



Representations to Dudley Local Plan Regulation 18 Consultation

1. Introduction

- 1.1 Claremont Planning is instructed by Charles Church Homes and the Dudley Group NHS Foundation Trust to submit representations to the current consultation on the Regulation 18 Draft of the emerging Dudley Local Plan (DLP). These representations relate to Land at Corbett Hospital, in respect of the potential residential development of the site. The site was formerly the subject of a planning application seeking permission for residential development under reference P22/1050. Despite the application's refusal, it is maintained by Charles Church Homes and the Dudley Group NHS Foundation Trust that the site remains suitable and available for residential development which could come forward in the future, and this should be acknowledged through the emerging DLP.

2. Dudley Borough Spatial Strategy

Policy DL1 – Development Strategy

- 2.1. Policy DLP1 of the emerging DLP establishes that the Council intends to plan for the delivery of at least 10,876 new homes. The Policy states that the full housing and employment requirements for the Borough will be met through identified sites and through reliance on neighbouring and other local authorities with a functional link to Dudley, via the Duty to Co-operate. The supporting text provides that this figure is below the identified local housing need for 11,954 new homes as calculated by the Standard Method, which creates a shortfall of 1,078 homes. It goes on to state that the Council is working constructively with neighbouring authorities to help provide certainty as to how and where the borough's full housing and employment land needs will be delivered, and this will be elaborated on at the Publication stage of plan-making.
- 2.2. Claremont Planning however considers that this represents a misguided approach, providing no assurance that the emerging DLP will be capable of meeting the identified housing needs of the Borough, which the Framework advises should be planned for as a minimum. Chapter 3 of the Framework provides the national policy on plan-making, with Paragraph 20 confirming that strategic policy should set an overall strategy for the pattern, scale and design quality of places, making sufficient provision for housing, alongside other elements such as infrastructure, community facilities and conservation. Crucially, Paragraph 35 goes on to identify the criteria for ensuring Plans are 'sound', which requires that as a minimum, Local Plans provide a strategy which 'seeks to meet the area's objectively assessed needs', with Footnote 21 establishing that need should be assessed using a clear and justified method. As the Council recognise the objectively assessed housing need as calculated using the Government's standard method, in accordance with national policy expectations set out in Paragraph 61 of the Framework, it is unclear why the Council has published a draft Plan that does not establish how this is proposed to be met. If there is to be reliance on neighbouring authorities to achieve this, then this should be evidenced by formal agreements with those authorities.
- 2.3. The need to pursue a Plan which provides for an appropriate level of housing is critical in order to ensure that the Borough is able to meet its local housing needs, including provision of affordable housing. Data published by the Department for Levelling Up Housing & Communities in December 2023 illustrates how affordable housing need has increased in the Borough in recent years, with the total number of households on the waiting list as of 31 March 2023 at 3,627; increased from 1,901 households in 2017. It is considered that this will only be addressed through the Council recognising this issue and proposing a Plan that will enable the delivery of an appropriate level of housing.
- 2.4. It should be recognised that the Levelling Up & Regeneration Act 2023 formally abolished the Duty to Co-Operate, with no confirmation as to what, if anything, will replace it. There remains



significant uncertainty about the willingness of authorities to work together. Furthermore, the neighbouring authorities to Dudley include the other Black Country Authorities, Birmingham, South Staffordshire, and Bromsgrove, which all face challenges to meet their own needs and are constrained by the Green Belt. Whilst neighbouring authorities are at various stages of plan-making, Sandwell Council recently published a draft Plan for consultation which specifically identified that the Borough will be unable to meet its own housing needs and was actively seeking agreement from neighbouring authorities. Furthermore, the Birmingham Issues & Options draft Plan published in autumn 2022, identified a shortfall of 78,415 dwellings when comparing sources of housing supply, including a windfall allowance, with the housing need identified for the emerging plan period to 2040. It is therefore considered that the Council should recognise that it cannot be assured that it will be able to rely on neighbouring authorities to meet housing needs.

- 2.5. It is therefore advised that the Council should reconsider the housing target identified in draft Policy DLP1, and instead propose that the Plan will deliver at least 11,954 new homes, such that it will be planning to at least meet the objectively assessed needs for the Borough, and deliver increased affordable housing, for the emerging Plan period. Alongside this, the Council should reconsider the potential sources of supply, ensuring that appropriate site allocations are identified that will enable the Council to meet this identified need. It is contended that this should additionally include other available sites for housing within the urban area that have been promoted for development, including the Land at Corbett Hospital, promoted by Charles Church Homes & The Dudley Group NHS Foundation Trust.

Policy DLP2 – Growth Network

- 2.6. This draft Policy sets out the Growth Network for the Borough, which it provides is intended to be the primary focus for new development, regeneration, and infrastructure investment to support the delivery of significant growth and promote wider benefits to communities. Section 3 of the draft Policy confirms that Regeneration Corridors will provide a minimum of 4,948 new homes in sustainable locations.
- 2.7. The proposed Growth Network approach is supported, as this seeks to direct development to the most sustainable locations in the Borough, following on from the approach set out in adopted Policy including the Black Country Core Strategy and Dudley Borough Development Plan. Regeneration Corridor 2 in particular is strongly supported, as this extends through the heart of the Borough, linking the Strategic Centre of Brierley Hill to Stourbridge, a key Town Centre, through highly sustainable residential and employment areas. It is however suggested that the Council's approach to this Regeneration Corridor is flawed, as it has failed to recognise the opportunity presented for residential development on Land at Corbetts Hospital, which is well located within walking distance of Stourbridge Town Centre and close to the public transport corridor along the A491, as well as close to a range of services and facilities. As the Plan seeks to allocate insufficient sites to accommodate the local housing needs, it is considered that the Council should be exploring fully all potential options within the identified Regeneration Corridors.

3. Health and Wellbeing

Policy DLP8 and Policy DLP9

- 3.1. The draft Plan recognises within Chapter 7 the importance of health and wellbeing as a key objective of the Council, with the Council's aim to achieve healthy inclusive and safe places that support healthy lifestyles to be supported by the Plan. The local NHS Foundation Trust plays a key role in supporting health and wellbeing in the Borough, however the draft Plan fails to recognise this.
- 3.2. The emerging Plan through Policy DLP8 and DLP9 fails to recognise the role that development can play in securing investment in health infrastructure. The Land at Corbett Hospital, promoted on behalf of the Dudley Group NHS Foundation Trust and Charles Church Homes, was the



subject of a planning application which sought to secure permission for residential development under application reference P22/1050. Despite the application's refusal, it is maintained that the site is suitable and available to accommodate a form of residential development. The land is surplus to the NHS requirements, and as a result was included on the register of public sector land available for disposal in 2017, offered firstly to public sector bodies before being offered to the open market, and anticipated disposal was expected during 2021/22. Whilst the disposal has been delayed by the Council's refusal of planning permission, it remains the case that the NHS is obliged by the Government to secure the disposal of the site and secure 'best value' at the earliest opportunity. The land is owned freehold by the Dudley Group NHS Foundation Trust, and as a result, once secured, 100% of net proceeds of the sale of the land at Corbett Hospital would be spent on the Dudley health economy.

- 3.3. It is therefore considered that this section of the Plan should be reviewed to acknowledge the role that the NHS Trust plays locally in respect of health infrastructure and identify support for releasing surplus land to support investment and secure the delivery of much needed homes on surplus land in the urban area. In particular, the Plan could support these aims through allocating the site at Corbett Hospital for residential development, enabling the disposal of this site and release of funds needed locally to support improvements to local services and infrastructure.

4. Housing

Policy DLP10 – Delivering Sustainable Housing Growth

- 4.1. Consistent with the figures identified in draft Policy DLP1, this policy confirms that the Council is planning to deliver at least 10,876 new homes in the plan period 2023-2041. Table 8.1 in the supporting text confirms the sources of supply, which includes current supply of sites under construction, as well as sites with planning permission; as well as housing allocations; windfall allowances; and 'additional capacity'. A small allowance for losses is also identified, to account for estimated housing demolitions across the plan period. The supporting text also acknowledges that the Plan is only aiming to meet 90.98% of local housing need, identifying that 96.4% of housing is expected to be delivered on brownfield land. Whilst in principle this is to be supported if suitable viable and deliverable sites can be identified, it should be recognised that the reliance on brownfield land is likely to impact the level of affordable housing that is capable of being delivered within the Borough, as often brownfield sites will face greater challenges in respect of abnormal costs and viability. It can also impact the type of housing that is delivered, whereby greenfield sites can play an important role in securing a sustainable mix of housing that provides for all types of household needs and provides affordable forms of accommodation.
- 4.2. As noted in Section 2 of these representations, it is considered that the Council's approach to the housing requirement is fundamentally flawed. The Council should be planning to meet the Borough's objectively assessed needs as a minimum, with national policy in Paragraph 35 of the Framework advising that this is necessary in order to ensure that a Plan can be found sound. It is therefore considered that the Council should revisit the sources of supply, in particular the proposed allocations, in order to at least plan to meet the objectively assessed needs in full, and identify a buffer in addition to that. This should include sites that the Council has overlooked, such as Land at Corbetts Hospital, which are considered to be suitable and available to accommodate some residential development to help meet the emerging Plan's housing requirements.

Policy DLP12 – Affordable, Wheelchair Accessible & Self-Build Housing

- 4.3. The draft Policy DLP12 establishes the Council's intention to determine the appropriate type and tenure of affordable housing provision on a site by site basis with regard to the local housing needs and the latest available evidence. However, the draft Policy continues on, in point 4, to identify a recommended tenure split. As noted in Section 2 of these representations in respect of



the overall Development Strategy, the affordable housing need in the Borough is significant and it is critical that the Plan advocates an approach that seeks to address this positively.

- 4.4. It is considered that the Policy as currently drafted provides a confusing and contradictory approach, suggesting that the Council wants to ensure provision of affordable housing accords with the needs of existing and future residents in line with the most recently available information. However, conversely, the policy suggests a prescriptive split of tenures. This conflicts with the requirement in the Framework for policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. It would be preferable for the Council to suggest an evidence-based approach that allows for deviation from a set tenure split, as this would enable developments to respond current and anticipated affordable housing needs. This would also ensure that the type and tenure can best respond to local context, whereby there may be circumstances where certain types of affordable housing are better suited and would better address local needs. Pursuing a highly prescriptive approach can result in challenges in securing Registered Providers or accessing grant funding, which can ultimately challenge the overall delivery of a scheme or the affordable housing elements.
- 4.5. It is therefore recommended that draft Policy DLP12 is revised to remove reference to the tenure split set out in criteria 4 of the policy. Alternatively, at the very least, the policy should identify that this is an indicative tenure split and the split is to be agreed on a site by site basis, based on the most recently available evidence ensuring that it is consistent with national policy in regards to plan-making. This will help to ensure that affordable housing delivery is achievable in developments and helps to address the high level of affordable housing needs within the Borough.

5. Environment

Policy DLP31 – Nature Conservation

- 5.1. With regards to nature conservation, the emerging Local Plan seeks through Draft Policy DLP31 to secure a high level of protection for regionally designated nature conservation sites, identifying that where development would 'harm' nationally or regionally designated nature conservation sites, it would not be permitted. This policy goes on to identify requirements for planning applications that may affect designated sites, important habitats, species or geological features, to ensure that the likely impacts of the proposal can be fully assessed.
- 5.2. It is considered that this policy as currently drafted, is inconsistent with the requirements of national policy. Paragraph 180 of the Framework identifies principles that should be applied when determining planning applications, noting that only "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused" [emphasis added].
- 5.3. The draft policy should therefore be reconsidered and amended to better reflect and accord with the requirements and expectations of national policy. Only in situations where significant harm is expected to arise, would it be justified for permission to be refused. It should be recognised that some limited harm may arise in situations where development would be on or adjacent to designated sites, however this harm could be appropriately mitigated through overall enhancements to the designated site as a result of the development, and securing appropriate management and maintenance going forwards. It is considered that if the Council wish to impose more stringent policy requirements that go beyond the expectation of national policy, this should be justified. The Council should recognise that in certain circumstances it may be challenging for these standards to be met, whilst achieving other objectives of the Plan, including the delivery of housing or contributing towards economic growth.



Policy DLP33 - Trees

- 5.4. This policy relates to trees, woodlands, Ancient Woodland and Veteran Trees, with the aim of securing the planting of new trees and protecting existing specimens. The supporting text references the Borough-wide aim to increase the urban canopy cover to at least 20% over the plan period. If on major development sites, canopy cover is less than 20%, it is expected that new canopy cover is provided. Whilst the aims of the policy are supported in principle, it is considered that the policy as currently drafted is unclear and imprecise, and is not in accordance with the plan-making requirements set out in the Framework.
- 5.5. Part 1 and 2 of the draft Policy relate to Ancient Woodland and Veteran Trees, establishing that development would not be permitted that would result in the loss or damage to trees that fall within those categories. It is not considered necessary for the Local Plan to include policy relating to this, as Paragraph 180(c) of the Framework already provides that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. As noted in Paragraph 16 of the Framework, policies should avoid unnecessary duplication of policies, including those covered by policies in the Framework.
- 5.6. In respect of Part 3 of the draft Policy, this identifies a presumption against the removal of trees that contribute to public amenity and air quality, unless there are sound arboricultural reasons to support removal. It is generally acknowledged that when preparing development proposals, higher quality trees or those that contribute towards amenity are typically sought to be retained as these will contribute towards the green infrastructure framework for development. However, there are instances where poorer quality trees and/or specimens that are considered less appropriate, or are required to be removed to facilitate access or address other constraints are proposed to be removed. This will typically be required to be compensated through provision of new planting with suitable specimens in optimum locations, often further restricted in respect of matters such as age or size of specimen to ensure that new planting is most successful. It is suggested that caution should be used in respect of the reference to amenity, as this is a subjective matter. Additionally, Tree Preservation Orders already provide a mechanism for the Council to seek protection of trees, where they are considered to warrant this. It is considered that this criteria, as currently drafted, is not consistent with the requirements of national policy, as Paragraph 16 of the Framework also requires that Plans are prepared positively, in a way that is aspiration but deliverable, and are prepared with the objective of contributing to the achievement of sustainable development. The Framework makes clear that sustainable development has multiple arms, with environmental objectives required to be balanced against social and economic matters as these are interdependent.
- 5.7. The draft Policy reinforces the Council's aim to achieve a minimum of 20% tree canopy cover on a Borough-wide basis, and as a result, part 5 of the Policy establishes that the Council will consider available data on extant canopy cover when making decisions on proposed loss of trees and woodland to accommodate infrastructure and other development proposals. Major developments are accordingly expected by the policy to deliver a minimum of 20% canopy cover, emphasising retention of existing established trees. Whilst the general aim to achieve 20% canopy cover across the Borough is recognised as a positive aspiration for the Council, it is considered that the requirement to achieve this on all major proposals is likely to be challenging and adversely impact viability, particularly in a Borough reliant on brownfield sites to deliver the majority of its housing needs. On greenfield sites, there are also likely to be circumstances where other forms of green infrastructure may be required to be prioritised in order to maximise biodiversity net gain or meet other development requirements. As such, it is suggested that the policy be re-framed to suggest this as an aspiration that is to be encouraged, rather than a requirement on all sites. This will ensure that it is consistent with the requirements of Paragraph 16 of the Framework, which requires policies to be aspirational but deliverable.



- 5.8. Whilst these represent some concerns with specific parts of the draft Policy, overall, the Policy as currently drafted is considered to be verbose and protracted, such that it is not consistent with the Framework's requirements for policies to be clear and unambiguous. The policy is repetitive, noting for example the presumption against removal of existing trees in part 3, part 9 requires developments to be designed around trees already present on site, whilst part 11 requires existing mature trees to be retained and integrated into the proposed landscaping scheme. Similarly, part 5 requires major developments to deliver 20% tree canopy cover, whilst part 21 repeats this requirement. The policy overall needs to be redrafted, removing unnecessary duplication from national policy or other guidance, as well as removing detailed policy elements that would be better contained within supplementary planning guidance. Within this, it should be recognised that the Council faces significant challenges such as securing delivery of sufficient housing to meet local needs, which must be balanced against environmental aspirations in order to ensure that the emerging Plan as a whole contributes towards achieving sustainable development as required by the Framework.

Policy DLP37 – Open Space and Recreation

- 5.9. This Policy requires proposals to recognise the values and functions of open space. In particular, the functions of specific importance in Dudley, which includes to improve the image and environmental quality of Dudley; defining and enhancing local distinctiveness; protecting and enhancing the significance of heritage assets and their setting; providing outdoor sport and physical activity facilities; and enhancing people's mental and physical health and well-being.
- 5.10. It is considered that the policy as currently drafted, does not provide enough emphasis on the importance of access to open spaces, contrary to Paragraph 98 of the Framework, which states that access to a network of open spaces is important for health and well-being. It is therefore considered that the policy should specifically recognise that it is not just the provision and/or retention of open spaces that is important, but also whether these spaces provide usable and accessible areas.
- 5.11. In particular, it should be acknowledged that through the proposals for development on land at Corbett Hospital through application P22/1050, it was proposed that more than half of the site would have been provided as open space and green infrastructure. It is understood that the site is valued by the Council and local residents as an open space, however at the current time no public access is permitted. The development proposals would have addressed this through the extensive provision of open space proposed, which would be provided a new valuable area of open space for both new and existing residents, within the heart of the urban area and well connected to other parts of the green infrastructure network. It is considered that the policy should be modified to reflect support for opportunities to provide new, accessible, open spaces within the urban area.

6. Design

Policy DLP39 – Design Quality;

- 6.1. This draft Policy establishes design standards which new development is required demonstrate has been addressed. The way it is drafted is considered to be unnecessarily long and detailed, and could be refined in order to make the policy easier to understand and ensure proposals address the Council's expectations. As part of this, the Council should recognise the Framework's requirement for policies to be clear and unambiguous so it is clear how a decision maker should react to proposals. There is also some overlap between this policy and DLP40 relating to landscape, for example within part 5 relating to urban greening. It is considered that by refining and focusing policies within the Plan, the Council will ensure that the aims of policies are more apparent, as well as how it is expected that these will be applied to development proposals. More



detailed policy requirements could be better contained within supplementary planning documents that could be produced alongside the Plan.

- 6.2. Part 4 of the draft policy includes a requirement for all new residential development to meet NDSS, except where this would harm a heritage asset. It should be recognised that national policy set out in footnote 49 of the Framework establishes that NDSS may be used in policy, but only where the need for internal space standards can be justified. It is therefore considered that if the Council wish to impose these standards, appropriate justification for doing so should be contained within the evidence base for the emerging Plan. Furthermore, it should be acknowledged that there may be other circumstances where it may not be possible to achieve space standards, but a high quality of residential accommodation would still be provided and other sustainable development objectives would be achieved. This could, for example, include where development involves the reuse and conversion of existing buildings. It is therefore provided that the Council should include a caveat within the draft Policy to accept that in other circumstances this may not be achievable, and will not be objected to in principle if sufficient justification and mitigation can be evidenced. This will help to ensure that the policy is consistent with national policy aims and requirements for plan-making.

Policy DLP40 – Landscape Design

- 6.3. This draft Policy seeks to ensure high quality and attractive on-site green space is delivered, recognising the role that this can play in terms of sustainable development. Whilst overall, the aims and objectives of this policy are supported, part 1 seeks to avoid the use of hard surfaces and is not considered to be wholly justified. Whilst generally the use of hard surfaces should be minimised, typically there will be an expectation for the provision of some areas of hard surfacing such as patios in gardens and paving around doorways, beyond the minimal footpath areas that are an essential requirement. The end-users requirements for developments should be a consideration that is balanced with environmental objectives in order to ensure that sustainable development will be achieved.
- 6.4. It is also considered that the policy as currently drafted overlaps with other policy in the emerging Plan, notably DLP33 relating to trees. As such, the policies should be reviewed to ensure that there is no duplication, and policy requirements relating to arboriculture are contained within a single policy, rather than included in various policies of the emerging Plan.

7. Climate Change

Policy DLP41 – Increasing Efficiency and Resilience; Policy DLP43 – Managing Heat Risk; and Policy DLP47- Renewable & Low Carbon Energy

- 7.1. These three policies in the emerging Plan set out various policy measures relating to sustainable design and construction in order to achieve the Council's aspiration of mitigating and adapting to climate change. It is considered that the policies should be reviewed and amalgamated for the next version of the Plan, in order to streamline policy requirements and reduce duplication. It should be considered whether policy requirements could be identified in more simple terms, with more detailed policy suggestions for proposals to consider identified through Supplementary Planning Documents.

8. Historic Environment

Policy DLP55 – Historic Character

- 8.1. The emerging Plan confirms that in the Council's view, the character and quality of the historic environment is one of the borough's greatest assets. As such, Draft Policy DLP55 requires development proposals to sustain and enhance the distinctive character of the area to help maintain Dudley's cultural identity and strong sense of place. New development is accordingly required to be designed to make a positive contribution to local character and distinctiveness and



demonstrate steps taken to achieve a locally responsive design. The policy identifies that in addition to designated heritage assets, attention should be paid to non-designated assets including: Areas of High Historic Townscape Value; Areas of High Historic Landscape Value; Designed Landscapes of High Historic Value; and Archaeology Priority Areas; Locally Listed Buildings; Non-designated Heritage Assets.

- 8.2. It is considered that the proposed policy seeks to secure protection for non-designated heritage assets that could comprise a wide range of landscapes or townscapes in addition to buildings and structures, in a highly restrictive manner that is not consistent with national policy set out in the Framework. The Framework at Paragraph 203, in respect of non-designated assets, requires that a 'balanced judgement' be made, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.3. It is also noted that the policy seeks to secure a level of protection for 'physical assets, whether man-made or natural' that contribute positively to local character and distinctiveness. Contribution to local character and distinctiveness is considered to be a subjective matter, and so the policy as currently drafted could be used by decision-makers to object to development that the applicants' view would not conflict with this policy. As such, it is not considered that this would accord with the Framework's requirements for policies to be unambiguous and this part of the policy should be deleted.
- 8.4. Draft Policy DLP55 should accordingly be modified to reflect this, as well as reduce the level of protection sought for non-designated assets to ensure consistency with national policy as required by Paragraph 35 of the Framework.

9. Dudley Local Plan Part 2 – Site Allocations

Policy DLPLGS1 - Corbett Meadow Local Green Space

- 9.1. The Dudley Group NHS Foundation Trust and Charles Church Homes strongly object to the proposed designation of Corbett Meadow Local Green Space through draft Policy DLPLGS1 of the emerging Local Plan. The Council previously sought to secure such a designation on the site through the Black Country Plan Review, prior to the decision to withdraw from the preparation of the joint Plan and instead proceed with the Dudley Local Plan Review instead. Representations were accordingly submitted on behalf of both parties strongly objecting to this proposal, as well as demonstrating why the proposed designation was not consistent with national policy.
- 9.2. It is maintained through these representations that the proposed designation of the site continues to be inconsistent with the requirements of national policy for such designations. The Framework identifies at Paragraph 101 that 'Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services'. It is considered that the designation of Land at Corbett Hospital is not consistent with the requirement for the emerging Plan to contribute towards achieving sustainable development, and in particular deliver sufficient housing to meet objectively assessed needs. It is therefore considered that the Council should reconsider the proposed designation and recognise the potential for the site to accommodate some housing delivery alongside public open space and biodiversity enhancements, such that it would provide a contribution towards achieving sustainable development in the Borough.
- 9.3. It is noted that the within the policy itself and the supporting text is consideration of the history of the site, including reference to grounds to be used for a public park. The Policy and supporting text however fail to acknowledge that since the land was originally gifted in the late 19th Century, the ownership of the land as part of a wider parcel transferred to the NHS on its formation in 1948, with part of the wider site continuing to be in medical use today. Other parts of the wider site were already disposed of by the NHS previously, which now forms the residential street John Corbett Drive. Notably, the NHS has no obligation to provide public access for recreation to any



parts of the wider site, and instead the land proposed to be designated through this policy is being utilised for agriculture at the present time. This land has been identified by the NHS as not required for medical purposes and was therefore identified as surplus to requirements. It is therefore to be disposed of in accordance with public sector land disposal policy set by the Government on a national basis, as referenced in the earlier representations to the Health and Wellbeing section of the Plan. It is considered that the proposed designation as Local Green Space is sought to prevent development from taking place on the site, and the NHS from being able to receive 'best value', such that it is not consistent with national policy aims of achieving sustainable development. Importantly, there was no obligation on the NHS to provide public access to or use of the land proposed to be designated through this policy, and this should be reflected in the policy and supporting text, confirming that no public park is present on the site in order to ensure that it is consistent with the tests of soundness and justified, based on proportionate evidence.

- 9.4. It should be recognised that at present there is no public access to the site, and as noted above it is currently in agricultural use. Designation of the site as a Local Green Space would not impact this, or secure public access. The Planning Practice Guidance confirms that public access is not a prerequisite for designation of Local Green Spaces, however designation itself does not confer any rights of public access over what exists at present. Accordingly, access must be sought through separate negotiations with the NHS Trust, as landowners, which is not feasible at present due to the ongoing agricultural use of the land. Through the proposals for development on the site advanced through P22/1050 however, more than half of the site was to be dedicated to public open space and green infrastructure. This would have delivered a new public park and area of open space, securing public access to the majority of the site in perpetuity, to benefit both new and existing residents. This would have delivered strong environmental and social benefits, in a more effective way than the designation as Local Green Space is capable of achieving.
- 9.5. The site is located within one of the identified Regeneration Corridors of the Borough, in a highly sustainable location within walking distance of a range of shops and services, including Stourbridge Town Centre. Despite the refused application P22/1050, it is maintained that the site presents an opportunity to deliver a form of residential development on part of the site, which would sit alongside open space, within a high quality green infrastructure framework. This would complement the locality, delivering much needed family housing including affordable dwellings, as well as securing public access and long-term maintenance of the site.
- 9.6. As such, it is considered that it would be highly inappropriate for the emerging Plan to continue to propose to allocate the Land at Corbett Hospital in the context of a significant shortfall in housing supply and the opportunity available to provide housing in a sustainable location within the urban area. Promoting residential development on the site would accord fully with the Spatial Strategy set out in the emerging Local Plan, which establishes that the intention is to deliver growth and sustainable patterns of growth by '*Delivering the majority of development in the existing urban area*'. It should therefore be preferable to seek to accommodate some of the identified level of housing need on suitable sites such as this, rather than seeking to restrict the potential for development through the designation of a site for Local Green Space. This would ensure consistency with national policy, and contribute towards ensuring that a sound plan is achieved.