

Birmingham City Council
Planning and Development
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Dear Sir / Madam

DEVELOPMENT MANAGEMENT IN BIRMINGHAM DOCUMENT PREFERRED OPTIONS CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following answers in response to specific questions in the Council's consultation document.

The Development Management in Birmingham Document will provide up to date development management policies for the purpose of determining planning applications. This Development Plan Document (DPD) contains fifteen policies arranged in themes reflecting the adopted Birmingham Development Plan (BDP). When adopted the DPD will replace the policies of the Saved 2005 Birmingham Unitary Development Plan.

Question 11a: Do you agree with the policy approach? If not please explain why?

Policy DM11 Standards for Residential Development

As proposed **Policy DM11** requires that all residential development meets the minimum Nationally Described Space Standards (NDSS) with exceptions only considered in order to deliver innovative high quality design, deal with exceptional site issues or specialised user requirements.

If the City Council wishes to adopt the optional NDSS then this should only be done in accordance with the 2019 National Planning Policy Framework (NPPF) (para 127f & Footnote 46). The Written Ministerial Statement (WMS) dated 25th March 2015 stated that "*the optional new national technical standards should*



only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Practice Guidance (NPPG)". Footnote 46 of the 2019 NPPF states that *"policies may also make use of the NDSS where the need for an internal space standard can be justified"*. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The City Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the DPD. The NPPG sets out that *"Where a need for internal space standards is identified, Local Planning Authorities (LPA) should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing"* (ID: 56-020). Therefore the City Council should consider the impacts on need, viability and timing before introducing the NDSS.

It is incumbent on the City Council to provide a local assessment evidencing the specific case for adoption of the NDSS in Birmingham. If it had been the Government's intention that generic statements justified adoption of the NDSS then the standard would have been incorporated as mandatory in the Building Regulations which is not the case.

Need is generally defined as *"requiring something because it is essential or very important rather than just desirable"*. The NDSS should only be introduced on a "need to have" rather than a "nice to have" basis. The identification of the need for the NDSS must be more than simply stating that in the past some dwellings have not met the standard. The City Council should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve. The HBF is not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or non NDSS compliant dwellings sell less well in comparison to other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual independently verified National New Homes Customer Satisfaction Survey. The 2017 Survey (the most up to date information available) demonstrates that 90% of new home buyers would purchase a new build home again and 86% would recommend their housebuilder to a friend. The results also conclude that 92% of respondents were happy with the internal design of their new home which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to those currently built.

Under the 2019 NPPF it is the City Council's responsibility to robustly viability test the DPD in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the DPD is not undermined (para 34). There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability. The City Council's viability evidence is somewhat dated as it was previously prepared for BDP examination. The City

Council should produce updated viability evidence to support a policy requirement for the NDSS.

Where the NDSS is to be adopted the impact on affordability should be assessed. The City Council cannot simply expect home buyers to absorb extra costs. The Council should assess the potential impact on meeting demand for starter homes and first-time buyers because the impact of the NDSS is greatest on smaller 1, 2 and 3 bed dwellings. It should be recognised that customers have different budgets and aspirations. An inflexible policy requirement for adoption of the NDSS may reduce choice and effect affordability. Non NDSS compliant dwellings are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. A future purchaser needing a 2 bedroomed home may only be able to afford a 2 bed / 3 person dwelling of 70 square metres with one double bedroom and one single bedroom rather than 2 bed / 4 person dwelling of 79 square metres with two double bedrooms. The introduction of the NDSS could lead to people purchasing larger homes in floorspace but with fewer bedrooms potentially increasing overcrowding and reducing the quality of their living environment.

The requirement for NDSS also reduces the number of dwellings per site therefore the amount of land needed to achieve the same number of dwellings must be increased. The efficient use of land is less because development densities have been decreased. At the same time infrastructure and other regulatory burdens fall on fewer dwellings per site which may challenge viability, the delivery of affordable housing and the release of land for development by a willing landowner especially in lower value areas and on brownfield sites. It is possible that additional families who can no longer afford to buy a NDSS compliant home are pushed into affordable housing need at the same time as the City Council undermines delivery of affordable housing.

The City Council should take into consideration any adverse effects on delivery rates of sites included in the housing trajectory in the adopted BDP. The delivery rates on many sites will be predicated on market affordability at relevant price points of dwellings and maximising absorption rates. An adverse impact on the affordability of starter home / first time buyer products may translate into reduced or slower delivery rates.

The City Council should not require NDSS for all residential development. If this requirement is retained the City Council should put forward proposals for transitional arrangements. The land deals underpinning identified allocated sites in the adopted BDP will have been secured prior to any proposed introduction of the NDSS in this DPD. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any outline or detailed approval prior to the specified date and any reserved matters applications should not be subject to the NDSS.

As proposed **Policy DM11** also requires that all residential development, should as a minimum, be accessible and adaptable in accordance with Building Regulation Part M Category 2 (M4(2)).

If the City Council wishes to adopt the higher optional standards for M4(2) then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). The WMS dated 25th March 2015 stated that “*the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG*”. Footnote 46 of 2019 NPPF states that “*planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties*”. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The City Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the DPD. The NPPG sets out the evidence necessary to justify a policy requirement for accessible and adaptable homes. The City Council should apply the criteria set out in the NPPG (ID 56-005 to 56-011) to ensure that an appropriate evidence base is available to support its proposed policy requirements. This evidence includes identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures ; and
- viability.

The Council’s supporting evidence should include detailed information on the accessibility and adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures.

In determining the quantum of M4(2) homes the City Council should focus on the ageing population living in the city compared to national / regional figures and the proportion of households living in newly built homes. If the Government had intended that evidence of an ageing population alone justified adoption of the higher M4(2) optional standards then such standards would have been incorporated as mandatory in the Building Regulations which is not the case. It is incumbent on the City Council to provide a local assessment evidencing the specific case for Birmingham which justifies the inclusion of optional higher standards in all newly built dwellings as proposed. The optional higher M4(2) standard should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as “*requiring something because it is essential or very important rather than just desirable*”. It is noted that the Office for National Statistics (ONS) Overview of the UK Population dated November 2018 estimated that 18.2% of the UK population were aged 65 years or over in

2017 compared with only 13% in Birmingham. Many older people already live in the city and are unlikely to move home. There may be a need for some new dwellings to be built to M4(2) but there is not the need for all new dwellings to be built to this standard as not all existing older residents will move home and those that do move may not choose to live in a new dwelling.

Furthermore all new homes are built to Building Regulation Part M Category 1 (M4(1)) standards which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. These standards are likely to be suitable for most residents.

Any policy requirement should be robustly viability tested. Under the 2019 NPPF it is the City Council's responsibility to robustly viability test the DPD in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the DPD is not undermined (para 34). The City Council's viability evidence is somewhat dated as it was previously prepared for BDP examination. The City Council should produce updated viability evidence to support a policy requirement for M4(2).

Question 12a: Do you agree with the policy approach?

Policy DM12 Self and Custom Build Housing

Under the Self Build & Custom Housebuilding Act 2015 the City Council has a duty to keep a Register of people seeking to acquire self / custom build plots and to grant enough suitable development permissions to meet identified demand. As set out in 2019 NPPF the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing. This includes people wishing to commission or build their own homes (para 61). The NPPG (ID: 57-025-201760728) sets out ways in which the City Council should consider supporting self / custom build including :-

- developing policies in the DPD for self / custom build ;
- using Council owned land if available and suitable for self / custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self / custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self / custom housebuilding.

The City Council's proposed policy approach accords with the NPPG. The proposed approach :-

- supports the development of self and custom-build homes in suitable locations where they support the delivery of the BDP and do not conflict with other policies in the BDP ;
- encourages developers to consider incorporating an element of self-build plots into development schemes as part of the housing mix ;
- considers and encourages affordable self-build plots as a suitable product within the affordable housing requirement on larger sites.

Conclusion

It is hoped that these representations are of assistance to the City Council in preparing the next stages of the Birmingham Development Management DPD which to be found sound under the four tests of soundness as defined by the 2019 NPPF should be positively prepared, justified, effective and consistent with national policy (para 35). If the City Council requires any further assistance or information please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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