

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: Michael Burrow

Organisation (if relevant): Savills (UK) Ltd for, and on behalf of, the Langley Sutton Coldfield Consortium

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

NO

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

YES

NO

X¹

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

YES

NO

If you have answered yes to both Q1 Q2 and Q3, please proceed to Q8. 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

b/ It is not justified

X

c/ It is not effective

X

d/ It is not consistent with national policy

X

¹ This is in reference to proposed Main Modification MM8 only rather than the whole table of Main Modifications. Please refer to the commentary on MM8 set out within the responses below.

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?	
<i>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.</i>	
<p>It is noted that the proposed Main Modification to Part 1 of Policy DM10 clarifies that the Nationally Described Space Standards (NDSS) do apply to specialist accommodation (as defined in paragraph 4.27). This addresses comments made previously by the Langley Sutton Coldfield Consortium and is considered to be necessary in order to improve the effectiveness of this part of Policy DM10.</p> <p>However it is contended for the reasons identified within the previous representations² that the Council has still not fully justified the need for all residential development to meet the NDSS requirements through the proposed Main Modifications to Part 1 of Policy DM10. These reasons include: the fact that the Council's evidence does not demonstrate persistent significant under delivery against NDSS as a whole or show that the Council has experienced such a systemic problem as to provide a compelling robust 'need' case; the identification that some of the example schemes tested in the viability scenarios are not delivering a Policy-compliant planning obligation requirement; and the fact that the viability testing work does not test the implications of the additional requirements on an urban extension alongside the significant infrastructure costs associated with delivering urban extension sites.</p> <p>If the need for all residential development to meet the NDSS requirements is nonetheless considered to be suitably justified and sound, then the proposed Main Modifications to Part 6 of Policy DM10 and paragraph 4.11 would improve the effectiveness of the Policy in line with the provisions of the Planning Practice Guidance³ by introducing exceptions to applying NDSS and the other standards such as: delivering high quality design; dealing with site-specific issues; responding to local character; or financial viability issues. This addresses comments made previously by the Langley Sutton Coldfield Consortium and reflects the discussion at the Examination session pertaining to this Policy.</p> <p>The proposed Main Modification to paragraph 4.5, highlighting that the Policy DM10 residential development standards would not apply to applications that are already registered prior to the date of the adoption of the DPD, would more effectively respond to the need for the Policy to include a transitional period, in line with the provisions of the Planning Practice Guidance⁴ <u>provided that the modification makes it clear that this applies to both full and outline planning applications</u>. This additional clarification is required to avoid the potential for ambiguity in the implementation of this Policy. The proposed additional text is included below in response to Q7.</p>	
Q7. What changes do you consider are necessary in order to make the Main Modification to the DMB legally compliant, or sound?	
<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>It is contended that the Council has still not fully justified the need for all residential development to meet the NDSS requirements.</p> <p>If the NDSS requirement stays then the following further amendment is requested to the text at paragraph 4.5 [additional text shown in <u>bold and underlined</u>].</p> <p><i>"...The Policy will not apply to <u>outline and full planning</u> applications that are already registered prior to the date of adoption of the DMB".</i></p>	

² As per guidance all the comments made within previous representations are not being reproduced within this representation. Please refer to the comments made by the Langley Sutton Coldfield Consortium to the Publication consultation version of the DPD (Policy DM10) and to Examination Matter 5.

³ Planning Practice Guidance Paragraph 008 Reference ID: 56-008-20150327.

⁴ Planning Practice Guidance Paragraph 020 Reference ID: 56-020-20150327.

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

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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: *Michael Burrow*

Date: 05/05/2021

Please ensure that you submit this form no later than 18:00hrs on Wednesday 5th May 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