

Sandwell Local Plan – Regulation Publication Consultation Form

Regulation 19 Publication Consultation

We are inviting your views on the Regulation 19 Sandwell Local Plan and this form should be used to make comments in response to this consultation.

The consultation period begins on **Monday 23rd September 2024** and ends at **5pm** on **Monday 4th November 2024**

Comments can also be submitted online using our website at <https://sandwell.oc2.uk/>. We would encourage you to respond to our Sandwell Local Plan – Regulation 19 Publication consultation using our online form as it saves time and reduces cost.

However, if you prefer, you can use this version of the response form and email it to Sandwell_LocalPlan@sandwell.gov.uk or post it to Sandwell Local Plan, Planning Policy, Sandwell Council House, Freeth Street, Oldbury, B69 3DE.

PLEASE NOTE:

This form has two parts:

- Section 1: Personal details
- Section 2: Your representation/comments on the Draft Plan or Sustainability Appraisal
- Section 3: A declaration which you will need to read and sign

1. Please complete a separate response for each part of the Reg 19 Plan / Sustainability Appraisal that you wish to comment on. If you wish to make comments on more than two parts, please copy and paste the text in Section 2 or complete more than one paper form.
2. Responses must include your name and address.
3. **Your comments cannot be treated as confidential.** By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. Further paper copies can be provided by emailing Sandwell_LocalPlan@sandwell.gov.uk
6. Completed forms should be received by us no later than **5pm on 4 November 2024**

For official use only:

Respondent No:		Representation Number:	
Date Received:			

Section 1- Your Details		
	1. Personal details	2. Agent's details (if applicable)
Title		Mr
First name		Chris
Last Name		Dodds
Job Title (where relevant)		Associate Director
Organisation (where relevant)	Oldbury (Smethwick) Ltd c/o Planning Prospects Ltd	Planning Prospects Ltd
House No./Street		
Town		
Post Code		
Telephone Number		
Email address		

Notes:

1. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal Details column, only the title, name and organisation boxes are necessary.
2. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.

Please indicate which of this best describes you / your role in responding to this consultation			
Resident or Individual	<input type="checkbox"/>	Local Authority	<input type="checkbox"/>
Planning Agent or Consultant	<input checked="" type="checkbox"/>	Public service provider e.g. education establishment, health etc	<input type="checkbox"/>
Developer or Investor	<input type="checkbox"/>	Public agency /organisation	<input type="checkbox"/>
Landowner	<input type="checkbox"/>	Community or Organisation	<input type="checkbox"/>
Business	<input type="checkbox"/>	Charity	<input type="checkbox"/>
Land & Property Agent or Surveyor	<input type="checkbox"/>	Other (please specify in space below)	<input type="checkbox"/>

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Sandwell Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

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Date Received:			

Section 2: Your Representation / Comments

Please complete a separate copy of this section for each part of the document(s) you wish to comment on (i.e. Local Plan or Sustainability Appraisal)

Title of document you are commenting on

Sandwell Local Plan - Regulation 19 draft plan

To which part of the document do your comments relate? Please state the policy number, Sandwell Local Plan reference number, paragraph number, page number or figure number

Paragraph

SH55

Policy

SH01

Policies
Map

2. Do you consider the Local Plan is:

2.1 Legally compliant

Yes

No

2.2 Sound

Yes

No

Please provide your comment below:

5. Please give details in the box below of why you consider the Regulation 19 Publication Sandwell Local Plan is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19 Publication Sandwell Local Plan please set this out below.

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See comments sheet overleaf

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Policy SHO1 (Delivering Sustainable Housing Growth) sets out that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041 (or 614 dwellings per annum) and includes 6,243 homes from “Housing Allocations” that the Plan considers can be delivered over the Plan period. A further 1,814 homes are anticipated from “commitment” sites including those under construction, those with planning permission or prior approval and “other commitments” as set out in the 2024 SHLAA. A further 2,100 home (or 20% of the minimum requirement) are from windfall sites (i.e. sites that are not yet known) with an additional 172 from “additional floorspace” within the West Bromwich town centre, other Town Centres and District and Local Centres, and an additional 105 homes identified from “supply in Wednesbury Masterplan” (subject to lapse discounts as set out in the Policy).

The Policy refers to Appendix B of the draft Plan which sets out details of Sandwell’s proposed allocation sites and first lists each of the Housing Allocations.

Appendix B includes Allocation SH55 “Cape Arm / Cranford Street” which is shown as a 2.13 ha brownfield site with a potential yield of 170 homes at a net development density of 80 dwellings per hectare (dph) over an indicative net developable area of 2.13 ha. Appendix B sets out that the Anticipated Delivery Timescale (completion year) for this allocated site is 2029-2032 (i.e. entirely within the emerging Plan period).

Our client, Oldbury (Smethwick) Ltd, a subsidiary of Pall Mall Investments, are the owners of approximately 1.78 ha of land within Allocation SH55. They have put forward a residential development proposal for this land and have sought the Council’s pre-application advice to inform their latest proposals for up to 90 homes (under reference PA/22/00618).

Our client remains supportive of the continued allocation of this site for residential development within the draft Sandwell Local Plan, in principle – noting that this latest allocation follows its allocation for residential use in the adopted Sandwell Site Allocations Document (2012) and subsequent draft allocation in the now defunct Black Country Plan. It is also identified for residential development in the Grove Lane Masterplan prepared by Sandwell and Birmingham Council’s and adopted in February 2022. In short, the site has long been identified, and allocated, for residential use within Sandwell’s Development Plan and Supplementary Planning Documents. However, delivery of this site has been held up until the neighbouring Midland Metropolitan Hospital is complete (where part of the site has formed the neighbouring Hospital’s construction compound for example).

As such, the representations made here, and to other draft policies of the emerging Sandwell Local Plan, make some initial observations and suggested amendments to the draft policies to ensure they optimize the market attractiveness, viability and deliverability of development for our client’s site in particular. Our comments seek to ensure that the emerging policies are flexible enough to ensure that the anticipated, and allocated, residential regeneration of our client’s land can be achieved.

Whilst our client welcomes the continued residential allocation of the site under SH55, as it will enable them to bring forward residential development of the site when the current temporary use (facilitating the construction of the Midland Metropolitan Hospital) ceases, they have several comments / observations on the draft site allocation as follows:

- The gross site area is shown to be 2.13 ha of brownfield land. Our client assumes that this includes both our client’s land, which at 1.78ha forms the significant majority (84%) of the allocation, and the small parcel of land that originally formed part of the site but that is now in the control of the NHS trust by virtue of Compulsory Purchase Order (CPO) to facilitate the construction of the neighbouring Midland Metropolitan Hospital. The draft Local Plan Proposals Map also suggests that a small parcel of land on the southern side of the Cape Arm is also included within this allocation.

- The table provided at Appendix B suggests the indicative development capacity is 170 homes and indicates a development density of 80 dph across a net developable site area of 2.13 ha. By way of background, the former BCP draft allocation indicated a development density of 38dph at this site, equating to an indicative capacity of 70 dwellings (over the former site area of 1.85ha). Our client highlighted that this was at the lower end of the range of development densities that could be achieved at this site, and indicated that its own masterplan / site layout work had indicated an achievable site capacity (at that time) of 80 to 90 homes at a density of approximately 43 to 50 dph.

On this basis, our client has submitted (in 2022) an indicative proposal for up to 90 dwellings (or around 50 dph) as part of an ongoing pre-application submission to the Council, demonstrating that this level and nature of development represented a viable proposal (at that time) and one that would have been most attractive to the market. As such, this level of development was considered by my client to have been deliverable here.

The latest draft allocation, at a density of 80 dph, is significantly higher (60% higher) than the density considered deliverable by our client. It is also significantly higher than the other residential allocations immediately surrounding SH55 and forming part of the wider Grove Lane masterplan area within the wider Smethwick Regeneration Area, at SH54 which has a development density of 40dph and SH58 which has a development density of 56dph – for example; similar to the density put forward by our client at SH55.

Moreover, draft allocation SH55 (within Appendix B of the draft Local Plan) suggests the developable area for SH55 is the same 2.13 ha as the total site area of 2.13 ha – suggesting either that the Council is anticipating development to cover the entire site (i.e. with no Green Infrastructure provision etc.) or that the net density calculation has been erroneously undertaken across the entire site and not reflective of a deliverable net developable area.

Ultimately, the approach taken is at odds with other policies within the draft Plan such as SDM1 (Design Quality) which requires major development proposals to contribute towards the urban greening of Sandwell as a “fundamental element of site and building design” and “incorporating measures such as high-quality landscaping and tree planting, other soft landscaping...” (for example) and SH03 (Housing Density, Type and Accessibility) which takes an alternative approach to development density (for example). For the avoidance of doubt, we have submitted representations to each of these draft policies on behalf of our client also – highlighting that they require greater flexibility to ensure that development is ultimately viable (and deliverable).

As such, the draft allocation must be clear that the density and capacity figures are “**indicative**” but they should nonetheless be amended to reflect more realistically a proposal that is deliverable to avoid delivery from this allocated site being stifled by an onerous and undeliverable density and capacity requirement.

- Leading on from the point above, the draft allocation’s requirement for proposals, where adjacent to the canal to pay “full regard” to the Grove Lane Masterplan (and Smethwick Regeneration Area generally) must be recognised in the context that those documents were prepared in the context of the Black Country Joint Core Strategy (JCS) which formed the strategic Development Plan Document when the Masterplan (and Regeneration Area) were progressed, and which has ultimately failed to deliver the homes needed in Sandwell, and the wider Black Country, to date.

Sandwell’s latest published 5 year housing land supply position indicates that the Council can

demonstrate just 1.86 years' worth of housing land (as of April 2022) and in turn indicates a chronic failure to deliver sufficient homes needed to meet the Council's identified housing need in the 5 year period.

The draft Sandwell Local Plan's housing trajectory indicates that there will continue to be a chronic cumulative under supply of homes up to 2031/32 (albeit this assumes some substantial annual delivery of over 1,000 dpa in 2030/31 and over 1,200 dpa in 2031/2032 for example – which would appear unrealistic given delivery has averaged 687dpa in the current Plan period to date, i.e. 2011 to 2022 (as shown in Table 9 of the Council's latest AMR)), and this is compounded by the Council's continued heavy reliance on windfall sites (with Policy SH01 showing that 20% of the Council's anticipated housing supply over the emerging Plan period will come from sites that are not yet known). Relying so heavily on windfall sites reflects the Council's continued failure to allocate a sufficient number of deliverable sites and its continued over-reliance on unrealistic delivery at undeliverable densities from its allocated brownfield sites. It also highlights the conflict created from high density aspirations with onerous, unviable and ultimately undeliverable policy aspirations for design, sustainability and Green Infrastructure provision (for example).

As such, our client requests that a more realistic, and deliverable, development density is indicated for Allocation SH55, more reflective of the development that it has put forward through its pre-application submission to the Council.

Section 4: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet. To understand more about why we collect your information, what we do with your information, how you can access your information, your personal information rights, how and to whom to raise a complaint about your information, please visit our privacy notice page at <http://www.sandwell.gov.uk/privacynotices>

Please sign and date this form. Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

Signature:

Date: **06/11/2024**

I understand that in submitting my representations, that my details will be added to the Sandwell Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ('GDPR'). If you do not wish to be contacted further, please advise us.

<input type="checkbox"/>	No, I do not wish to be contacted about the Local Plan
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Thank you for taking time to complete and return this response form.

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Respondent No:		Representation Number:	
Date Received:			