



Development Management in Birmingham Examination

Birmingham City Council Hearing Statement

Matter 5: Homes and Neighbourhoods Policies

October 2020

Policy DM10 Standards for Residential Development

Q60. Is there sufficient evidence to justify the use of the Nationally Described Space Standards?

60.1 Yes. There is sufficient evidence to justify the use of the Nationally Described Space Standards. The National Planning Practice Guidance on 'Housing: optional technical standards' makes clear that where local planning authorities wish to adopt any of the optional technical housing standards, they should be clearly evidenced to determine whether there is a need for additional standards in their area. The Standards for Residential Development Topic Paper (EBD40) provides evidence of need and justification for adopting the optional technical standards relating to space.

Q61. Has the effect of the use of space standards on viability been adequately demonstrated?

60.1 Yes. A Financial Viability Assessment (FVA) prepared by BNP Paribas Real Estate (November 2019) (EBD71) was undertaken in line with the NPPF and PPG. The FVA tests the viability of the policy requirements in the DMB Publication version alongside the policy requirements in the adopted Birmingham Development Plan.

60.2 Space standards were incorporated into the viability testing. The costs of implementing the space standards were included within the 'baseline' position in the FVA. The FVA shows that the space standards can be introduced alongside other policy requirements without any significant impact and demonstrates that the standard is capable of being met across the city. The size and type of dwellings currently being delivered confirms this.

Q62. Should the policy include a transitional period?

62.1 No. The policy should not include a transitional period. The FVA demonstrates that there are no notable viability impacts anticipated from the introduction of the NDSS. The majority of permitted/emerging schemes within the last three years have sought to meet, or come close to, the national standards of their own accord.

62.2 The intention to introduce a space standard was first suggested in the initial Consultation Document which was consulted on in September – October 2015. Subsequently, the intent to introduce the standard has been in the public domain for around 5 years.

62.3 In light of the above, it is not proposed to allow for a transitional period before adoption of a new policy on space standards but rather seek to adopt and implement the policy alongside the other policies within the DMB.

Q63. Is there sufficient evidence to justify the requirement for 30% of dwellings to meet M4(2) Category 2 – Accessible and Adaptable Dwellings?

63.1 Yes. The Standards for Residential Development Topic Paper (EBD40) provides evidence to justify the requirement for 30% of dwellings to meet M4(2) Category 2 – Accessible and Adaptable Dwellings.

Q64. Are the requirements of point 4 of the Policy effective and will they impact on the deliverability of sites?

64.1 The requirements of point 4 of the policy are effective. The existing 'Places for Living' Supplementary Planning Guidance Document gives effect to the policy by setting out detailed guidance on outdoor space standards for residential development. This will be replaced by the Birmingham Design Guide, which sets out similar standards. The draft Design Guide will be subject to public consultation in November 2020. These standards have not constrained the deliverability of sites as evidenced by Birmingham's *Housing Delivery Test results for 2018 and 2019 which have been 108% and 121% respectively, demonstrating successful housing delivery against plan targets.*

Q65. Is point 5 of the Policy effective?

65.1 Yes. Point 5 of the policy is effective. Detailed guidance on the approach of the '45-degree code' is contained in the Council's 'The 45 Degree Code' Supplementary Planning Guidance Document, which will be replaced by the Birmingham Design Guide. The 45-degree code is a well-established mechanism (in Birmingham and other local authorities) to help reduce the impact of development on the outlook and natural light of existing residential properties.

Q66. Is point 6 of the Policy effective in enabling flexibility within the Policy? Does the change proposed by the Council address the shortcomings in this regard?

66.1 The Council's proposed change to Point 6 of the policy will increase its effectiveness in enabling flexibility (CSD4 Schedule of Proposed Minor Changes).

Q67. Is the weight of Policy being applied to the Birmingham Design Guide? Do the Council's proposed modifications overcome this?

67.1 No. Policy DM10 does not confer the weight of statutory policy to the Birmingham Design Guide. The supporting text to the policy is clear that the Birmingham Design Guide is a Supplementary Planning Document providing detailed design guidance for new development.

67.2 However, to provide absolute clarity, the following additional change is proposed for the consideration:

Asterisk * within the Policy box of DM10

~~Standards~~ **Guidelines** are set out in Places for Living SPD which will be replaced by the Birmingham Design Guide.

Q68. Should the Policy make reference to Secured by Design Standards?

68.1 No. Policy PG3 'Place making' in the Birmingham Development Plan already requires all new development to "*Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance.*" The Local Plan should be read as whole to avoid duplication.

68.2 The Birmingham Design Guide, which will replace a suite of existing design guidance, will set out detailed guidance in relation to designing out the potential for crime, the creation of safe places and anti-terror measures.

Policy DM11 Houses in Multiple Occupation

Q69. Is the Policy wording effective? Would the Council's suggested modification address the shortcomings in this respect?

69.1 With the proposed change to criterion d. the policy wording is considered to be effective (CSD4 Schedule of Proposed Minor Changes).

Q70. Is criterion e of the Policy sufficiently clear and effective for Development Management purposes?

70.1 Criterion e. relates to impacts on amenity, character, appearance, highway safety and parking. Reference can be made to DM2 Amenity, DM14 Parking and servicing and DM15 Highway safety and access to provide further clarity if required.

Q71. Should criterion e of the Policy include reference to safety, security and the fear of crime?

71.1 The Council is unclear of the connection between HMOs and safety, security and the fear of crime and has not seen any evidence to support HMOs give rise to higher levels of crime or fear of crime.

Policy DM12 Residential Conversions and Specialist Accommodation

Q72. Is the wording of the Policy effective? Would the Council's suggested modifications address the shortcomings in this respect?

72.1 The Council's proposed change to the policy will increase its effectiveness (CSD4 Schedule of Proposed Minor Changes).

Q73. Is the Policy clear and effective in identifying what types of development are included/ excluded?

73.1 Yes. The policy is clear in identifying the types of development applicable. The policy refers to paragraph 4.27 in the supporting text to define specialist accommodation and what is included and excluded in the definition for the purposes of the policy.

Policy DM13 Self and Custom Build Housing

Q74. Is the Policy justified?

74.1 Yes. The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-build and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions. Due to increasing number of people on the register, the Council wishes to take a proactive approach to supporting the creation of self-build plots.

Q75. Is the Policy effective in encouraging and providing for self-build and custom-build housing?

75.1 Yes. DM13 is considered to be effectively worded while providing flexibility.

Q76. Is point 3 of the Policy wording effective? Would the Council's suggested modifications address the shortcomings in this respect?

76.1 The Council's proposed change to the policy will provide clarity and increase its effectiveness, and therefore address the shortcomings (CSD4 Schedule of Proposed Minor Changes).

Q77. Should the Policy include reference to Secured by Design Standards?

77.1 No. Policy PG3 Place-making in the Birmingham Development Plan already requires all new development to "*Create safe environments that design out crime... designing buildings and open spaces that promote positive social interaction and natural surveillance.*" The Local Plan should be read as whole to avoid duplication.

Policy Omission

Q78. Should the Plan contain a Policy on student accommodation?

78.1 No. A policy on student accommodation is already included in the adopted Birmingham Development Plan (BDP). Policy TP33 'Student accommodation' in the BDP addresses the issues raised by the representation. (EBD1 Adopted Birmingham Development Plan).