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Planning Policy  
Planning and Development  
PO Box 28  
1 Lancaster Circus  
Birmingham  
B1 1TU

SENT BY EMAIL ONLY TO [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

Dear Sir / Madam

## **CONSULTATION ON THE DEVELOPMENT MANAGEMENT IN BIRMINGHAM DPD**

### **Introduction**

These representations are submitted on behalf of Persimmon Homes Central in response to the Development Management in Birmingham Development Plan Documents (DPD) Consultation.

The Development Management in Birmingham Document will provide up to date development management policies for the purpose of determining planning applications. This Development Plan Document (DPD) contains sixteen policies arranged in themes reflecting the adopted Birmingham Development Plan (BDP). When adopted the DPD will replace the policies of the Saved 2005 Birmingham Unitary Development Plan. Persimmon Homes Central account for a large proportion of newly built affordable housing within both Birmingham and the wider Midlands region. We would like to submit the following responses in response to the Council's consultation document.

Founded in 1972, Persimmon are one of the UK's leading house builders, building around 16,000 new homes a year in more than 400 locations nationwide. The Persimmon group comprises of a North and South Division with a number of regional offices throughout the UK. Persimmon is committed to the highest standards of design, construction and service. Persimmon takes its responsibilities very seriously and is passionate about designing homes that are affordable and responsive to local market conditions.

### **DM10 – Standards of Residential development**

Bullet point 1 of the DM10 policy requires for all residential developments to meet the Nationally Described Space Standards (NDSS). However, exceptions will be deliberated in unique circumstances to deliver innovative high quality designs, deal with exceptional site issues, and respond to local character.

If Birmingham wishes to adopt the optional NDSS then this can only be done in accordance with the 2019 National Planning Policy Framework (NPPF). Footnote 46 of the 2019 NPPF states that "*policies may also make use of the NDSS where the need for an internal space standard can be justified*". As set out in the 2019 NPPF, all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying

the policies concerned (para 31). On this basis it is our submission that the City Council should gather evidence to determine whether there is a need for NDSS in Birmingham. The Additionally National Planning Practice Guidance (NPPG) sets out that *“where a need for internal space standards is identified, Local Planning Authority (LPA) should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing”*. The City Council should provide a local assessment evidencing the case for the city. It is not the Government’s intention that generic statements justified adoption of the NDSS.

The City Council’s evidence is set out in DM10 Standards for Residential Development Topic Paper. This document does not contain evidence to justify the City Council’s policy requirement. Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*. The identification of the need for the NDSS must provide evidence to justify this being the case. The City Council should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve.

Persimmon is able to provide evidence demonstrating that market dwellings not meeting the NDSS have sold and that persons living in these dwellings do not consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison to other dwellings.

As set out in the 2019 NPPF, the City Council should understand and test the influence of all inputs on viability. The cumulative impact of infrastructure, other contributions and policy compliant requirements should be set so that most sites are deliverable without further viability assessment negotiations (para 57). The City Council should prepare a viability assessment in accordance with guidance to ensure that policies are realistic and the total cost of all relevant policies are not of a scale that will make the DPD undeliverable.

Persimmon can evidence that the requirement for NDSS reduces the number of dwellings per site therefore reducing deliverability and housing numbers, demonstrating inefficient use of land at lower densities. At the same time, infrastructure and other contributions fall on fewer dwellings per site, which may challenge viability, delivery of affordable housing and release of land for development by a willing landowner especially in lower value areas and on brownfield sites. There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability.

Persimmon recognise that customers have different budgets and aspirations. An inflexible policy approach for NDSS for all dwellings will impact on affordability and effect customer choice. It is possible that additional families, who can no longer afford to buy a NDSS compliant home, are pushed into affordable housing need whilst the City Council is undermining the delivery of affordable housing.

Before the DPD is submitted for examination, **Policy DM10 Bullet Point (1)** should be modified, the City Council should not require the NDSS for all residential development.

If the NDSS is adopted, then the City Council should put forward proposals for transitional arrangements to allow for the land deals which will have been secured prior to any proposed introduction of the NDSS in this DPD. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date similar to the approach adopted by the introduction of CIL regulations.

**Policy DM10 Bullet Point (4)** states that all new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development with reference to the Birmingham Design Guide.

The Birmingham Design Guide has not been subject to the same process of preparation, consultation and examination as the Development Management DPD and does not form part of the DPD. The City Council should not convey the weight of the DPD onto this Design Guide / SPD.

Before the DPD is submitted for examination, **Policy DM10 Bullet Points (3) and (4)** should be modified to remove inappropriate references to the City Council's Design Guide / SPD.

In order to adopt policy DM10, the City Council should provide appropriate and up to date evidence to justify the introduction of the space standards within their Development Management DPD. An investigation should take place to produce evidence as to whether the mentioned standards need to be implemented or whether it is just desirable and "nice to have".

The standards stated within bullet point 1 and appendix 1 should be in accordance with the most relevant National Planning Policy Framework (NPPF). Any space standards introduced should only be put in action in necessary situations.

### **DM15 – Parking and servicing**

Bullet point 2 of DM15 states that parking within new developments must meet the parking provision (which has been set out in the City Council's Parking Supplementary Planning Document (SPD)) for all users e.g. people with disabilities, cycle parking, low emission vehicles, and club cars. Bullet point 3 expands to say that the parking should be designed to be secure and fully accessible to all users and abide by the principles of relevant SPD's.

Persimmon are aware that the City Council is also consulting on a new Parking SPD, which will replace the existing Car Parking Guidelines SPD (2012) and elements of the Birmingham Parking Policy (2010). This new Parking SPD proposes that every new residential building with an associated car parking space must have at least one electric vehicle charging point (EVCP). Unallocated parking spaces off street 5 or more spaces 20% active EVCP provision and passive capacity for all spaces. Unallocated parking spaces on street subject to EV Network Charging requirements.

The Regulations make it clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out as Local Plan policy yet **Policy DM15** states that the car parking requirements including provision of EVCPs will be carried forward in an SPD. This gives DPD status to a document, which is not part of the DPD and has not been subject to the same process of preparation, consultation and Examination. This is not compliant with the Regulations. Where an SPD is prepared, it should only be used to provide more detailed advice and guidance on the policies in the DPD and not as an opportunity to introduce requirements of a policy.

It is our submission that new concepts should not be introduced within SPD. The notions should be presented within the DPD, with the SPD adding further detailed advice and guidance.

### **Additional policies within the Development Management DPD**

Persimmon Homes Central supports the aspirations of policies DM1 Air Quality, DM2 Amenity, DM3 Land Affected by contamination, Instability and Hazardous Substances, DM4 Landscaping and Trees, DM5 Light Pollution, DM6 Noise and Vibration, and DM14 Highway Safety and Access.



## **Conclusion**

In conclusion, before the Development Management DPD is adopted, the City Council should revisit policies DM10 and DM15 to justify and evidence the notions put forward. Policies DM1, DM2, DM3, DM4, DM5, DM6, and DM14 are supported and encouraged by Persimmon Homes Central.

Yours faithfully  
for and on behalf of **Persimmon Homes Central**

**Richard Hodson**  
***Planning Manager***  
For Persimmon Homes Ltd

[Richard.hodson@persimmonhomes.com](mailto:Richard.hodson@persimmonhomes.com)