

Dudley Local Plan Consultation,
Planning Services,
Regeneration & Enterprise,
Dudley Council,
Council House,
1 Priory Road,
Dudley,
DY1 1HF

By email: Planning.policy@dudley.gov.uk

22nd December 2023

Dear Sir/Madam,

CBRE Ltd have been instructed by Glen Dimplex Group to review the Regulation 18 Draft Dudley Local Plan, which is currently out for public consultation until 22nd December 2023. This letter provides our comments and suggestions on behalf of Glen Dimplex Ltd to the draft planning policies and allocations within the Draft Dudley Local Plan.

The Site

Glen Dimplex own and operate from a circa 2.12 ha site, located off Coopers Bank, Dudley. The northern part of the site occupies the factory in which Glen Dimplex operate out of, with associated office buildings to the west. It is being used to manufacture specialist bricks and comprises of single storey buildings including a brick crushing facility on the eastern boundary. The southern part of the site was previously occupied by a factory building, which has been demolished since November 2008. This area of land, comprising circa 1.8 ha, is surplus to requirement and therefore Glen Dimplex intend to dispose of this site for alternative uses.

The site is located approximately 3km to the west of Dudley Town Centre and 2.85km north of Brierley Hill. The site is bound by Coopers Bank Road and residential dwellings in the northwest, Barrow Hill Local Nature Reserve in the south and east, and residential dwellings in the north. There is a single point of access off Coopers Bank, forming a T-junction with the site.

The landowner has been working with CBRE and a team of technical specialists to identify the opportunities and constraints associated with the surplus land, alongside an analysis of the market to determine a viable and appropriate use. It is the intention to submit a pre-application enquiry for the redevelopment of the southern part of the site for a residential use in due course, and as such an indicative masterplan has been prepared which shows the potential site yield and layout, alongside the retention of the Glen Dimplex factory in the northern part. Specialist highways, ecology, and masterplanning input has informed this. The indicative masterplan is included in **Appendix A** for reference.

The site is surrounded by a number of designations such as an area of high historic landscape value, Archaeological Priority Area, Barrow Hill and Coopers Bank Site of Importance for Nature Conservation, and Green Belt. Figure 1 below demonstrates the designations surrounding the site.

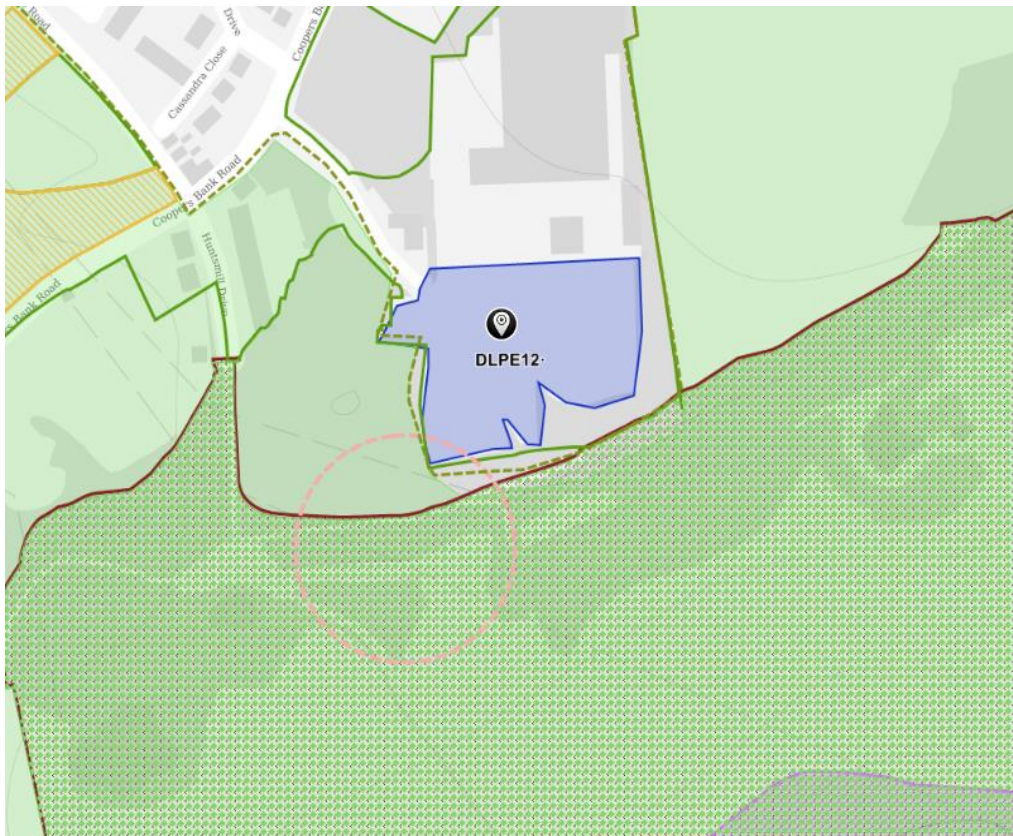


Figure 1: Designations surrounding the site (source: Dudley Borough Council's Draft Planning Policy Map)

The site was previously subject to a draft allocation for residential development within the Draft Black Country Plan Review. The Draft Black Country Plan was abandoned in October 2022 with the individual Black Country Authorities are now pursuing individual Local Plan Reviews. Within the Draft Dudley Local Plan, subject of this consultation, the site has change from a draft residential allocation to a draft employment allocation.

The remainder of this letter sets out our comments and suggestions in relation to a number of draft policies within both Part 1 and Part 2 of the Draft Dudley Local Plan.

Regulation 18 Consultation – Draft Dudley Local Plan Part 1

Policy DLP3 – Areas Outside the Growth Network

Policy DLP3 refers to areas outside of the identified Growth Network setting out a vision for what these areas will include. It states that the main role of areas outside of the Growth Network are to provide employment opportunities to serve communities outside the Regeneration Corridors and Centres and to provide a supply of housing land at appropriate densities. The broad approach to development in areas outside the Growth Network will be to primarily focus on brownfield land, in locations with best access to local services and infrastructure. Glen Dimplex support the inclusion of such a policy which provides guidance for those sites outside of the identified Growth Network, which could play an important role in delivering the housing and employment requirements of the Borough, particularly in response to changing markets.

Policy DLP11 - Housing Density, Type and Accessibility

Policy DLP11 details the need for housing developments to deliver a range of types and sizes to meet sub-regional and local needs, as well as ensuring that new development has access to sustainable transport and achieves high-quality design. It imposes minimum density levels on developments with more than 10 dwellings providing they meet the Dudley Borough Housing Accessibility Standards (Table 8.2).

In principle, Glen Dimplex Limited generally support Policy DLP11 (Housing Density, Type and Accessibility), however the draft policy as currently worded could be clearer and more effective for future residential development proposals.

The draft policy promotes flexibility over the plan period for housing types to be assessed on a site-by-site basis which is important in the dynamic housing market and specific locational requirements. Part 2 of this draft policy however, states that the range of house types and sizes should be *'in line with the most recently available information'* and provides no further information within the policy itself as to what this could constitute. For this policy to be prepared in accordance with Paragraph 16 of the NPPF (2021) the following text should be inserted into part 3 (underline shows suggested insertion):

"Developments of ten homes or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, in line with the most recently available information, such as:

- *The Black Country HMA 2021 (or any subsequent revision); or*
- *Detailed Local Housing Market Assessments (where applicable); or*
- *Current and future demographic profiles; or*
- *Locality and ability of the site to accommodate a mix of housing; or*
- *Market signals and local housing market trends."*

Additionally, paragraph 8.14 of the policy supporting text, provides a Table showing the housing tenures which refers to a housing mix informed by the Black Country Housing Market Assessment (HMA) 2021. The justification follows on to state that *"It is important that housing provision reflects the needs of these new households, allowing for at least one bedroom per person, whilst also reflecting the varying needs set out in the HMA"*, This is not however referred to in the policy wording itself nor does the HMA provide evidence that Dudley MBC will be undertaking a further HMA assessment specific to the authority area. This makes the policy ambiguous as it is not clear what evidence Developers should rely on in designing residential schemes.

The policy and supporting text needs to be clear about which evidence is to be used to inform housing mix and the wording suggested above would assist in removing ambiguity in the policy. Paragraph 8.14 and Table 8.3 should be reworded to be clearer or omitted if it conflicts with the requirements of the policy.

Policy DLP21 – Other Employment Areas

Policy DLP21 refers to sites outside of designated employment areas, identifying them as 'Other Employment Areas'. The policy states that these identified sites will be either:

- (a) retained and enhances for industrial employment uses within Use Class E(g)(ii), E(g)(iii), B2 or B8;
- (b) be redeveloped for housing; or
- (c) where appropriate, be developed for community, entertainment, food and drink, or leisure and recreation uses.

Under Part 2 of the policy a number of criterion for circumstances where proposals are put forward for an alternative development under points b and c.

As currently worded, Part 2 is ambiguous whether all of the criterion are required to be met to demonstrate that the loss of an employment use is acceptable, or whether one of them needs to be satisfied. This should be amended for the next version of the Plan to ensure that this is clear. We do not consider that all of the criterion should be required to be satisfied, but rather one or more. This is because to satisfy all of the criterion may potentially lead to conflicting positions, resulting in an overly restrictive policy. We therefore suggest the following additional wording is included to provide clarity (additional wording shown underlined):

“Development for uses under 1(b) or 1(c) will only be acceptable where there is robust evidence to demonstrate to the satisfaction of the council that one or more of the following criteria have been met: [...]”

Policy DLP22 – Balancing Employment Land and Housing, and Protecting the Viability and Integrity of Existing Industrial and Business Uses

Draft Policy DLP22 safeguards current employment uses as well as draft allocations for employment land. The policy sets out the measures needed to demonstrate why the land is no longer suitable for an employment use and how the proposed use will not impact upon the existing uses within its surroundings.

The wording of Draft Policy DLP22 appears to be similar to Policy DLP21. In particular, point 2 (a) and (b) of Policy DLP 21 and point 2 (a) of Policy DLP22 both discuss the requirement of industrial / employment uses and their viability. Additionally, point 2 (d) of DLP21 and point 2(b) of DLP22 has regard to avoiding adverse impacts upon. It is not clear what the need for two similar policies is, and it is our suggestion that draft policies DLP21 and DLP22 are reconsidered as a single policy, to ensure that there is no duplication which when applied could be confusing and onerous.

Regulation 18 Consultation – Draft Dudley Local Plan Part 2

The Draft Dudley Local Plan Part 2 sets out the policies for centres and draft site allocations. Section 8 of the Draft Local Plan Part 2 provides details of allocated employment sites, to which the land off Coopers Bank Road is referred to as site DLPE13 within table 8.1. However, the corresponding planning policy map identifies the site as DLPE12. For the avoidance of doubt, our response is specifically in relation to the land off Coopers Bank, Dudley, as shown at Appendix 1.

Within the former Draft Black Country Plan housing allocation, both the northern and southern parcels of the Glen Dimplex site were allocated for residential dwellings. An indicative capacity of 180 units was identified for the draft allocation.

We have reviewed the Dudley Employment Land Supply Paper (2023), where we note that it was identified that *“The site is a vacant/underutilised portion of an existing standalone industrial unit. The site is not located within an existing or proposed regeneration corridor and is partly impacted by some heritage assets; however, it is likely that development can still take place with appropriate mitigation. Previous engagement with landowner has indicated an interest in remaining onsite due to specialist equipment being present”*. It also acknowledges that the current housing allocation was for housing. .

The Black Country Employment Area Review (BEAR) was prepared in July 2021 or the Black Country Plan and identified in Appendix 3 that the site is *“not available following occupier engagement”*. However, the Dudley Landowner Engagement Exercise Technical Report (2023) included a table of landowners who were not contacted as part of the exercise, stating that Glen Dimplex were not contacted due to *“market intelligence in favour of retaining employment use”*. What is not clear, is what that market intelligence is specifically and why the landowner was contacted previously but not as part of this process. Our own market intelligence suggests that limited industrial occupier demand would be anticipated for the site in its current stand-alone configuration. This is in part due to the limited size of the plot, as well as the increasingly residential nature of the surrounding area.

Contrary to the unjustified evidence mentioned above, the landowner confirms that whilst their intention is currently to stay on the northern part of the site, the southern portion is surplus to requirements and their strategy is to release this land for residential development..

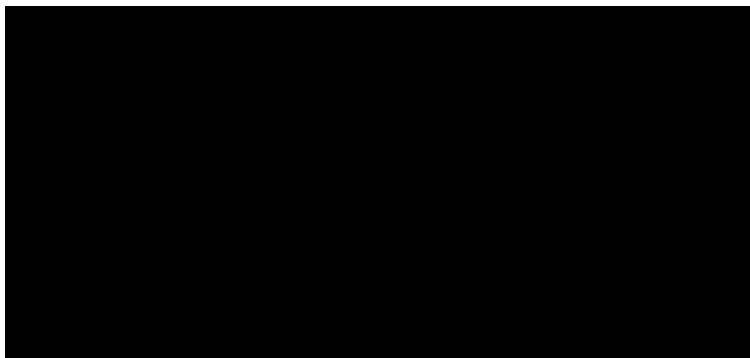
The introduction of a residential use of the southern half of the site would make efficient use of brownfield land to deliver residential development to meet the housing requirement and would comprise an appropriate use the adjacent to the Green Belt, Local Nature Reserve, Site of Importance for Nature Conservation, Area of High Historic Landscape Value, and Archeological Priority Area. Additionally, it is apparent that this area is undergoing a period of transformation away from typical industrial uses to residential neighbourhoods (e.g. the former Ibstock brick works at Stallings Lane) further demonstrating the appropriateness of this site to come forward as a residential site. In addition, it is our view that the surrounding road network is more compatible with a residential use compared to an employment use.

As set out earlier in this response, the landowner has undertaken some due diligence into understanding the potential of the southern area for a residential use by undertaking specialist masterplanning, ecology, and highways works. The result of this work is that the site is capable of achieving a capacity of up to 77 dwellings with a density of 40 dwellings per hectare. Highways advice concluded that there are no obvious highways issues or accident history, and it is unlikely that there would be any junction capacity issues on if a residential use was to be introduced on the land off of Coopers Bank Road. The masterplan of the site can be seen in Appendix A. The landowner is progressing with a pre-application and intends to submit in due course with subsequent engagement with the market.

I trust that the responses provided above will be considered towards the next stage of the Local Plan process, and I would be grateful if you could keep me updated going forward, including when the responses are published.

Should you have any queries with the above, then please do not hesitate to contact me (details at the end of this letter).

Yours sincerely,



Appendix A



Schedule of Accommodation Fronting Coopers Bank Road				Southern Parcel			
Type	Bed	sqft	no. (%)	Type	Bed	sqft	no. (%)
1B Misconverts	18	539	612 0.0%	1B Misconverts	18	539	612 4.5%
2B Apartment	28	753	0 0.0%	2B Apartment	28	753	4 5.8%
2B Semi/Terrace	28	850	0 0.0%	2B Semi/Terrace	28	850	14 19.7%
3B Semi/Terrace/det	38	1022	6 85.7%	3B Semi/Terrace/det	38	1022	37 52.5%
4b Semi/det	48	1184	1 14.3%	4b Semi/det	48	1184	12 16.9%
			7 100.0%				71 100.0%

Testing Layout

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Do not scale.

All dimensions to be checked on site and architect notified of any discrepancies prior to commencement.

Any and all elements relating to the fire safety of the project will require separate confirmation and approval by a fully accredited fire engineering consultant under separate client appointment.

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Date: 06/23
 Stage 1
 Status: PRELIMINARY
 Client: CBRE
 Project: Land off Coopers Bank Road
 Title: Testing Layout
 Scale: 1:500 @ A1
 Date: 06/23
 RIBA: Stage 1
 Drawn: JSW/CBM
 Status: PRELIMINARY
 Pro. No.: CS735

