

Representation Form (Part A)

Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) Consultation



(For office use only)

Date Received

Date acknowledged

Ref:

How to use this Representation Form

Please complete this Part A in full. Please note that anonymous comments cannot be accepted. Then please complete a Part B form for each representation that you wish to make.

The Development Management in Birmingham DPD (DMB), including all supporting and accompanying documentation, is available to view in full online at www.birmingham.gov.uk/DMB

Representations on the Publication version of DMB can be made from **Thursday 9th January 2020 to 17:00hrs on Friday 21st February 2020**. Please note that the Council is unable to accept representations after this point.

The Council strongly recommends the use of this Representation Form for submitting any comments. This will help to ensure that any formal representations that are made are matters of relevance to the subsequent examination by the Planning Inspectorate – an Inspector will only consider issues relating to the ‘soundness’ or ‘legal compliance’ of the DMB at examination.

PART A

1. Personal Details*

** if an agent is appointed, please complete only the Title, Name and Organization boxes below but complete the full contact details of the agent in Section 2*

Title:

First Name:

Last Name:

Job title (where relevant):

Organisation (if relevant): Moda Living

Address Line 1: c/o Turley

Address Line 2:

Town:

County:

Postcode:

Telephone:

Email address:

2. Agent Details* <i>* only complete this section if an agent has been appointed</i>	
Title: Mr	
First Name: Ben	
Last Name: Williams	
Job title (where relevant): Senior Planner	
Organisation (if relevant): Turley	
Address Line 1: 9 Colmore Row	
Address Line 2:	
Town: Birmingham	County: West Midlands
Postcode: B3 2BJ	Telephone: 0121 234 9105
Email address: ben.williams@turley.co.uk	

3. Requests for Notifications	
<i>This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.</i>	
I wish to be notified of the following stages of the DMB (please tick/check all that apply):	
Submission to the Secretary of State for Communities and Local Government Y/N	Y
Publication of the Planning Inspector's Report on the Publication Version Y/N	Y
Adoption by the Council Y/N	Y

4. Declaration	
If you are submitting Part B form(s), please confirm how many:	1
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 this DMB document.	
Declaration: I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.	
Name: BEN WILLIAMS	Date: 21 FEBRUARY 2020

Please ensure that you submit this form no later than **17:00hrs** on Friday 21st February 2020

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

Representation Form (Part B)

Development Management in Birmingham Development Plan Document (DMB)

Publication (Reg. 19) 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: Ben Williams

Organisation (if relevant): Turley

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 DMB to be legally compliant?	YES		NO	
Q2. Do you consider the DMB to be sound?	YES		NO	X
Q3. Does the DMB comply with the Duty to Cooperate?	YES		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 DMB is NOT sound?

a/ It is not positively prepared	
b/ It is not justified	
c/ It is not effective	X
d/ It is not consistent with national policy	X

Q5. Which part of the DMB are you commenting on?	
Page Number	
Policy Number	DM4 and DM10
Paragraph Number	
Table / Figure / Appendix	
Other	
Q6. Why do you feel that this part of 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, based on the matters he/she identifies for examination. 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>	
Please see accompanying letter.	
Q7. What changes do you consider are necessary in order to make 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>	
Please see accompanying letter.	
Q8. If your representation is seeking a modification, do you wish to participate at the oral examination (i.e. in person at the hearing sessions rather than via written representations)?	
<i>If you answered yes to Q7, please outline why you consider this to be necessary. Please note that the Planning Inspector will determine the most appropriate procedure to adopt in order to hear those who have indicated they wish to participate in person</i>	
Please see accompanying letter.	
Q9. Are there any additional comments you would like to make with regard to the DMB?	
Please see accompanying letter.	

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 this 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: BEN WILLIAMS

Date: 21 FEBRUARY 2020

Please ensure that you submit this form no later than 17:00hrs on Friday 21st February 2020, with an accompanying Part A form completed.

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

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21 February 2020

Delivered by email to planningstrategy@birmingham.gov.uk

Birmingham City Council
Planning and Regeneration
1 Lancaster Circus
Birmingham
B4 7DJ

Ref: MODQ3005

Dear Sir / Madam

REPRESENTATIONS TO THE DEVELOPMENT MANAGEMENT IN BIRMINGHAM DPD CONSULTATION (PUBLICATION VERSION – REGULATION 19) (OCTOBER 2019)

We write on behalf of our client (Moda Living) in response to the 'Development Management in Birmingham' development plan document (DPD) – Publication Version consultation (October 2019).

Moda was established in 2014 to be a design, build and operator of purpose built rented neighbourhoods across the UK. In 2017, Moda secured planning permission for a residential development on Broad Street in Birmingham to create a new community of 481 private rented sector apartments and associated amenity facilities. Development has since commenced on site and Moda is planning to complete construction by spring 2022.

We previously submitted representations to the Preferred Options consultation on behalf of Moda on 28 March 2019.

Moda welcome the preparation of the Development Management in Birmingham (DMB) document to ensure that development management policies are in force, which are consistent with national policy and replace the Birmingham Unitary Development plan (UDP 2005).

Moda is generally supportive of the policies contained within the DMB, however is concerned that some of the specific policies do not meet the tests of 'soundness' as set out in paragraph 35 of the National Planning Policy Framework (NPPF) (February 2019).

Policy DM2 Amenity

We previously recommended that part of the policy should be amended to read "impacts of committed development" to ensure that developers are not expected to take account of development which 'may' come forward. We again make this recommendation.

9 Colmore Row
Birmingham
B3 2BJ

T 0121 233 0902 turley.co.uk

Policy DM4 Landscaping and Trees

Moda recognise and value the importance that high quality landscapes can play in development, but consider that the requirement to create areas of landscape must be considered in the context of the site.

Policy DM4 requires that where on-site replacement is not possible, contributions towards off-site planting will be sought. Whilst Moda has no objection to this in principle, the policy should seek to recognise that the appropriateness of any contribution sought will need to be considered on a case by case basis in the context of any overall viability discussions.

Paragraph 34 of the NPPF confirms that where policies confirm contributions will be expected from developers, these policies should not undermine the overall deliverability of the plan.

Whilst only a minor point, in order to ensure this policy is 'effective' (i.e. deliverable) and consistent with national policy, a caveat should therefore be added to this policy requirement to confirm that this contribution will be sought "where viable".

Policy DM10 Residential Development

This draft policy covers nationally described space standards, the provision of accessible and adaptable homes, separation distances, private outdoor amenity space and impacts on outlook / daylight.

Part 6 of the policy states that *"exceptions to all of the above will only be considered in order to deliver innovative high quality design, deal with exceptional site issues, respond to local character and where it can be demonstrated that residential amenity will not be significantly diminished"*.

In general terms, Moda has concerns that this policy as currently drafted and the 'exceptions' listed above do not adequately acknowledge non-traditional forms of residential development such as that delivered by the Private Rented Sector ('Build to Rent') or co-living proposals.

Paragraph 8.20 of the adopted Birmingham Development Plan states that:

"The private rented sector, where multiple units are developed and held in single ownership for long term rental, is supported by the City Council as making an important contribution to the supply of housing in the city, and meeting the needs of a mobile workforce, young professionals, households who have deferred house purchase or those who prefer to rent as a lifestyle choice. The City Council recognise the different characteristics of such developments (typically funded by large institutions or investors), including the lifetime development economics, which look to longer term returns rather than short term 'market' gains (compared to more traditional open market schemes), and will have regard to its particular characteristics during the decision making process when assessing the acceptability and viability of schemes".

Further recognition to the Private Rented Sector is given in **Policy TP31** in relation to affordable housing provision.

There ought to be a degree of flexibility built into the DMB for the various types and tenures of residential development being brought forward in the city. This will include build to rent and potentially co-living which offer different types of provision to more traditional housing (such as high quality residents' amenity areas including gyms, cinema and games rooms, and communal areas etc). The absence of any clear reference to these models (the Private Rented Sector is referred to in the BDP) is a concern given that these types and forms housing development are becoming more prevalent in the city and are already forming a key part of the city council's housing supply.

The Planning Practice Guidance (PPG) sets out guidance on planning for built to rent accommodation. In relation to Nationally Described Space Standards, it states that “*where authorities choose to apply them the national policy does not preclude authorities from dis-applying them for particular parts of the local plan area, or for particular development types, such as build to rent schemes*”.

In addition, reference ought to be made in the ‘exception’ test for DM10(6) in respect of economic viability in accordance with the NPPF, which states that policies should support development that makes efficient use of land, taking into account “local market conditions and viability” (paragraph 122.b).

Accordingly, in order to ensure there is sufficient flexibility within Policy DM10 to cover a range of types of housing development in accordance with the Planning Practice Guidance, it is recommended that the exception criterion (part 6) is expanded to include the following considerations:

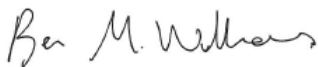
1. Where the development includes housing types with specific and unique considerations (i.e. build to rent and co-living), and
2. Economic viability.

The inclusion of additional criteria for the exceptions test is deemed necessary to ensure the policy is ‘effective’ (i.e. deliverable) and thus to make the policy sound.

Conclusion

Moda welcome the opportunity to comment on the DMB and trust that the information provided in these representations clearly set out where clarification is sought and recommended changes to policies is suggested.

Yours faithfully



Ben Williams
Senior Planner

ben.williams@turley.co.uk