q3, plead no to Q1 or Q3, please proceed to Q5. If you answered				

a/ It is not positively prepared	
b/ It is not justified	✓
c/ It is not effective	✓
d/ It is not consistent with national policy	
Q5. Which part of the DMB are you commenting on?	·
Page Number	
Policy Number	DM10
Paragraph Number	
Table / Figure / Appendix	
Other	
	.

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.

Enter your reply here

It is our view it is inappropriate for policy DM10 to suggest 'all' residential development sites will be required to meet the minimum Nationally Described Space Standards. Development opportunities with in Birmingham are relatively limited. As demonstrated by the SHLAA the vast majority of development sites within Birmingham are relatively small brownfield sites pepper potted throughout the City. These sites are often surrounded by a variety of different land uses, are irregular in shape, or comprise conversions of existing properties, such as the space above shops, or other similar properties. It may not therefore be possible to achieve the minimum Nationally Described Space Standards in all instances.

It is also our view it is unnecessary for the policy to state 30% of the dwellings should meet the requirements of part M4(2) of the building regulations. Part M4(2) is an optional requirement. The policy should encourage the provision of buildings that meet the requirements of part M4(2) and this will considered positively in the planning balance when determining applications, however, it should not be prescriptive.

We support the recognition in the policy that development should protect residential privacy and outlook, ensuring an appropriate level of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance. It is however our view a flexible approach should be taken toward separation distances and securing an appropriate level of residential amenity. Prescriptive separation distances following the guidance within the Places for Living SPD, is likely to hinder the delivery of residential development. As referred to above, a significant proportion of development sites within the City are relatively small, surrounding by a variety of uses and are irregular in shape. Rigidly applying separation distances could prevent them coming forward for residential development. There may however be appropriate and innovative design and layout solution that ensure residents' privacy and amenity is protected and applicants should have the opportunity to put forward such solutions.

In a similar fashion, it is our view that, whilst the '45-degree code' is a helpful guide, but it should not be applied rigidly. There should be the opportunity for applicants to promote alternative solutions ensuring adequate outlook and daylight to dwellings.

It is noted part six of the policy advises alternative solutions will be considered as 'exceptions'. However, a more positive and flexible approach should be taken across the policy generally. Innovative and site-specific design responses should not be considered acceptable only in 'exceptional' circumstances and should be actively encouraged.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

As referred to above, the policy should be amended, so it takes a positive approach to innovative design solutions, to ensure the protection of residential amenity and should not place a presumption in favour of set separation distances and the 45-degree code.

The policy should be amended to advise developments conforming to the Nationally Describe Space Standards and building regulations part M(4) 2 will be considered favourably but it is not mandatory.

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

Enter your reply here

We would like to reserve the right to attend the examination. Policy DM10 could significantly impact upon residential development in the City. We would like the opportunity to appear in front of the Inspector in order to discuss how additional flexibility can be added to the policy.

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

Enter your reply here

3. Declaration

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Name:	Date: 29.01.2020

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Email completed forms to: planningstrategy@birmingham.gov.uk

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

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a/ It is not positively prepared	
b/ It is not justified	
c/ It is not effective	✓
d/ It is not consistent with national policy	
Q5. Which part of the DMB are you commenting on?	
Page Number	
Policy Number	DM15
Paragraph Number	
Table / Figure / Appendix	
Other	
	

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Enter your reply here

Whilst we have no particular concerns with the guidance set-out in policy DM15, we have a number of significant concerns with the Council's Parking Supplementary Planning Document that is subject to consultation at the same time as the Development Management Policies DPD.

We support in principle the approach of supporting paragraph 5.15, specifically the use of garages as contributing to parking spaces.

The use of sustainable transport modes and car sharing should be actively encouraged, however, it must be ensured parking provision is appropriate on new build residential schemes, so it does not restrict carparking opportunities to such an extent it leads to excessive on-road carparking, which potentially cause highways safety issues and detract from the local environment by creating cluttered residential streets.

Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?

Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.

Enter your reply here

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)?

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Enter your reply here

We would like to attend the examination. The carparking SPD that will have fundamental implications for residential development in the City, has a number of significant flaws. This document will not be subject to examination in the same way as the Development Management Policies DPD will. However, the Development Management Policies DPD relies upon its standards through the use of this policy. We therefore request the right to attend the examination in order to fully discuss the implications of the Council's stance on carparking on new residential schemes.

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

Enter your reply here

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