



Development Management in Birmingham Examination

Birmingham City Council Hearing Statement

Matter 7: Implementation and Monitoring

October 2020

Q95. Would new development be able to accommodate the Plan's policy requirements having regard to viability and is this supported by evidence in the viability study?

95.1 A Financial Viability Assessment (FVA) prepared by BNP Paribas Real Estate (November 2019) (EBD71) was undertaken in line with the NPPF and NPPG. The FVA assessed the policy requirements in the DMB Publication version alongside the policy requirements in the adopted Birmingham Development Plan. The evidence presented in the report provides justification that the policy requirements in the DMB will not put development at risk having regard to the flexible application of policy requirements.

Q96. Will the monitoring framework provide a robust basis for assessing the Plan's outcomes and are the indicators appropriate?

96.1 The Council has reviewed the monitoring framework in light of the inspector's question and recognise that there may be more appropriate indicators for measuring the outcomes of the policies. As such an amended monitoring framework is proposed and attached as Appendix 1 for consideration.

Alongside the indicators, the Council will also obtain feedback from Development Management Officers regarding the effectiveness of the policies.

Q97. In the absence of targets or triggers how would effective monitoring take place?

97.1 The policies set out within the DMB are concerned with the detail of decision-making on planning applications in the city. It is therefore difficult to determine specific targets and triggers for all of the policies. However, the monitoring framework has been reviewed and an amended monitoring framework, including suggested targets and triggers is proposed and attached Appendix 1 for consideration.

Q98. Does the Plan have sufficient flexibility to respond to changing circumstances?

98.1 Yes, there is sufficient flexibility within the policies to respond to changing circumstances. Policies which could affect development viability and may therefore be more sensitive to changing circumstances have been drafted to provide flexibility in their application. The effectiveness of the policies in the DMB will be monitored and this will enable us to identify any issues that need to be addressed.

Appendix 1: Proposed Amended Monitoring Framework

Existing Monitoring Indicators	Proposed Amended Indicators	Target	Trigger
<p>Policy DM1 Air Quality</p> <ul style="list-style-type: none"> • Number of applications refused where proposals exceed nationally or locally set objectives for air quality, particularly for nitrogen dioxide, or increase exposure to unacceptable levels of air pollution • Number of applications for fuelling stations refused due to air quality and percentage successfully defended at appeal 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on air quality grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold air quality impact as valid reason for refusal 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected air quality as a reason for refusal
<p>Policy DM2 Amenity</p> <ul style="list-style-type: none"> • Number of applications refused on amenity grounds and percentage of refusals successfully defended at appeal • Use of conditions securing compliance with the policy 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on amenity grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold loss of amenity as valid reason for refusal 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected amenity as reason for refusal
<p>Policy DM3 Land affected by Contamination and Hazardous substances</p> <ul style="list-style-type: none"> • Number of applications where there are outstanding EA/HSE objections and no submission of a preliminary risk assessment, and where appropriate, a risk management and remediation strategy 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on contamination grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold risk of contamination as a valid reason for refusal 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected contamination as reason for refusal
<p>Policy DM4 Landscaping and Trees</p> <ul style="list-style-type: none"> • Ha/ sq. m. in loss of ancient woodland • Number of applications providing replacement trees/landscaping 	<ul style="list-style-type: none"> • Loss of ancient trees/ woodland • Number of applications approved without tree replacement provision (where relevant) 	<ul style="list-style-type: none"> • No loss of ancient trees/ woodland • No applications approved without tree replacement provision (where relevant) 	<ul style="list-style-type: none"> • Significant loss of ancient trees/ woodland • Significant number of applications approved without tree replacement provision (where relevant)
<p>Policy DM5 Light Pollution</p> <ul style="list-style-type: none"> • Number of applications refused on light pollution grounds and percentage successfully defended at appeal 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on light pollution grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold light pollution as a valid reason for refusal 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected light pollution as reason for refusal

Existing Monitoring Indicators	Proposed Amended Indicators	Target	Trigger
<p>Policy DM6 Noise and Vibration</p> <ul style="list-style-type: none"> • Number of successful planning enforcement cases carried out in relation to noise • Number of applications refused on noise grounds and percentage of refusals successfully defended at appeal • Number of applications approved with successful mitigation schemes 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on noise impact grounds and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold noise impact as a valid reason for refusal 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected noise impact as reason for refusal
<p>Policy DM7 Advertisements</p> <ul style="list-style-type: none"> • Number of enforcement cases successfully concluded • Number of applications refused and percentage successfully defended at appeal 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected the reason(s) for refusal related to the policy
<p>Policy DM8 Places of Worship</p> <ul style="list-style-type: none"> • Percentage of permissions for places of worship granted inside/outside the network of centres • Percentage of applications refused successfully defended at appeal 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected the reason(s) for refusal related to the policy
<p>Policy DM9 Day nurseries and early years provision</p> <ul style="list-style-type: none"> • Percentage of permissions for day nurseries granted inside/outside the network of centres • Percentage of applications refused successfully defended at appeal 	<ul style="list-style-type: none"> • Number of applications approved contrary to the policy • Number of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> • All relevant applications meet the policy requirements • All relevant appeal decisions uphold the reason(s) for refusal related to the policy 	<ul style="list-style-type: none"> • Significant number of applications approved contrary to policy • Significant number of appeals where inspector rejected the reason(s) for refusal related to the policy
<p>Policy DM10 Standards for Residential Development</p> <ul style="list-style-type: none"> • Percentage of applications refused on space standards not being met successfully defended at appeal • Percentage of applications refused on 45 Degree Code successfully defended at appeal 	<ul style="list-style-type: none"> • Number of dwellings meeting NDSS. • Number of dwellings provided as accessible and adaptable • Number of applications refused on 45 Degree Code policy and successfully defended at appeal. 	<ul style="list-style-type: none"> • 100% of dwellings meet NDSS • 100% of development of 15 or more dwellings provide 30% accessible homes • All relevant appeals on 45 Degree Code policy successfully defended 	<ul style="list-style-type: none"> • Provision of NDSS compliant homes falls below 80% • Provision of accessible and adaptable homes is consistently and significantly below the target • Significant number of appeals where inspector rejected 45 Degree Code policy as reason for refusal

Existing Monitoring Indicators	Proposed Amended Indicators	Target	Trigger
<p>Policy DM11 House in multiple occupation</p> <ul style="list-style-type: none"> Percentage of applications refused successfully defended at appeals 	<ul style="list-style-type: none"> New areas with over 10% concentration of HMOs 	<ul style="list-style-type: none"> No new areas with over 10% concentration of HMOs 	<ul style="list-style-type: none"> Increase in areas with over 10% concentration of HMOs
<p>Policy DM12 Residential conversions and specialist accommodation</p> <ul style="list-style-type: none"> Percentage of applications refused on criteria not being met and successfully defended at appeal 	<ul style="list-style-type: none"> Number of applications approved contrary to policy 	<ul style="list-style-type: none"> All relevant applications to meet the policy requirements 	<ul style="list-style-type: none"> Significant number of applications approved contrary to the policy
<p>Policy DM13 Self and custom building</p> <ul style="list-style-type: none"> Number and of individuals and groups listed on the self-build register each year Number of new homes granted exemption from CIL due to self/custom build Status Numbers of plots made available for self and custom build each year 	<ul style="list-style-type: none"> Number of plots given planning permission for self and custom build each year 	<ul style="list-style-type: none"> No specific target 	<ul style="list-style-type: none"> No specific trigger
<p>Policy DM14 Highway and safety access</p> <ul style="list-style-type: none"> Percentage of major applications which are accompanied by a Transport Assessment and a Travel Plan Percentage of refused applications successfully defended on appeal 	<ul style="list-style-type: none"> Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> Significant number of applications approved contrary to the policy
<p>Policy DM15 Parking and servicing</p> <ul style="list-style-type: none"> Number of applications refused on car parking or servicing grounds successfully defended at appeal 	<ul style="list-style-type: none"> Number of applications approved contrary to the policy Number of applications refused on this policy and successfully defended at appeal 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> Significant number of applications approved contrary to the policy
<p>Policy DM16 Telecommunications</p> <ul style="list-style-type: none"> Percentage of applications refused successfully defended at appeal 	<ul style="list-style-type: none"> Number of applications approved contrary to the policy 	<ul style="list-style-type: none"> All relevant applications meet the policy requirements 	<ul style="list-style-type: none"> Significant number of applications approved contrary to the policy