

Representation Form (Part B)

Development Management in Birmingham Development Plan Document (DMB)

Main Modifications 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: Mr Simon Hawley

Organisation (if relevant): Harris Lamb Planning Consultancy

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.

Q1. Do you consider the Table of Modifications to the DMB to be legally compliant?

YES X NO

Q2. Do you consider the Table of Modifications to the DMB to be sound?

YES NO X

Q3. Does the Table of Modifications to the DMB comply with the Duty to Cooperate?

YES X NO

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 Table of Modifications to the DMB is NOT sound?

a/ It is not positively prepared X

b/ It is not justified

c/ It is not effective X

d/ It is not consistent with national policy

Q5. Which part of the Table of Modifications to the DMB are you commenting on?

Main Modification Number

MM8

Q6. Why do you feel that this Main Modification to the DMB is not legally compliant, sound or does not comply with the Duty to Cooperate?

Important note: There will not normally be another opportunity to make further representations, only unless invited to do so by the Planning Inspector. 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

Main Modification 8 Part 1 proposes a change to the text within the document that requires the application of the Nationally Described Space Standards. It is our view that there is no proper justification for the inclusion of a policy requiring the use of the NDSS in the Plan. This is for the following reasons:-

- The Residential Development Topic Paper (SBD40) prepared to support the DPD provides an appraisal of a sample of 54 residential schemes. 42% of the schemes are NDSS compliant, a further 34% are within 10% of NDSS standards. Only 24% of the dwellings fell below standards. As such the vast majority of the properties provided are above, or within 10% of standards. The Topic Paper, nor the DPD, provide any information to explain why the proportion of properties that have fallen beneath standards causes an issue.
- There is no locally specific data included within the DPD or Topic Paper to justify the inclusion of such a policy. All the provided information is broad brush.
- There is no information included within the DPD or Topic Paper on what the need for NDSS properties is – i.e. how many properties need to be built to NDSS standards during the course of the plan period to meet demand. Without this information it is not possible to conclude that all properties should be built to NDSS standards.
- The policy assumes that all properties should be NDSS compliant. No assessment work has been done to determine whether it would be appropriate for a proportion of properties to be NDSS compliant to meet the required need, in a similar way to a proportion of the housing requirement is expected to be provided as affordable dwellings to meet an identified need.
- A large proportion of the SHLAA sites in Birmingham are small and irregular shaped. These sites are expected to provide a significant proportion of Birmingham's overall housing supply. There has been no assessment of these sites to see if NDSS can be achieved alongside other policy requirements such as separation distances without reducing the capacity of the SHLAA sites.

The additional text referred to in paragraph 4.5 is supported. It is advised that Policy DM10 – Standards for Residential Development, will not apply to applications that are already registered prior to the date of adoption of the DMB. In order to assist the reader it would be helpful if this text was amended to explain that this applies to full, outlined and reserved matters applications.

Q7. What changes do you consider are necessary in order to make the Main Modification to 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, it is our view that the policy should be amended to remove reference to NDSS.

Q8. Are there any additional comments you would like to make with regard to the Main Modifications of the DMB?

Enter your reply here

It is our view that the Council's proposed Modifications do not reflect the concerns raised regarding use of NDSS standards in representations and at the Hearing sessions. A number of matters put to the Local Authority remain unanswered and the evidence base for the use of NDSS is lacking.

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 the 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: Simon Hawley

Date: 26th April 2021

Please ensure that you submit this form no later than 18:00hrs on Wednesday 5th May February 2021, with an accompanying Part A form completed.

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

Post to: Planning Policy, Planning and Development, PO Box 28, Birmingham, B1 1TU.

Tel: 0121 303 4323