

# 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](http://www.birmingham.gov.uk/DMB)

Representations on the Publication version of DMB can be made from **Thursday 9<sup>th</sup> January 2020 to 17:00hrs on Friday 21<sup>st</sup> 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): Langley Sutton Coldfield Consortium

Address Line 1: c/o Savills

Address Line 2:

Town:

County:

Postcode:

Telephone:

Email address:

## 2. Agent Details\*

*\* only complete this section if an agent has been appointed*

**Title:** Mr

**First Name:** Michael

**Last Name:** Burrow

**Job title (where relevant):** Associate Director

**Organisation (if relevant):** Savills (UK) Ltd

**Address Line 1:** 55 Colmore Row

**Address Line 2:**

**Town:** Birmingham

**County:** West Midlands

**Postcode:** B3 2AA

**Telephone:** 0121 634 8433

**Email address:** [mburrow@savills.com](mailto:mburrow@savills.com)

Savills is instructed by the Langley Sutton Coldfield Consortium ("The Consortium") to submit comments on the Publication Version of the Development Management in Birmingham Development Plan Document (DPD). The Consortium currently comprises a mixture of landowners, land promoters and house builders. The Consortium currently comprises Taylor Wimpey UK Limited, William Davis Limited, Miller Homes Limited, Bovis Homes Group, Nurton Developments Limited, Rubery Owen Holdings Limited and The Gilmour Family. The Consortium owns or controls approximately 94% of the land allocated for the Langley SUE under Policy GA5 of the adopted Birmingham Development Plan (BDP). The Consortium is in the process of compiling an outline planning application for submission in the coming months.

## 3. Requests for Notifications

*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 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:**

**14**

### 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.

|                             |                         |
|-----------------------------|-------------------------|
| <b>Name: Michael Burrow</b> | <b>Date: 21/02/2020</b> |
|-----------------------------|-------------------------|

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

**Email completed forms to: [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| c/ It is not effective                       |          |
| d/ It is not consistent with national policy |          |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |     |
|---------------------------|-----|
| Policy Number             | DM1 |
| 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?**

*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.*

The Consortium welcomes the fact that Birmingham City Council has taken on Board the comments it made to the Preferred Options consultation stage in relation to: replacing “sustainable energy” with “low and zero carbon energy”, to provide flexibility within the Policy and to make it consistent with the adopted BDP Policy TP4; and by seeking to provide a definition for what it considers is meant by “*unacceptable deterioration in air quality*”.

However the Consortium considers that the Policy is currently **not sound** because it still does not provide a clear and justified definition for what is meant by “*unacceptable deterioration in air quality*”.

The asterisk in the Policy makes reference to supporting paragraph 2.7, which in turn states that “‘*Unacceptable*’ deterioration is defined as where the development would result in exposure to pollutant concentration close to the limit values”. Paragraph 2.7 also makes reference to utilising the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) for assessing where relevant exposure may arise. This guidance document however appears to focus on achieving compliance with the EU Air Quality Directive Limit Values and does not provide a clear evidential basis for justifying Birmingham City Council’s proposed definition.

The Consortium contends that the concept of development not being considered favourably where it results in exposure pollutant concentrations close to air quality limits is: not clearly defined in Local or National Policy or Guidance; and also inconsistent with the next part of the proposed policy, which states that development would not be considered favourably if it results in exceedances of nationally and locally set objectives for air quality, particularly for nitrogen dioxide or particulate matter. It is therefore contended that the test for air quality impact should more closely focus on developments that result in a demonstrable exceedance of EU Air Quality Directive Limit Values (or respective replacement legislation).

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [deletions added]:

*“Development proposals will need to contribute to the management of air quality and support the objectives of the Local Air Quality Action Plan and Clean Air Zone. Development that would, in isolation or cumulatively, ~~lead to unacceptable deterioration\* in air quality,~~ result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter...”*

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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)

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### 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, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |  |

*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                       |  |
| d/ It is not consistent with national policy |  |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|   |     |
|---|-----|
| Policy Number   | DM2 |
| Paragraph Number  |     |
| Table / Figure / Appendix   |     |
| Other   |     |
| <b>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?</b>   |     |
| <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>   |     |
| N/A   |     |
| <b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>   |     |
| <i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>  |     |
| N/A   |     |
| <b>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)?</b>   |     |
| <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>   |     |
| N/A   |     |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>   |     |
| <p>The Consortium supports the changes that Birmingham City Council has made to the Policy wording in response to the comments that it made to the Preferred Options consultation stage through the removal of references to “<i>overbearing impact</i>” and “<i>perception of enclosure</i>” from the Policy wording. These terms: were not defined by the Policy; are not commonly used; and do not have a foundation in either the BDP or the NPPF. It is considered that these deletions are necessary in order to ensure the soundness of this Policy.</p> |     |



### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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



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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, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |  |

*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                       |  |
| d/ It is not consistent with national policy |  |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|   |     |
|---|-----|
| Policy Number   | DM3 |
| Paragraph Number  |     |
| Table / Figure / Appendix   |     |
| Other   |     |
| <b>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?</b>   |     |
| <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> |     |
| N/A   |     |
| <b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>   |     |
| <i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>  |     |
| N/A   |     |
| <b>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)?</b>   |     |
| <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>   |     |
| N/A   |     |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>   |     |
| The Consortium welcomes the fact that Birmingham City Council has taken on Board the comments it made to the Preferred Options consultation stage through the amendment made to the Policy wording to replace “existing installations” with “existing hazardous installations” to ensure that the Policy wording is clear and consistent.   |     |

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       |          |
| d/ It is not consistent with national policy | <b>X</b> |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | DM4  |
| Paragraph Number          | 2.39 |
| 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?**

*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.*

The Consortium supports the changes that have been made to the wording of the supporting text in response to comments made to the Preferred Options consultation stage, notably in relation to replacing references to “significant” hedgerows and trees with “protected” trees and hedgerows and moving away from requiring all Category A and B trees to be afforded protection. The Consortium also supports the removal from the Policy wording for replacement planting to be “based on the existing value of the tree(s) removed” on the basis that this has no grounding in national policy. These changes are important for ensuring that this wording is robust and effective and need to be retained.

However the Consortium considers that the Policy is currently **not sound** because it still does not, in part, appear to be consistent with national policy.

Part 1 of the proposed Policy wording states that all developments must take opportunities to provide high quality landscapes that enhance existing character and the green infrastructure network. The Policy does not provide any flexibility and would seem to exceed the provisions set out in paragraph 127 of the National Planning Policy Framework, which requires development to be *sympathetic* to local character and history, including landscape setting. It also exceeds the wording of the adopted Birmingham Development Plan policies.

In addition, the requirement to “*maximise the provision of new trees*”, included within the proposed wording of Part 2 of the Policy, is not considered to be measurable and should therefore not be included.

National Planning Policy Framework paragraph 34 also states that development contributions should not undermine the deliverability of a Local Plan. The previously-proposed requirement for replacement planting to be “based on the existing value of the tree(s) removed” was underpinned within the supporting text to the Policy through references to the CAVAT metric. Now that this previously-proposed requirement has been removed from the Policy wording, the references to the use of CAVAT in relation to the loss of any and / or landscaping in the supporting text at paragraph 2.39 should also be removed to maintain consistency and clear linkages between the Policy wording and supporting text. CAVAT is neither mentioned in the adopted Birmingham Development Plan nor within the National Planning Policy Framework and is not a national requirement. It is also not clear how CAVAT has been specifically accounted for through the Local Plan viability assessment work.

It important that landscaping is viewed in the context of development proposals as a whole rather than in isolation. It is also considered that the focus should be on the provision of high quality green infrastructure rather than on the capital value of green infrastructure, and replacement planting should be provided as part of development proposals to compensate for this loss in a manner that is appropriate to the creation of a new residential environment. It is recognised that there might be a limited use for CAVAT for calculating of value of trees lost that are within a conservation area of the subject of a Tree Preservation Order, but there does not appear to be sufficient justification for applying this provision to all landscaping features on all development sites.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [underlining and deletions added]:

*“1. ~~All~~ Developments must take opportunities to provide high quality landscapes and townscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places and a coherent and resilient ecological network.*

*2. The composition of the proposed landscape should be appropriate to the setting and the development, as set out in a Landscape Plan\*, with opportunities taken to ~~maximise~~ ensure the provision of new trees and other green infrastructure, create or enhance links from the site to adjacent green infrastructure and support objectives for habitat creation and enhancement as set out in the Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022 and subsequent revisions.”*

The following amended wording is also proposed to paragraph 2.39 [underlining and deletions added]:

*“Where development would result in the loss of tree(s) and/or other landscaping, adequate replacement planting will be required and regard will need to be given to ~~assessed against the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent), pre-development canopy cover and biodiversity considerations. Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.~~ The Council will provide detained guidance in a Tree Strategy.”*

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter. There is a need to explore and understand the potential implications of the proposed Policy approach on the Langley Sustainable Urban Extension.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

**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.

|                             |                         |
|-----------------------------|-------------------------|
| <b>Name: Michael Burrow</b> | <b>Date: 21/02/2020</b> |
|-----------------------------|-------------------------|

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

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# Representation Form (Part B)

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### 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, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |  |

*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                       |  |
| d/ It is not consistent with national policy |  |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |     |
|---------------------------|-----|
| Policy Number             | DM5 |
| 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?**

*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.*

N/A

**Q7. What changes do you consider are necessary in order to make 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.*

N/A

**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)?**

*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*

N/A

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

The Consortium welcomes the fact that Birmingham City Council has taken on Board the comments it made to the Preferred Options consultation stage and has amended the Policy wording to incorporate some further flexibility to: take account of the immediate context; no longer expect development to mitigate “all” potential adverse impacts from external lighting; and ensure that the two parts of the Policy are consistent with each other. It is considered that these changes are necessary in order to ensure the soundness of this Policy.

**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.

|                             |                         |
|-----------------------------|-------------------------|
|                             |                         |
| <b>Name: Michael Burrow</b> | <b>Date: 21/02/2020</b> |

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** Langlely 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| d/ It is not consistent with national policy |          |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|   |     |
|---|-----|
| Policy Number   | DM6 |
| Paragraph Number  |     |
| Table / Figure / Appendix   |     |
| Other   |     |
| <b>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?</b>   |     |
| <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>   |     |
| <p>The Consortium supports the clarification that has been included within points 1, 2 and 3 of this Policy, and within the supporting text to this Policy, in response to the comments it made to the Preferred Options consultation stage, particularly in relation to references to impacts on biodiversity and on the application of mitigation measures. It is considered that this clarification is necessary in order to ensure the soundness of the relevant aspects of this Policy.</p> <p>However the Consortium considers that Policy DM6 is <b>not sound</b>, in part, because point 1 of the Policy is not considered to be effective.</p> <p>Neither point 1 of the Policy, nor the supporting text, provides an explanation of whether the identified requirement to take account of existing levels of background noise refers to background noise at the proposed development or background noise at nearby receptors. Further clarification on this matter should therefore be provided within point 1 or within the supporting text at paragraph 2.52 in order for this Policy to be considered to be effective.</p> |     |
| <b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>   |     |
| <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>Further clarification on whether the identified requirement to take account of existing levels of background noise refers to background noise at the proposed development or background noise at nearby receptors should be provided within point 1 of the Policy or within the supporting text at paragraph 2.52</p>  |     |
| <b>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)?</b>   |     |
| <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>   |     |
| <p>Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.</p>  |     |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>   |     |
| N/A   |     |

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| d/ It is not consistent with national policy |          |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | DM8  |
| Paragraph Number          | 3.10 |
| 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?**

*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.*

The Consortium supports the changes that Birmingham City Council has made to the Policy wording in response to the comments it made to the Preferred Options consultation stage, by removing the need to undertake a sequential approach to site selection in relation to locating new places of worship of faith-related community uses where these cannot be located within an existing centre, as defined by Birmingham Development Plan Policy TP21.

However the Consortium considers that the Policy is still currently **not sound** because it is still not fully consistent with Birmingham Development Plan Policy GA5 and the relevant requirements of the adopted Langley Supplementary Planning Document (April 2019).

It should be noted that the Langley Sutton Coldfield Sustainable Urban Extension does not currently feature within the network of centres as defined within Birmingham Development Plan Policy TP21. Birmingham Development Plan Policy GA5 requires the Langley development proposals to incorporate a mix of uses, including community uses. The adopted Langley Supplementary Planning Document identifies the proposed Langley Centre and Community Hubs as being suitable places for accommodating new community uses, including places of worship.

The development proposals at Langley are being comprehensively planned as part of the planning application process, in accordance with the requirements of Birmingham Development Plan Policy GA5 and the Langley Supplementary Planning Document. The preference of the Consortium is therefore for Langley to be identified as a specific exception to Policy DM8 and the accompanying text at paragraph 3.10, to allow for the distribution of uses within the Langley site to be appropriately planned as part of the comprehensive proposals.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [underlining and additions added]:

*“The Council’s preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan and as part of proposals brought forward in accordance with the requirements of Policy GA5. Proposals for development outside of ~~the network of centres~~ these locations will be considered favourably where...”*

The following amended wording is also proposed to paragraph 3.10 [underlining and additions added]:

*“The most appropriate locations for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP and as part of proposals brought forward in accordance with the requirements of Policy GA5. These are the most sustainable locations in terms of transport accessibility*



and parking. Other locations ~~outside of the network of town centres~~ will be considered favourably where the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses should also comply with other relevant local plan policies and guidance”.

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** Langlely 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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 |   |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | DM9  |
| Paragraph Number          | 3.19 |
| 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?**

*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.*

The Consortium supports the changes that Birmingham City Council has made to the Policy wording in response to the comments it made to the Preferred Options consultation stage, by removing the need to undertake a sequential approach to site selection in relation to locating new day nurseries and early years provision where these cannot be located within an existing centre, as defined by Birmingham Development Plan Policy TP21.

However the Consortium considers that the Policy is still currently **not sound** because it is still not fully consistent with Birmingham Development Plan Policy GA5 and the relevant requirements of the adopted Langley Supplementary Planning Document (April 2019).

It should be noted that the Langley Sutton Coldfield Sustainable Urban Extension does not currently feature within the network of centres as defined within Birmingham Development Plan Policy TP21. Birmingham Development Plan Policy GA5 requires the Langley development proposals to incorporate a mix of uses, including community uses and education. The adopted Langley Supplementary Planning Document identifies the proposed Langley Centre and Community Hubs as being suitable places for accommodating new community uses.

The development proposals at Langley are being comprehensively planned as part of the planning application process, in accordance with the requirements of Birmingham Development Plan Policy GA5 and the Langley Supplementary Planning Document. The preference of the Consortium is therefore for Langley to be identified as a specific exception to Policy DM9 and the accompanying text at paragraph 3.19, to allow for the distribution of uses within the Langley site to be appropriately planned as part of the comprehensive proposals.

It is important that there is also consistency in the approach taken by both Policies DM8 and DM9. It is noted that Policy DM8 identifies that outside centres “proposals will be considered favourably where...” and Policy DM9 states that outside centres “proposals will **only** be considered favourably where...” [bold emphasis added]. It is considered that the Policy DM9 wording is more restrictive and should be amended to reflect the Policy DM8 approach.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [underlining and deletions added]:

*“The Council’s preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan and as part of proposals brought forward in accordance with the requirements of Policy GA5. Proposals for development outside of ~~the network of centres~~ these locations will ~~only~~ be considered”*

*favourably where...*

The following amended wording is also proposed to paragraph 3.19 [underlining and deletions added]:

*“...The network of centres as defined by Policy TP21 of the Birmingham Development Plan and as part of proposals brought forward in accordance with the requirements of Policy GA5 ~~is~~ are considered the most appropriate locations, but other ~~locations outside of centres~~ will be considered appropriate where the policy criteria are met...”*

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| c/ It is not effective                       |          |
| d/ It is not consistent with national policy | <b>X</b> |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | 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?**

*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.*

The Consortium acknowledges that Birmingham City Council has now published further evidence in the form of a Topic Paper<sup>1</sup> and Financial Viability Assessment<sup>2</sup> to seek to justify the proposed Policy requirements. However the Consortium contends that this evidence base does not fully justify the Policy requirements and therefore Policy DM10 is **not sound** in its current form.

The Planning Practice Guidance (PPG)<sup>3</sup> requires that where a need for internal space standards is identified, Local Planning Authorities should take into account need, viability and timing considerations. The PPG<sup>4</sup> also requires that when assessing the need for additional accessibility requirements, regard to be given to: the future need for housing for older and disabled people; the size, location and type of dwellings needed; the accessibility and adaptability of existing housing stock; how needs vary across different housing tenures; and the overall impact on viability.

In relation to demonstrating the need to apply Nationally Described Space Standards (NDSS), National Planning Policy Framework footnote 46 states that “*policies may also make use of the NDSS where the need for an internal space standard can be justified*”. National Planning Policy Framework paragraph 31 also specifies that 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.

Birmingham City Council’s own evidence, as set out within the Topic Paper, identifies that whilst some dwellings delivered / approved in the past have not achieved NDSS requirements, the majority (76%) of the dwellings that have received planning permission in Birmingham between July 2016 and June 2019 are either compliant or close to compliant with the NDSS. This is presented within the Topic Paper as a positive situation. The evidence accordingly does not demonstrate such a persistent significant under delivery against NDSS as a whole, or identify that Birmingham City Council has experienced a systemic problem such as to provide a compelling ‘need’ case for NDSS to be required to be enshrined into Local Plan Policy for all sites to achieve.

However the evidence also highlights that the level of compliance with NDSS achieved varies both geographically and between sites. It should be noted that the example large scale sites with planning permission outside of the City Centre identified within Table 3 of the Topic Paper are generally densely planned schemes, comprising housing (but not a significant proportion of 4+bedroom dwellings) and apartments, with associated roads, but often not delivering any additional on-site infrastructure, including public open space. It should also be noted that the example sites do not all achieve the full Policy-compliant planning obligations requirement, including in relation to affordable housing, which may have influenced their ability to achieve the level of NDSS compliance that they have achieved. This highlights the importance within Birmingham of considering the application of additional housing standards, including NDSS, on a site-specific basis and taking account of all Policy requirements. Certainly the fact that development viability varies based on site specific circumstances is raised through the accompanying Financial Viability Assessment.

<sup>1</sup> BCC. Development Management in Birmingham Development Plan Document Standards for Residential Development Topic Paper October 2019 (made available online January 2020).

<sup>2</sup> BNM Paribas Real Estate. Development Management in Birmingham: Development Plan Document – Financial Viability Assessment (November 2019) (made available online January 2020)

<sup>3</sup> PPG Paragraph: 020 Reference ID: 56-020-20150327 Revision date: 27 03 2015

<sup>4</sup> PPG Paragraph: 007 Reference ID: 56-007-2015037 Revision date: 27 03 2015.

It is noted that the scenarios tested within the Financial Viability Assessment only vary values and affordable housing percentages for a variety of different sized schemes, albeit it is not made clear what values each of the value bands used relate to. The results of the appraisal scenarios included within the report demonstrate that the ability to deliver the full policy-compliant affordable housing requirement is brought into doubt with the inclusion of the additional Development Management policy requirements and not all development typologies tested show the schemes to be viable using the applied assumptions even in the highest value scenarios.

As a result of this the Financial Viability Assessment<sup>5</sup> highlights that: *“In some instances where policy requirements are not viable, the Council may need to apply the requirements flexibly and weigh which are priorities over others. Some DMB policies are explicitly expressed as being applied on a ‘subject to viability’ basis. In some instances, the Council may decide to accept a reduced quantum of affordable housing (below its 35% target) to facilitate a scheme meeting other DMB or BDP requirements. Clearly there are some trade-offs between affordable housing contributions towards infrastructure and DMB requirements and all of these serve vital functions in weighing the planning balance”.*

The Consortium contends that Birmingham City Council should not be adopting a Local Plan document which demonstrates from the outset that it is likely that some applicants will be required to enter into viability appraisals at the planning application stage to determine how adopted Policies, including in relation to affordable housing, should be applied, even if Policy DM10 is explicitly stated to be ‘subject to viability’ (which it is currently not). This is especially pertinent given that the PPG<sup>6</sup> requires that impacts on affordability are considered where a space standard is to be adopted.

There are also key concerns with some of the underlying assumptions applied within the viability appraisal. The scheme typologies tested include some large housing-based schemes, but do not take into consideration the implications of applying the additional proposed policy requirements, including DM10 requirements for NDSS and Part M4(2) to an urban extension. The majority of the larger schemes within the typologies are apartment-only schemes, which have a different land-take and design and policy requirement to housing or mixed housing and apartment schemes. This is considered to be a significant omission because although strategic urban extensions might not be considered ‘typical’ of the majority of development sites that are expected to come forward within Birmingham during the Plan period, the major residential allocation within the Birmingham Development Plan (Policy GA5) is the allocation for approximately 6,000 dwellings at the Langley Strategic Urban Extension, which makes a significant contribution to the Birmingham housing provision. This is compounded further by the inclusion of an assumption of £1,500 per dwelling S106 contribution and £91psqm CIL contribution for market units (within certain areas), which significantly underestimates the contribution towards S106 infrastructure required to bring forward a strategic urban extension.

Furthermore it is noted that the viability appraisal scenario testing does not test the impact of not delivering all new homes to NDSS sizes. The assumption is made that all new homes will be of a size that meets NDSS standards. However the evidence set out within the Topic Paper demonstrates that not all homes approved and delivered within Birmingham in recent years have been planned as NDSS compliant and the wider housing market forces have not required all new dwellings to be NDSS compliant. The Topic Paper does not highlight that the dwellings delivered by the market that have not met the NDSS requirements have either not sold or not met a particular housing need / purchaser requirement. The fact that the application of NDSS to development sites reduces the number of dwellings that can be achieved on the site, making land use less efficient and requiring the planning obligation and infrastructure package to be shared across fewer dwellings, should also not be ignored.

The viability appraisal should therefore also test the viability implications of the current level of (under)delivery against NDSS as a comparison, to understand the additional implications of full NDSS compliance in tandem with the other Policy considerations. Similarly the viability appraisal has not tested the implication of including less than 30% all dwellings achieving Part M4(2) compliance, which is an exercise which is considered to be necessary to provide an informed comparison. The evidence base is therefore considered to be lacking in these respects.

<sup>5</sup> BNM Paribas Real Estate. Development Management in Birmingham: Development Plan Document – Financial Viability Assessment (November 2019) (made available online January 2020). Page 92.

<sup>6</sup> PPG Paragraph: 020 Reference ID: 56-020-20150327 Revision date: 27 03 2015



In relation to timing the PPG identifies that “there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions”.

The Consortium contends that it is unreasonable for the Topic Paper to conclude that there is no need to allow for a transition period following adoption of a new policy on space standards on the grounds that it is considered that there are no notable viability impacts anticipated from the introduction of NDSS and that the intention to introduce the standard has already been in the public domain for over 4 years.

Whilst this intention may have been in the public domain, the intention carries little weight and no evidence to seek to justify the imposition of NDSS in Birmingham has been in the public domain before January 2020. There has been no requirement for land deals or development proposals secured before now to take account of NDSS. A sufficient time period needs to be allowed for to enable these sites to progress through the planning system and outline and reserved matters applications agreed prior to a specified date should not be required to be subject to NDSS. The time lapse between January 2020 and the Local Plan adoption is not considered to be a sufficient transition period. Therefore, should the NDSS become a Policy requirement, a transition period would be required post adoption, in order to comply with the PPG.

The Consortium notes that Parts 3 and 4 of the proposed Policy wording make references to standards that are being brought in through the emerging Design Guide Supplementary Planning Document. The Consortium wishes to stress that any references made to the forthcoming Design Guide within the Policy wording and supporting text should make it clear that the Design Guide will be a guidance document that should be given regard to and is capable of being a material consideration (as specified by the National Planning Policy Framework) but does not form part of the adopted Development Plan.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to address these key concerns with Policy DM10, there therefore needs to be an appropriate evidence base in place, notably with respect to viability and need, which justifies the approach taken. It is especially pertinent to ensure that a Birmingham Development Plan compliant range of site typologies is tested through the viability assessment work. If need and viability cannot be appropriately demonstrated then it is contended that the Local Plan should not be including the additional housing standards. It is also requested that a “*subject to viability*” clause is added to the exceptions listed within point 6 of Policy DM10. Should the NDSS become a Policy requirement, the Policy would need to include an appropriate transition period for implementation post-adoption. The Policy should also not require total compliance with Supplementary Planning Document standards.

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter. There are significant considerations that need to be discussed in order to understand the implications for the future design and delivery of the Langley Sustainable Urban Extension proposals.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A



### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> |  |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |  |

*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                       |  |
| d/ It is not consistent with national policy |  |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|  |      |
|--|------|
| Policy Number  | DM11 |
| Paragraph Number   |      |
| Table / Figure / Appendix  |      |
| Other  |      |
| <b>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?</b>  |      |
| <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>  |      |
| N/A  |      |
| <b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>  |      |
| <i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>   |      |
| N/A  |      |
| <b>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)?</b>  |      |
| <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>  |      |
| N/A.   |      |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>  |      |
| <p>The Consortium welcomes the fact that Birmingham City Council has given regard to the comments it made to the Preferred Options consultation stage requesting a clear definition of what is meant by the term “<i>non-family housing</i>”. It is noted that the third footnote to this Policy now defines non-family residential uses as a HMO, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats. This clarification to the Policy working is considered to improve the soundness of this Policy. The Consortium has no further comments to make to this particular Policy.</p> |      |

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| d/ It is not consistent with national policy |          |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | DM12 |
| 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?**

*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.*

The Consortium notes that this is a new draft Policy that did not feature in the Preferred Options consultation document. The Consortium supports the opportunities arising through this Policy for the development of appropriately located specialist accommodation, such as care homes and supported accommodation for older people and people with mental health, learning disabilities, dementia and people with physical and sensory impairment.

However the Consortium considers that Policy DM12 is **not sound** because the wording of part e) of the Policy is not effective.

Part e) states that such development will be supported where *“it will not result in the loss of an existing use that makes an important contribution to the Council’s objectives, strategies and policies”*. This wording is currently so broad that in theory it could prevent any conversions or subdivisions of any properties to create individual residential units or specialist accommodation, given that it could be argued that the Council’s objectives, strategies and policies currently support a full mix of uses. It is therefore recommended that part e) is reworded in order to make the application of this Policy effective.

It is noted that paragraph 4.34 in the supporting text to the Policy makes specific reference to the Birmingham SHMA (2013) identifying that the greatest housing need is for 3 and 4 bedroom homes and that the Council will accordingly be sensitive to this need in locations where it considers that there is a particular shortage of large family accommodation when considering proposals for flat conversions and specialist accommodation. This is only however one specific example and it is not clear whether the Council is intending part e) to cover other residential and non-residential uses.

It is also noted that Birmingham Development Plan Policy TP30 already seeks for housing proposals to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods and identifies a need to take account of variety of evidence sources, including the SHMA, current and future demographic profiles, market signals and local housing market trends. This adopted Policy approach still accords with the revised NPPF (paragraph 60). Adopted Policy TP30 should therefore be an important consideration in the application of proposed Policy DM12.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed at part e) [underlining and deletions added]:

*“1. This policy applies to the subdivision or conversion of properties into self-contained dwelling units and the development of specialist accommodation\*. Such development will be supported where:*  
*a. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in*

the area;

b. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;

c. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;

d. The scale and intensity of the proposed use is appropriate to the size of the building; and

e. ~~It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies~~ It does not conflict with any other Policies in the Local Plan".

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

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**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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** Langlely 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       |          |
| d/ It is not consistent with national policy | <b>X</b> |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|



|                           |      |
|---------------------------|------|
| Policy Number             | DM15 |
| 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?**

*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.*

The Consortium considers that Policy DM15 is **not sound** because it currently does not comply with the requirements of the NPPF.

Part 2 of this Policy states that *“New development will be required to ensure that...parking provision...is in accordance with the Council’s Parking Supplementary Planning Document”*. In effect the current wording of this Policy is seeking to make the Supplementary Planning Document part of the Policy requirement rather than allowing the Supplementary Planning Document to provide additional guidance to the Policy as a material consideration.

The NPPF is clear that Supplementary Planning Documents are *“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”*

The Consortium has fundamental concerns with the way that Birmingham City Council is seeking to impose stringent maximum standards on car parking across the City through the draft consultation version of the Supplementary Planning Document and is making separate representations to this effect.

Restricting car parking for dwellings does not automatically equate to restricting car ownership and is not fundamentally compatible with Birmingham City Council’s aims expressed within supporting paragraphs 5.15 and 5.16 of the current Development Management consultation document to: reduce *“unsocial parking”*; and follow a design-led approach to ensure that parking functions satisfactorily and does not impact negatively on the surrounding streetscape. It should also be noted that paragraph 5.16 specifically states that Birmingham City Council considers that *“Well planned and designed parking can have a determining influence on the streetscape, can influence development density and is important to the success of all developments”*.

Furthermore it is unclear how the increasing shift towards all new cars being sold in the UK to be electric, and thereby being requiring access to electric charging points, can be served by a Local Plan policy approach that seeks to restrict the ability for vehicles to be parked in dedicated spaces which have a close and clear relationship to the dwellings that they serve and access to suitable charging points. It is also important that Birmingham City Council gives appropriate regard to the recent Department for Transport Consultation on Electric Vehicle Charging in Residential and Non-Residential Dwellings and the preference identified for charging points to be introduced via an update to the Building Regulations. Birmingham City Council should take account of the proposed Building Regulations changes rather than set an alternative untested standard.

It is considered that the Policy wording should properly acknowledge the status of the Supplementary Planning Document and the requirements of paragraphs 105 and 106 of the National Planning Policy Framework.

National Planning Policy Framework paragraph 105 requires car parking policies to take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate

provision of spaces for charging plug-in and other ultra-low emission vehicles.

National Planning Policy Framework paragraph 106 states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

Proposed Policy DM14 therefore needs to incorporate increased flexibility to bring it in line with the requirements of the National Planning Policy Framework.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [underlining and deletions added]:

*“New development will be required to ensure that the operational needs of the development are met and parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs ~~is in accordance with~~, gives appropriate regard to the Council’s Car Parking Supplementary Planning Document, whilst also taking into account: the accessibility of the development; the type, mix and use of the development; local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles”.*

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to: [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |          |
| <b>Q2. Do you consider the DMB to be sound?</b>             | <b>YES</b> |  | <b>NO</b> | <b>X</b> |
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b>  | <b>YES</b> |  | <b>NO</b> |          |

*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                       | <b>X</b> |
| d/ It is not consistent with national policy |          |

#### Q5. Which part of the DMB are you commenting on?

|             |  |
|-------------|--|
| Page Number |  |
|-------------|--|

|                           |      |
|---------------------------|------|
| Policy Number             | DM14 |
| 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?**

*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.*

The Consortium considers that Policy DM14 is **not sound** because the wording of Points 5 and 6 of the Policy are not effective and consistent.

Point 5 of the Policy relates to the provision of direct access points to “*Birmingham’s strategic highway network and other principle and main distributor routes*”. In order for this Policy to be effective it is considered necessary for the Policy to be supported by a definition and plan to assist with identifying what the Birmingham strategic highway network, principal routes and distributor routes comprise and where they are located.

In addition, and in order for there to be consistency between Part 5 and Part 6 of the Policy, there should be recognition in Part 6 of the Policy that direct vehicle accesses should also be deemed acceptable where there are no practical alternatives.

**Q7. What changes do you consider are necessary in order to make 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.*

In order to reflect the above, the following amended Policy wording is proposed [underlining added]:

*“All new vehicle access points (including private driveways) will be supported where it would not result in:*

- a. reduction in pedestrian or highway safety;*
- b. detrimental impact on public transport, cycling and walking routes;*
- c. adverse impact on the quality of the street scene and local character of the area;*
- d. the loss of important landscape features, including street trees and significant areas of green verge which cannot be appropriately replaced, or their loss mitigated; and*
- e. the prevention or restriction of the implementation of necessary or future transport improvements, unless there are no practical alternatives.”*

**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)?**

*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*

Appearance at the Hearing session is considered necessary to enable full participation in the discussion on this particular matter.

**Q9. Are there any additional comments you would like to make with regard to the DMB?**

N/A

### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto: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:** Michael Burrow, on behalf of Savills (UK) Ltd, for and on behalf of

**Organisation (if relevant):** 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.*

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q1. Do you consider the DMB to be legally compliant?</b> | <b>YES</b> |  | <b>NO</b> |  |
|---|------------|--|-----------|--|

|   |            |  |           |  |
|---|------------|--|-----------|--|
| <b>Q2. Do you consider the DMB to be sound?</b> | <b>YES</b> |  | <b>NO</b> |  |
|---|------------|--|-----------|--|

|  |            |  |           |  |
|--|------------|--|-----------|--|
| <b>Q3. Does the DMB comply with the Duty to Cooperate?</b> | <b>YES</b> |  | <b>NO</b> |  |
|--|------------|--|-----------|--|

*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

d/ It is not consistent with national policy

#### Q5. Which part of the DMB are you commenting on?

Page Number

|   |      |
|---|------|
| Policy Number   | DM13 |
| Paragraph Number  |      |
| Table / Figure / Appendix   |      |
| Other   |      |
| <b>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?</b>   |      |
| <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> |      |
| N/A   |      |
| <b>Q7. What changes do you consider are necessary in order to make the DMB legally compliant, or sound?</b>   |      |
| <i>Please note: it would be helpful if you could suggest revised wording for any policy or text, being as precise as possible.</i>  |      |
| N/A   |      |
| <b>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)?</b>   |      |
| <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>   |      |
| N/A   |      |
| <b>Q9. Are there any additional comments you would like to make with regard to the DMB?</b>   |      |
| The Consortium notes that there is no material change in Policy wording between the current consultation draft and the Preferred Options consultation. The proposed Policy wording is consistent with the Birmingham Development Plan. The Consortium has no further comments to make to this particular Policy.  |      |



### 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: Michael Burrow**

**Date: 21/02/2020**

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

**Email completed forms to:** [planningstrategy@birmingham.gov.uk](mailto:planningstrategy@birmingham.gov.uk)

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