

1051_04_IM
5 November 2024



Planning Policy
Sandwell Metropolitan Borough Council
Council House
Freeth Street
Oldbury
B69 3DE

Via Email Only – sandwell_LocalPlan@sandwell.gov.uk

Dear Sir/Madam,

**RESPONSE TO THE NEW SANDWELL LOCAL PLAN (Regulation 19)
CONSULTATION DOCUMENTS: REPRESENTATIONS RELATING TO 192-200
DUDLEY ROAD, OLDBURY, BIRMINGHAM, B69 3DS which is allocated for
residential development under Site Reference SH63 in Appendix B**

WWA has been instructed by our client, Mr Mukarram Sattar, to submit this representation in response to the consultation on the Sandwell Local Plan (Regulation 19) Consultation Documents. Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 is the point at which the council publishes updated local plan policies that it intends to adopt, having been informed by the public response to the earlier Regulation 18 consultation and engagement.

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

In our view the proposed allocation of the site under Site Reference SH63 in Appendix B of the Local Plan meets the soundness tests in paragraph 35 of the National Planning Policy Framework (NPPF) as it is previously developed land and therefore accords with Government policy 'to make as much use as possible of previously developed land,' (paragraph 123) and therefore its allocation meets the 'soundness tests' of being consistent with national policy (NPPF para 35 d)) and also 'justified' (NPPF para 35 b)) as the allocation is 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.' However, given the sites location in

a highly sustainable location which meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03, it is considered that the site should be allocated for high density development, instead of the medium density of 41 dph currently identified for site SH63. The current medium density allocation is not consistent with the advice in paragraph 129 of the NPPF that:

‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’

The identified medium density in this highly sustainable location and given the constraints of identifying further land for housing in this constrained urban location means that the density component of Site Allocation SH63 is not consistent with the NPPF guidance in paragraph 129 above and is therefore not consistent with either national policy or justified and therefore fails the soundness tests in paragraph 35 of the NPPF. Further justification is set out in the text below and on the accompanying representation forms.

Comments on the emerging Sandwell Local Plan (2024-2021) Publication Version

Previously Developed Land

Planning policy at national and local level encourages re-use or intensification in the use of underused, vacant or previously developed land and buildings where there will be an appropriate increase in the efficient use of the site, particularly in areas with an excellent access to public transport or the road network such as the site the subject of this representation. The current National Planning Policy Framework (NPPF, December 2023), sets out the Government’s planning policies for England and how these are

expected to be applied. Paragraph 123 of the NPPF encourages the effective use of land by reusing land that has been previously-developed or ‘brownfield’ land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. Paragraph 124 (c) advises that planning policies and decisions should give **substantial weight** (our emphasis) to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The emerging Draft Policy SDS1 (Spatial Strategy for Sandwell) provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period to 2041. Among many other criteria, this policy seeks to ensure this growth is sustainable by requiring as much new development as possible on previously developed land and sites in the urban area.



Source: Google Earth (November 2024)

The site has an area of approximately 0.58 hectares and comprises of a number of commercial buildings, including a petrol station, car repair and services, a hand car wash, hardstanding area and two-storey dwellings. One of the dwellings is separated from the rest of the site by a track used to access the properties on Payton Close and Brades Road. The commercial buildings on the site fall within sui generis use class, with the residential dwellings falling within Use Class C3. The site is currently unattractive, containing a large number of parked cars as shown on the google maps aerial image below and therefore detracts from the character of the local area and its redevelopment would enable significant environmental enhancement.

A review of the adopted Sandwell Site Allocations and Delivery Development Plan Document (SAD) and Policies Map (adopted December 2012) shows that the site is neither located within a conservation area nor identified as a statutory Listed Building having any special architectural or historic merits, either nationally or locally. In fact, the site is not assigned any particular designations on the adopted Local Plan Policies Map. The site also has no designations relating to landscape or biodiversity value. The site is located in Flood Zone 1 where there is a low risk of flooding.

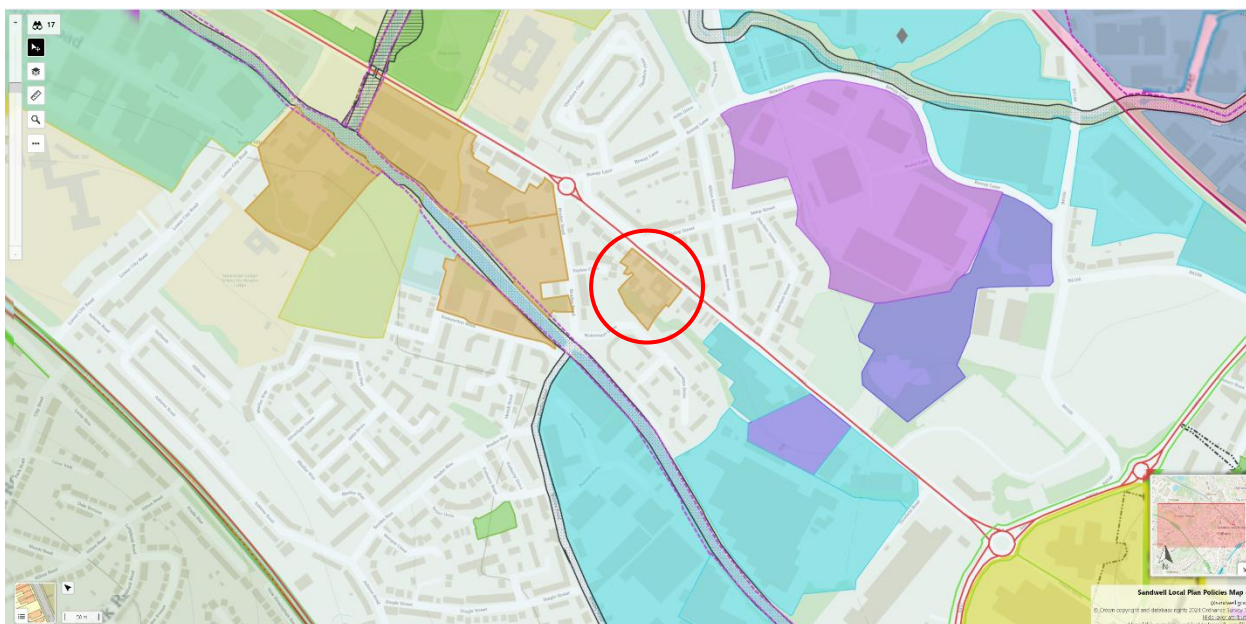
We fully support the emerging Policy SDS 1 which sets out the overarching strategy for Sandwell. The land the subject of this representation is currently underutilised 'previously developed land' within the existing well-established built-up area and should be allocated for housing development.

Housing Needs & Density

The emerging Policy SHO1 (Delivering Sustainable Housing Growth) states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 - 2041. 97% of the supply is on brownfield land such as the land the subject of this representation land and 3% is on undeveloped sites. We fully support the policies aspiration for the majority of new homes to be built on the available brownfield land such as the site subject of this representation.

Since July 2024, the new Government has given more emphasis to building more housing with the aim being to boost economic growth and address the shortfall in housing provision. The Government plans to increase housing targets to 300,000+ homes a year. This means the Council needs even more housing in the near future to achieve their targets.

The land the subject of this representation has been submitted through the 'Call for Sites' process. The Site Assessment found that *"the site is suitable for residential use at moderate density 40-50dph, and its comprehensive redevelopment could improve the appearance of the area. The developable area of the site could accommodate a minimum of approximately 24 dwellings (40dph minimum)."*



Source: Extract from the emerging new interactive Policies Map (Regulation 19) showing the site in red circle

Site Ref (Site Assess. Ref)	Site Name and Address	Ward	Town	Indic. Capacity (net homes)	Gross Site Area (ha) brownfield (B) or greenfield (G)	Indicative Net Devel. Area (ha)	Net Density (dph)	Anticipated Delivery Timescale (completion year)	Further Information
SH63	192 - 200 Dudley Road, Oldbury, B69 3DS –	Oldbury –	Oldbury	24	0.58 B	0.58	41	2031 –2032	Submitted through Call for Sites process – Site Assessment found The site is suitable for residential use at moderate density 40-50dph and its comprehensive redevelopment could improve the appearance of the area. The developable area of the site could accommodate a minimum of approximately 24 dwellings (40dph minimum).

Source: Sandwell Local Plan - Reg.19 Publication Version - Appendices (September 2024)

The emerging draft Policy SHO3 (Housing Density, Type and Accessibility) advises that the density and type of new housing provided on any housing site should be informed by the need for a range of types and sizes of accommodation to meet identified local needs; the level of accessibility by sustainable transport to residential services, including any improvements to be secured through development, and the need to achieve high-quality design, to mitigate and adapt to climate change, and minimise amenity impacts, considering the characteristics and mix of uses in the area where the proposal is located. This policy also advises that **any development that fails to make efficient use of land will be refused** (our emphasis) in accordance with the requirements of this policy.

The site is within a highly sustainable area with Oldbury Town Centre located 650 metres southeast of the site which is a 8-minute walk away, where a wide range of shops and services can be found. Albion Street bus stop is located approximately 60 metres southeast of the site, from which frequent services can be accessed to Dudley Centre, Birmingham City Centre, and the areas in between. Sandwell and Dudley Railway Station is located approximately 0.8 miles east of the site, which is a 17-minute walk away, and

this provides frequent services to surrounding towns and cities, as well as other stations within Birmingham.

The site is also adjoined on its north-west, south-west and south-east boundaries by residential uses, and there are commercial uses within the immediate area including a takeaway, a pub, a car wash and a tyre sales shop. The Brades Road employment site is only 200 metres from the site. The Oldbury Health Centre is 1 km away. The Luxmy Foodstore is located 200 metres from the site. Sainsbury supermarket is located approximately 650 metres from the site. The Brades Primary School is approximately 700 metres away, with the Ormiston Sandwell Community Academy a similar distance away. The Meadows School which caters for children with disabilities is only 400 metres away. Therefore, the future occupiers of the dwellings would not need to travel a long distance for their day-to-day requirements (i.e. milk, bread etc), which can be easily accessed by foot, cycle or using public transport.

Notwithstanding the existing site's sustainability above, there are a number of sites allocated for development in the Regulation 19 Sandwell Local Plan that are in close proximity to the site to the north-west (highlighted orange on the above emerging policies map extract). These partly fall within the Dudley Port and Tipton Regeneration area and have been identified as suitable for residential development. Allocated less than 100m south-east of the site is a mix of Local and Strategic Employment Sites (highlighted blue and purple on the above emerging policies map extract). Development of these sites would significantly improve the site's sustainability. It will bring more shops, services and facilities closer to the site. It will improve accessibility to employment areas and public transport. Furthermore, paragraph 9.249 of the emerging Local Plan identifies that there are bus priority measures proposed from Dudley Road, through the junction of Oldbury Ringway / Freeth Street, which is approximately 500 metres from the site. Altogether, this means that the site is considered, in public transport terms, an excellent accessibility being on a key route and therefore sustainable location suited to residential use.

The site therefore is located in a highly sustainable location and meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03. Whilst the NPPF does not change the statutory status of the development plan as the starting point in decision making, the NPPF constitutes an important material consideration in determining applications. The new government issued a statement opening a consultation on proposed changes to the NPPF. Although the NPPF is still in draft form (consultation closed on Tuesday, 24 September 2024), it is unlikely that it would significantly change in the final version, as this is a key government policy initiative. The NPPF constitutes the Government's view of what sustainable development means in practice for the planning system.

The Government's objective in publishing the revised NPPF was to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the new

NPPF is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.

The latest SHLAA (April 2022) and the Urban Capacity Appraisal (November 2023) outlines that there is a potential uplift in housing capacity which could be achieved through adoption of higher densities. This has been explored through the Sandwell Local Plan, with Policy SHO3 of the Local Plan setting out the **minimum** density standards as 100 dwellings per hectare where accessibility standards for very high-density housing are met and the site is located within West Bromwich; 45 dwellings per hectare where accessibility standards for high density housing are met, and 40 dwellings per hectare where accessibility standards for moderate density housing are met.

There will be variation across Sandwell, but this acknowledges the density optimising approach that is set out in national policy which seeks to maximise the use of land.

The proposed redevelopment of this site presents an opportunity to address both housing demand and urban planning objectives while maximising the site's full potential. Given the existing challenges—such as the need for demolition, site clearance, and remediation of any land contamination—it is prudent to consider these factors in the project's budget and timeline. However, these upfront costs could be offset by developing a high-density residential complex, which aligns with both the location's characteristics and the needs of the local housing market.

The site's layout, especially with the significant land level difference, naturally lends itself to flatted development. This approach not only makes efficient use of the available space but also provides the potential for a substantial number of smaller residential units (1-2 bedrooms), which are ideal for professionals and young couples who may prioritise proximity to work and access to public transport. Including some larger units (3 bedrooms) would also help attract a diverse range of residents, including families who are looking for urban living with convenient access to amenities and transportation.

The emphasis on public transport, walking, and cycling infrastructure further supports the sustainability of this redevelopment plan. The area's existing pedestrian and cycle networks will be advantageous in creating a walkable, connected community, aligning well with current urban planning trends that prioritise environmental impact reduction, and meet the Council's climate change policy goals.

In summary, a high-density, mixed-unit flatted development is not only financially viable but also strategically aligned with emerging local policies, such as draft Policy SHO3. The development's potential to attract professionals, young couples, and families seeking sustainable and transit-oriented living should make this a valuable addition to the local housing market, contributing positively to the area's long-term urban growth objectives.

For these reasons, we recommend that the site be allocated for a mixed-use flatted development in the emerging new Local Plan (2041). Based on the Council's analysis of housing densities, the redevelopment could accommodate approximately 50–80 flats above commercial units on the ground floor. These figures are indicative only. From our experience, it is conceivable that a sensitively designed, high-density, and financially

viable scheme could be developed as part of a comprehensive site redevelopment, potentially encouraging and rejuvenating the surrounding area.

It is anticipated that this site could make a significant contribution toward meeting Sandwell's housing needs while enhancing the character and appearance of the area. As noted, factors such as housing types, sizes, internal layouts, and site conditions will ultimately determine the achievable number of homes. The final development potential will be subject to detailed planning and design considerations.

Conclusions

The land subject of this representation should continue to be allocated for housing development as identified in Appendix B Site Allocation SH63, as this would contribute towards the achievement of these sustainable development objectives as it is previously developed land; has the highest levels of sustainable transport access to residential services; would regenerate an existing housing and employment area and help deliver a cleaner, more energy efficient development; would significantly improve the environment; is located on the Sedgley to Birmingham key route network where the Council is seeking to improve sustainable modes of transport; would deliver much needed new housing, whilst also protecting and enhancing the quality of this area of Dudley Road. It therefore meets the soundness tests set out in paragraph 35 of the NPPF as it is both consistent with national policy and is justified as it is an appropriate strategy.

Delivering as much new development as possible on previously developed land will continue to be a key part of Sandwell's spatial strategy and we fully support the emerging new Policies SDS 1 and SHO1. Those components of the Development Strategy identified in the draft Local Plan which could help to increase the supply of land for housing in Sandwell, include amongst other things, mixed land uses and increasing housing densities. In this respect, the site represents an opportunity to satisfy both of these aspirations within the emerging Local Plan.

The use of brownfield land is a priority for both local and national government and has been a key part of Sandwell's development strategy for many years. The site represents available and developable previously developed site in a highly accessible and connected location, identified for sustainable growth over the plan period to 2041

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: Economic, Social and Environment. The allocation of this site would deliver substantial social, economic and environmental benefits and therefore represents highly sustainable development. Given the site's accessibility, excellent connectivity and the number of residential properties in the near vicinity, the site is suitable, available and appropriate for high density flatted development. We therefore consider the identification of Site SH63 for medium density development of 41 dwellings per hectare to not make the most effective use of the site and therefore unsound and inconsistent with the advice in paragraph 129 of the NPPF. The site should therefore be identified for a high density development of over 100+ dwellings per hectare.

On land ownership point of view, our clients control the land the subject of this representation, which is considered suitable, available, achievable and appropriate for high density flatted development. The site would assist meeting an immediate need for providing local housing as well as meeting the district wide need. Given that the site has no statutory restrictive designations, allocating this land would make effective use of previously developed land. It provides for a sustainable approach to the planning of the settlement. The allocation of this site achieves all three sustainable dimensions as mentioned above.

There are no restrictive covenants or other obstructions to development and the development would be able to proceed within 0-5-year framework given the immediate availability of the subject site. The site represents a significant development opportunity to deliver a mixed-use development in a sustainable location that is suitable and available for delivery in the short-medium term. The redevelopment of the site would significantly enhance the character and appearance of the area.

The subject site should be continued as an allocated site for residential led mixed use development in the next stage in the plan-making process.

Existing Use	Proposed Use	Available	Suitable	Deliverable	Sustainable	Timescale
Brownfield Land	Residential (50-80 flats) led Mixed use	√	√	√	√	0-5 years

WWA would welcome the opportunity to discuss this site with you further. If there is any additional information which you require, please get in touch.

Yours sincerely,

Ifti Maniar
Planning Director
BArch, MA, MSc, MRTPI

cc: Mr Mukarram Sattar (by email only)