

# 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: Mr

First Name: Alex

Last Name: Jones

Job title (where relevant): Graduate Planner

Organisation (if relevant): Adlington Retirement Living

Address Line 1: Adlington House

Address Line 2: Alexandria Way

Town: Congleton

County: Cheshire

Postcode: CW12 1LB

Telephone: 01260 285659

Email address:

a.jones@adlington.co.uk

<b>2. Agent Details*</b> <i>* only complete this section if an agent has been appointed</i>	
Title:	
First Name:	
Last Name:	
Job title (where relevant):	
Organisation (if relevant):	
Address Line 1:	
Address Line 2:	
Town:	County:
Postcode:	Telephone:
Email address:	

<b>3. Requests for Notifications</b>	
<i>This section is for requests to be notified of progress with the DMB for those who are not submitting a formal representation. If you do submit a representation using a part B form then you will automatically be notified of all stages of the DMB and can disregard this section.</i>	
<b>I wish to be notified of the following stages of the DMB (please tick/check all that apply):</b>	
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

<b>4. Declaration</b>	
If you are submitting Part B form(s), please confirm how many:	N/A
<b>Data Protection</b> 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.	
<b>Declaration:</b> I understand that any representations submitted will be made public and that my personal details will not be passed to any third parties without my prior written consent.	
Name: Alex Jones	Date: 20/02/2020

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

Planning and Regeneration  
PO Box 28  
Birmingham  
B1 1TU

20<sup>th</sup> February 2020

To whom it may concern,

Adlington Retirement Living (registered as Gladman Retirement Living Ltd) develop exceptional quality, specialist retirement apartments with extensive communal facilities for those in need of care (Use Class C2). Adlington has a fantastic track record of delivering class leading developments, with recently completed schemes in Otley winning 'What House' Gold Award for best retirement development in 2017, and our Macclesfield development winning the 'What House' Silver Award for 2019 in the same category.

These comments provide Adlington's representations to the Development Management in Birmingham DPD (Reg. 19).

Whilst the publication of the draft DMB is welcomed, we do not consider that the document is consistent with national policy, is not positively prepared and is not effective, for the reasons set out below.

#### **Policy DM1**

The policy texts notes that: *"Development that would, in isolation or cumulatively, lead to an unacceptable deterioration\* in air quality, result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen dioxide and particulate matter, or increase exposure to unacceptable levels of air pollution, will not be considered favourably."*

Unacceptable deterioration is defined in the explanatory text to the policy in paragraph 2.7. As such, the definition of unacceptable deterioration is where the development would result in exposure to pollutant concentrations 'close to the limit values.' This definition is too vague and inappropriate. It is unclear how close to the limit values would be acceptable/unacceptable – surely the barometer of unacceptability should be once development results in pollutant concentrations over the limit values. Indeed, the second element of the policy suggests that development that results in exceedances of nationally or locally set objectives for air quality will not be considered favourably. As such, it is suggested that 'unacceptable deterioration' is removed from the policy wording as it is unnecessary and serves only to make the policy unclear.

The second strand to part 1 of the policy concerns proposals that are situated in areas that could lead to unacceptable levels of air pollution. It is not clear how proposals in areas that are already suffering from higher than preferable pollution levels would be considered. For example, if an area has poor air quality, does this mean that further development in that area will be prevented? The council should consider that some forms of development can contribute to a net improvement in air quality, even in areas where pollution levels exceed national or local guidelines.



[adlington.co.uk](http://adlington.co.uk)  
[enquiries@adlington.co.uk](mailto:enquiries@adlington.co.uk)



01260 288900



Adlington House, Alexandria Way,  
Congleton, CW12 1LB

## Policy DM2

In paragraph 1.3, reference is made to an emerging Supplementary Planning Document- the Birmingham Design Guide SPD. The Local Plan asserts that this SPD is scheduled for consultation during Winter 2019/20, however no consultation appears to have taken place. Details should be provided of when this consultation will take place. In the supporting text for Policy DM2: Amenity, it is stated that the design guide SPD will provide detailed guidance on the policy criteria for protecting and enhancing amenity. Without this SPD, proposals will be compelled to use older design guidance. The 'Policy links' section is missing the current Places for Living SPD link.

The policy text to DM2, point (c), states that the "aspect and outlook" of proposals will be considered when assessing the impact of development on amenity. This is vague and open to interpretation. The council should provide quantifiable standards, and clear definitions to support this point.

Similarly, point (h) states that the individual and cumulative impacts of development proposals in the vicinity on amenity will be considered. It is unclear as to how this will be assessed or quantified. The council should also make clear what geographic area they consider "the vicinity" to be - would amenity levels be assessed on the scale of a street, or a ward for example?

## Policy DM4

Policy DM4 requires that the composition of the proposed landscape should be set out in a Landscape Plan; the information required in the landscape plan is to be included in the proposed Validation list which is also currently out to consultation. As such, the submission of a detailed Landscape Plan is proposed to be a validation requirement.

The draft validation list would require that for a development that provides **any** external space, it must be accompanied by a landscape strategy plan and a written landscape statement detailing the design approach proposed. It goes on to detail what information is required and states that the strategy should indicate: -

- extent of existing and proposed planting areas, and the type of planting within them;
- locations of new trees, areas and type of hard surfacing;
- location and nature of boundary treatments; and
- earthworks/ground level changes.

It is not clear why the local planning authority now require such a significant level of landscaping detail on outline applications, especially since 'landscaping' is a matter which can be reserved for subsequent approval. This level of information is also far more than should be required with Full planning applications, even on sites of increased sensitivity. It is also concerning that the requirement is applicable to a scheme that provides 'any external space' i.e. even if a single blade of grass is provided then a full scheme is needed – this cannot be correct to validate a planning application.

The level of information required is unduly onerous and in the vast majority of cases, it will not be necessary for the LPA to have this level of information in order to validate a planning application/come to a decision about the acceptability or not of a proposed



adlington.co.uk  
enquiries@adlington.co.uk



01260 288900



Adlington House, Alexandria Way,  
Congleton, CW12 1LB



development. If on any development this level of information is required, the Council can simply request this, and if not provided, they could refuse the application, but this is very unlikely as it is not usually needed to make a decision. A requirement for a landscape strategy providing an indication of vegetation, surfacing, boundary treatments and ground level changes would be sufficient and then the Council would, as is currently the case, require a condition for detailed landscape plans where the exact species/number of trees etc could be provided. This is the most appropriate and reasonable route to securing this information.

### **Policy DM10**

Point 5 states that all development should be in line with the approach of the "45-degree code"; that is where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room'. The way this is written is overly prescriptive and if enforced as a strict rule, could seriously hamper the development potential of some sites. The second paragraph of point 5 is not required as it unreasonably gives the impression that that any development which crosses the 45-degree line would not be supported, whereas Point 6 does provide some scope for exceptions to be made. Point 5 should therefore be simplified to ensure adequate outlook and daylight are protected.

### **Policy DM12**

Policy DM12 covers the development of residential conversions, and specialist accommodation. As noted in the supporting text, Specialist Accommodation is a generic term used to describe housing designed for groups with specific needs, such as amongst others, supported accommodation for older people. The supporting text points out that it does not consider age restricted general market housing, retirement living, or sheltered housing as "Specialist accommodation". Whilst this may be the case for developments of elderly accommodation falling within Use Class C3, it should be noted that newer accommodation models which provide specialist accommodation such as 'retirement villages', extra care, or housing with care which often fall into Use Class C2 and can be referred to as retirement living. As such, these would be excluded from the express policy support of Policy DM12. The explanatory text/policy should clarify that policy DM12 applies to any development falling into use Class C2.

The Birmingham Development plan currently has no reference to the provision of specialist elderly accommodation, as such, a policy in support of its provision is welcome. However, it would appear to be rather weak – the explanatory text does not set out the significant need for specialist elderly accommodation or even reference it. This is a missed opportunity.



adlington.co.uk  
enquiries@adlington.co.uk



01260 288900



Adlington House, Alexandria Way,  
Congleton, CW12 1LB

Planning Practice Guidance sets out 'Why is it important to plan for the housing needs of older people 'and states: -

*The need to provide housing for older people is **critical**. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking (Paragraph: 001 Reference ID: 63-001-20190626)*

Owing to this critical need, this DPD should be looking to provide far more encouragement for specialist elderly accommodation. The Council, in support of this policy, should, as suggested in the PPG (Paragraph: 004 Reference ID: 63-004-20190626) use the @SHOP tool (Strategic Housing for Older People Analysis Tool) to identify the significant need for this form of accommodation; If the need is not understood, how can the Council properly plan for its delivery or assess the weight to be afforded to its provision when assessing planning applications?

At present, and if this DPD is adopted without alteration, zero units of specialist accommodation could be provided in Birmingham and yet, on the surface, the Cities housing requirement would be met. This is of significant concern.

Policy point (1.a) states that proposals that fall into the correct definition of Specialist Accommodation will be supported where the "Scale and intensity of the proposed use is appropriate to the size of the building". It is queried as to how this would be applied to a new purpose-built development, or whether this is solely to do with conversions?

#### **Policy DM14**

Point (1) of policy DM14- Highway Safety and Access states that:

*"Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety"*

This would appear to conflict with NPPF paragraph 109, which states that; "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy DM14 refers to "adverse" impacts on highway safety i.e. a development should have no adverse impact. This policy is inconsistent with the NPPF and should be amended. In addition, if there is a minor adverse impact on highways safety, that falls short of unacceptable (as referred to by the NPPF), would development be potentially restricted?



adlington.co.uk  
enquiries@adlington.co.uk



01260 288900



Adlington House, Alexandria Way,  
Congleton, CW12 1LB

To conclude, we trust that the Council have found these representations constructive and if you would like to discuss the delivery of an Adlington style product or any of the points raised in the representation, please do not hesitate to contact either myself, Liza Woodray or Robert Gaskell at Adlington using the contact details below.

Please could we be kept informed of progress moving forward and added to the consultation database.

Sincerely,

Alex Jones  
[a.jones@adlington.co.uk](mailto:a.jones@adlington.co.uk)  
01260 285659

Cc.  
Robert Gaskell  
[r.gaskell@adlington.co.uk](mailto:r.gaskell@adlington.co.uk)  
01260 288913

Liza Woodray  
[l.woodray@adlington.co.uk](mailto:l.woodray@adlington.co.uk)  
01260 285260



[adlington.co.uk](https://adlington.co.uk)  
[enquiries@adlington.co.uk](mailto:enquiries@adlington.co.uk)



01260 288900



Adlington House, Alexandria Way,  
Congleton, CW12 1LB