

Dudley Local Plan
Planning and Regeneration
Dudley Council
Council House
Priory Road
Dudley
DY1 1HF

22nd December 2023

To Whom it May Concern,

Brockmoor Foundry, Brierley Hill, Dudley

Representations to the Draft Dudley Local Plan, 2041

CBRE Ltd is instructed to act as Planning Agents on behalf of Brockmoor Properties Limited ('the landowner') in respect of land occupied by Brockmoor Foundry north and south of Leys Road, Brockmoor. This letter provides the formal response to the consultation on the Draft Dudley Local Plan, 2041 (Regulation 18) Consultation.

CBRE Ltd submitted the two sites as potential sites for residential development to the Black Country Call for Sites consultation in 2020. Both sites were proposed as separate draft allocations for residential development in the Draft Black Country Plan, namely site references DUH016 and DUH223. Both sites are still proposed as separate draft allocations for residential development in the Draft Dudley Local Plan, namely site references DLP H011 and DLP H036. These representations relate to both of the proposed draft housing allocations.

This response comments on the following policies:

- DLP1 (Development Strategy)
- DLP2 (Growth Network: Regeneration Corridors and Centres)
- DLP10 (Delivering Sustainable Housing Growth)
- DLP11 (Housing Density, Type and Accessibility)
- Table 6.1 (Dudley Housing Site Allocations)

The site

The Northern site

The northern parcel of the Brockmoor Foundry sites is approximately 1.9ha and is bound by the Stourbridge canal to the north and west, industrial land to the east, and residential development to the south. The Premier Industrial Estate is located to the north of the canal. Access to the site is currently located on its southern boundary, with a secondary access to the east. This site has a draft allocation under reference **DLP H036**. A site location plan is enclosed with this submission.

The Southern site

The southern parcel of the Brockmoor Foundry sites is approximately 2ha and located south of Leys Road, Brierley Hill. The site is bound by commercial businesses to the north, an access road to the North east (and the Stourbridge Canal beyond), and residential estates to the east, south and west. Access to the site is gained from

the northern boundary. This site has a current adopted allocation (H11B.18) within the Dudley Borough Development Strategy (2017). Within the emerging Dudley Local Plan the site has a draft allocation under reference **DLP H011**. A site location plan is enclosed with this submission.

Currently, both draft allocations comprise industrial units, and associated car parking and loading areas, which have been purpose built for the occupier and evolved over time.

The owner of the site is fully supportive of the draft allocations for residential development. as set out in the submissions to the Call for Sites in August 2020, outlining that Brockmoor Foundry is due to relocate in the next 2-3 years. This is still the intention, however timescales have since moved out.

Market advice obtained from CBRE identifies that owing to the site's incremental development and extension of existing facilities, the current industrial premises have been purpose-built to meet the needs of the occupier and are in a poor condition. The incremental nature of the site's development limits the potential for alternative industrial occupiers to make use of the site, as the buildings and adjoining servicing and car parking areas do not meet the needs of modern business operations. The Promotion Document submitted with the Call for Sites submissions in August 2020 provides further detail of the opportunity, which we have enclosed with this submission for information.

Local Plan Part 1: Spatial Strategy and Policies

In this section we provide comments on behalf of Brockmoor Properties Limited in respect of draft policies DLP1, DLP2, DLP10, DLP11 and Table 6.1 (Dudley housing site allocations).

Policy DLP1 (Development Strategy)

Brockmoor Properties Limited support the development strategy set out in Policy DLP1, to deliver the identified development requirements sustainably. It is agreed that the majority of development should be delivered within the urban area, and identified Centres and Regeneration Corridors. Brockmoor Properties Limited further support the proposed distribution of growth set out in Table 5.1, more specifically to deliver 854 new homes in Regeneration Corridor 2, where the sites are situated, over the Plan period. It is important that overall development requirements are clearly set out as a minimum and this wording should be retained and reflected throughout the document.

It is also agreed that new homes should be supported by jobs and local services. The Brockmoor Foundry sites are located within well-established neighbourhoods and are well-connected to employment areas, local services and the Strategic Centre of Brierley Hill.

Policy DLP2 (Growth Network: Regeneration Corridors and Centres)

The Brockmoor Foundry sites are located within a Regeneration Corridor, identified as the primary focus for new development, regeneration and infrastructure investment. As set out in the response to policy DLP1, it is agreed that Regeneration Corridors should be a focus for sustainable growth.

Part 3 should recognise that within the Regeneration Corridors, housing development should come forward as a mix of sized sites to ensure consistent delivery over the plan period, which will come together to achieve the strategy, including allocated and windfall sites. We recognise the need to strike a balance between the protection and enhancement of sustainable employment land and the releasing of brownfield land for housing delivery. We are supportive of the Council's approach to allocate underused employment land that would not be suitable for a modern occupier and therefore making efficient use of the land for housing delivery, as per Paragraph 119 of the NPPF.

Policy DLP10 (Delivering Sustainable Housing Growth)

Brockmoor Properties Limited support the policy requiring 'at least' 10,876 net new homes over the plan period, with the majority to be delivered through existing permissions or allocations within the Plan. Whilst the Brockmoor

Foundry sites' have draft housing allocations , we consider that the policy should also recognise the role of Regeneration Corridors and other urban areas as locations appropriate for housing development as set out in Policies DLP1 and DLP2.

Policy DLP11 (Housing Density, Type and Accessibility)

In principle, Brockmoor Properties 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 need 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 should be reworded to be clearer or omitted if it conflicts with the requirements of the policy.

Local Plan Part 2: Centres and Site Allocations

Draft Site Allocations DLP H011 and DLP H036

Brockmoor Properties Limited support the principle of the proposals for the allocation of Land to the north and south of Leys Lane, Brockmoor within their ownership as draft housing allocations DLP H011 and DLP H036.

To date, initial work has been undertaken to date on behalf of Brockmoor Properties Limited in relation to the level of development that can come forward on both sites. This has included masterplan work for both sites and the preparation of an Illustrative Masterplan and Promotion Document for the northern site (DLP H036).

Table 6.1 of the Draft Dudley Local Plan sets out housing site capacities for all of the proposed allocations. It is not clear however how the gross and net areas have been calculated, and therefore how the housing site capacity has been calculated. Clarification is sought on how the gross to net calculations for the allocations have been arrived at.

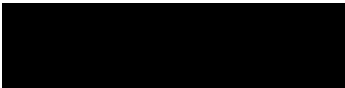
The northern site (draft allocation reference DLP H036) is stated within Table 6.1 of the Draft Dudley Local Plan to have capacity for 60 homes. The Call for Sites submission and associated Illustrative Masterplan – Dwg Ref C4746_SK001 submitted to the Black Country Authorities in 2020 however demonstrates that the site has capacity for 75-80 dwellings which includes areas for potential attenuation ponds, open space and a play area. We therefore consider that additional residential development can be easily accommodated on site DLP H036 and as such we request that the allocation is increased to at least 80 dwellings.

The southern site (draft allocation reference DLP H011) is stated within Table 6.1 of the Draft Dudley Local Plan to have capacity for 78 homes. The Call for Sites submission demonstrated that the site owned by Brockmoor Properties Limited, of which the allocation is part, is capable of accommodating up to 85 dwellings. We therefore request that the allocation is increased to at least 85 dwellings plus any additional able to be accommodated on the western part of the allocation owned by another landowner.

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



For and on behalf of CBRE Ltd.

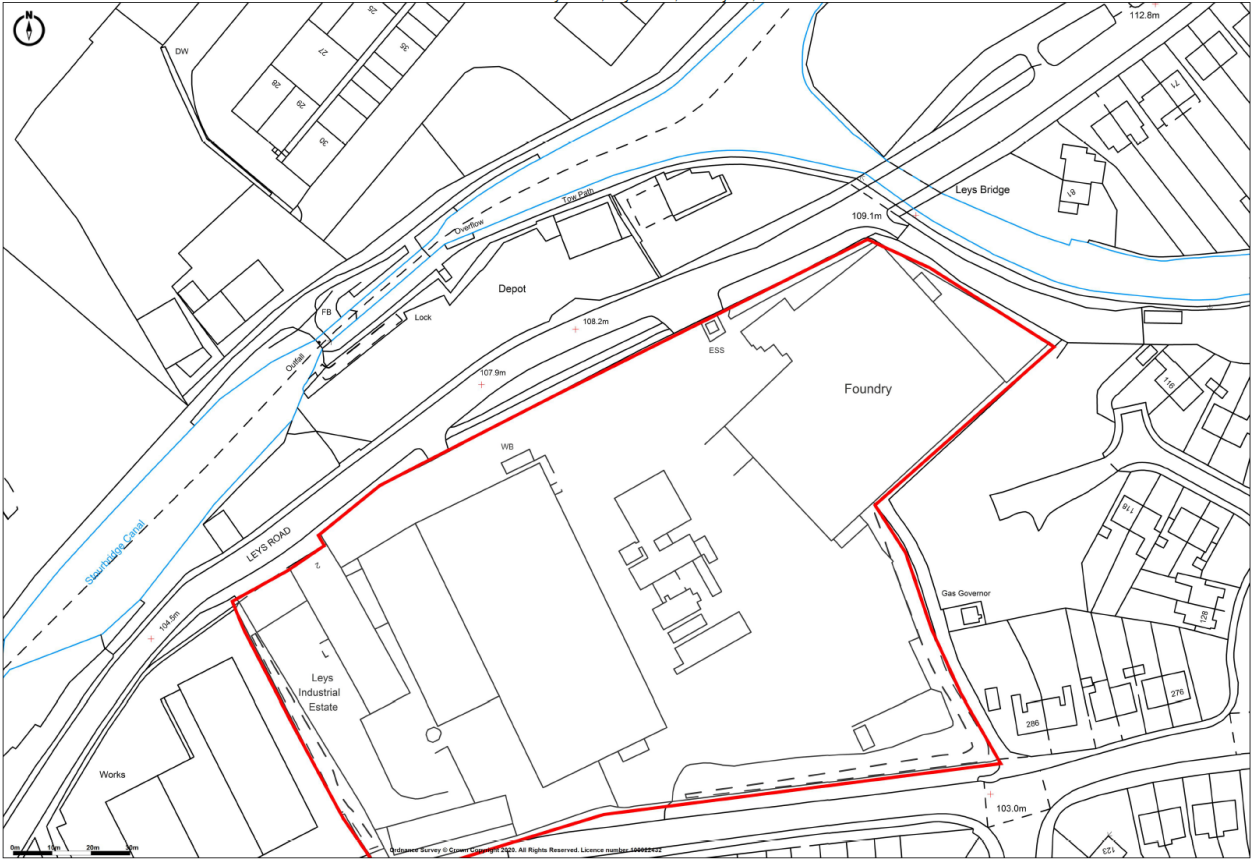
Appendices

Appendix 1 North Site Location Plan



Appendix 2 South Site Location Plan

Brockmoor Foundry South, Leys Road, Brierley Hill, DY5 3UJ



PromapV2
LANDMARK INFORMATION

Ordnance Survey © Crown Copyright 2020. All Rights Reserved.
Licence number: 100023432
Plotted Scale - 1:1250, Paper Size - A4

CBRE

Appendix 3 Promotion Document



BROCKMOOR FOUNDRY

Promotion Document

Black Country Local Plan Call for Sites

August 2020

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1 Introduction

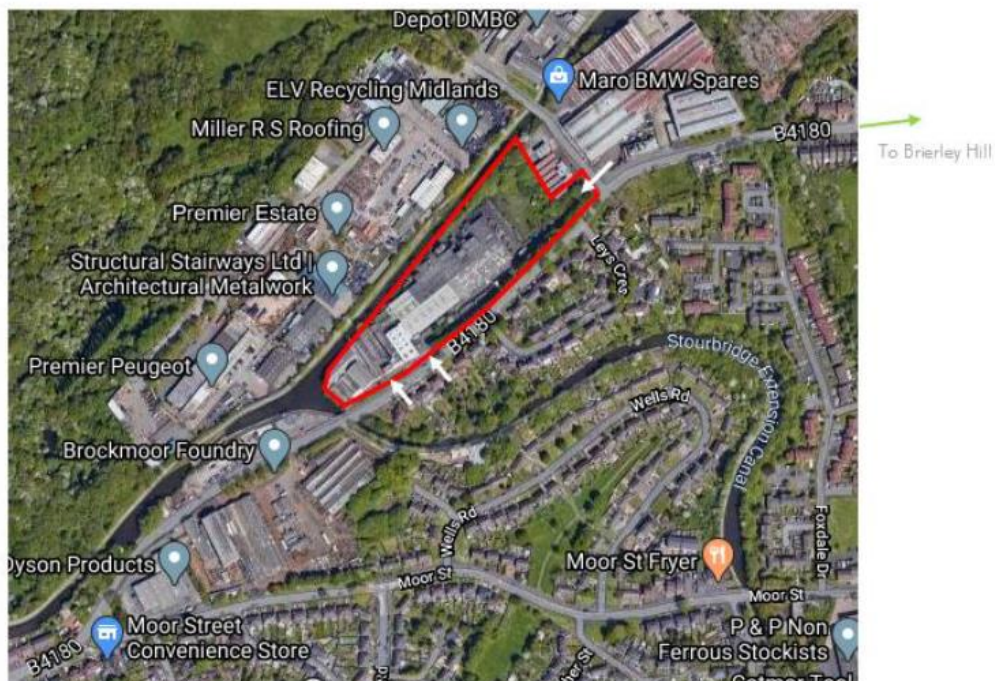
PURPOSE OF DOCUMENT

1. CBRE Ltd is instructed by Brockmoor Foundry ('the landowner') to prepare and submit a call for sites submission to the Black Country Plan Review on their behalf in respect of their site north of Leys Road, Brockmoor, Dudley. This document should be read alongside the completed call for sites form, and indicative masterplan, both of which are enclosed with this submission. The landowner requests that the site is considered for residential development in any future site selection process informing the emerging Black Country Plan Review.
2. The landowner also owns a site to the south of Leys Road, which has a housing allocation (ref H11B.18) in the Dudley Development Strategy. A separate call for sites form has been submitted to support the retention of the allocation in the next iteration of the Plan.

THE EXISTING SITE & SURROUNDS

3. The site is 1.9ha and is located to the north of Leys Road, Brockmoor and is bound by the Stourbridge Canal to the north and west, industrial land to the east, and residential to the south. The boundary of the site to the south fronting Leys Road is screened by vegetation with the exception of the main entrance to the south west.
4. Vehicular access into the site is taken from Leys Road, and at the junction with the access road to Premier Trading Estate, as shown on the plan below. There are two other vehicular accesses to the loading bays on Leys Road.

Figure 1: Site Location Plan (source: Google maps with CBRE markup)



5. The majority of the site is covered by industrial units with a servicing and storage yard to the north east of the site. Car parking is along the southern boundary of the site. Owing to incremental development and extension of existing facilities, the current industrial premises have been purpose-built to meet the needs of the occupier

1 Introduction

and are in poor condition. The incremental nature of the site's development limits the potential for alternative industrial occupiers to make use of the site, as the buildings and adjoining servicing and car parking areas do not meet the needs of modern business operations.

6. To the south of the site is a residential area, and to the north is the Premier Estate (industrial). The site is separated from the Premier Estate by the canal. To the north of the Premier Estate is part of the Buckpool and Fens Pool Local Natures Reserve (LNR).
7. Brierley Hill Town centre is 2 km (1.2 miles) to the north east of the site, and 2.5km (1.5 miles) to the strategic road network (Pedmore Road) and a further 10km (6 miles) to the M5.
8. The Wordsley School (secondary) is located 800m (0.5 miles) to the south west of the site, and Brockmoor Primary School is 900m (0.6 miles) to the east of the site.

2 Opportunities and Constraints

INTRODUCTION

9. This section provides an overview of the opportunities and constraints presented by the site, having regard to physical, operational and environmental factors as well as consideration of the current planning policy framework in relation to the existing employment use and proposed residential use.

KEY OPPORTUNITIES & CONSTRAINTS

10. Based on a search using DEFRA's MAGiC map tool, there are no locally, nationally or European ecological habitats within or adjacent to the site.
11. The site is located within Flood Zone 1 and therefore has a low probability of flooding.
12. According to Dudley MBC online mapping, there are no Tree Preservation Orders within or adjacent to the site. The canal arm to the west of the site is within the Stourbridge Sixteen Locks Conservation Area.
13. Owing to the legacy of the current and previous industrial uses, it is likely that the site will require ground remediation in order to be made suitable for residential development. The site's location adjacent to the Stourbridge Canal may necessitate engagement with the Canal and River Trust, if ground remediation and enabling works are considered likely to affect the canal.
14. The existing site comprises a series of industrial units and extensions developed over time to suit the growing requirements of the business. The service yard and access arrangements, alongside the configuration of the units, do not make the accommodation versatile. This inherently limits attractiveness and suitability of the site for potential future occupiers.
15. The site is located directly to the north of existing residential properties, and to the north east of an existing housing allocation. This site is not directly linked to the industrial land to the north and east, and its separation by the canal provides the opportunity to clearly define the boundary between residential and industrial providing improved amenity for the existing and future residents in the area, by redeveloping the land for residential development.
16. The residential-led redevelopment of the site also presents an opportunity to open up views of the Stourbridge Canal for residents both on- and off-site, which is currently inaccessible on its southern bank. The indicative masterplan illustrates the potential to deliver enhanced landscaping along the southern bank.
17. There is an ability to create a coherent residential area to the south of the canal, integrating with the existing residential area to the south of B4180. The site represents a sustainable location for residential development, benefitting from being within walking distance of existing local services at Brockmoor High Street (circa. 600m east of site). Primary and secondary education provision is also within 1km walking distance of the site, i.e. Hawbush Primary School, Brockmoor Primary School and The Wordsley School. Rangeways Road GP Surgery is situated circa. 1.5km walking distance from the site.

CURRENT PLANNING POLICY CONTEXT

18. The site falls within a Low Quality Employment Area (LQEA) in the Dudley Development Strategy (2017). For this particular site, Policy L7 states that the Borough's Low Quality Employment Areas (LQEA) are allocated to remain in employment use.
19. However, the Black Country Core Strategy 2011 (the BCCS) identifies that there is potential for housing on this site, as part of efforts to strengthen the River Stour's canal corridor. More particularly, the site is located within Regeneration Corridor 11b (Brierley Hill to Stourbridge) in the BCCS which sets out the following vision for the area:

2 Opportunities and Constraints

“Characterised by the Dudley and Stourbridge canal and proximity to the growing Brierley Hill Centre, this Corridor will create new high quality canal side communities through the redevelopment of outdated and obsolete industrial sites. This will be coupled by improvements to the existing housing stock and supported by their proximity to the vibrant and attractive centres of Brierley Hill and Stourbridge offering a range of facilities. Excellent Green Infrastructure will be protected and enhanced including green spaces and parks and improved links into Fens Pool Nature Reserve / Special Area of Conservation, the River Stour and open countryside to the south and west of the corridor”.

20. Additionally, the BCCS sets out in its Policy DEL2 the criteria to be applied in the assessment of the release of existing employment land to other forms of development, including housing. These criteria relate to:
- Ensure satisfactory arrangements for the relocation of existing occupiers to safeguard the existing employment base;
 - Ensure that the development does not adversely affect the operation of existing or proposed employment uses;
 - Ensure that the site is no longer viable and required either for employment use, including relocation of businesses displaced from sites released to other uses, or for other employment-generating uses.
21. As is explained elsewhere in this submission (section 3), the circumstances in this case would support the release of employment land to residential when applying these criteria.

SUMMARY

22. The current operator is unable to viably continue their business at this site owing to the physical size of the site and the growing needs of the business. The industrial use also has a poor relationship with the residential area to the south and canal to the north, and with the potential for the adjacent housing allocation H11B.18 to come forward, the existing use would only become less conforming.
23. Additionally, the existing vehicle access and service arrangements are constrained, alongside the distance of the site from the strategic road network, making it difficult to attract new industrial occupiers.
24. There is an opportunity for the site to be redeveloped for a residential use to improve the road safety and amenity of the area. A residential use would create the potential to open up the frontage to the canal, as well as addressing the western boundary which is on the edge of the Stourbridge Sixteen Locks Conservation Area and outlook to Leys Road. The remediation of land would improve the environment with opportunities to enhance biodiversity.

3 Potential Development

POTENTIAL ALLOCATION / PROPOSED DEVELOPMENT

25. Enclosed with this call for sites submission is an indicative masterplan demonstrating how the site could be developed for a residential use. Please note that this has been prepared without the input from technical assessments at this stage, however this masterplan will evolve as further information is made available. Indicative areas for sustainable drainage, pedestrian / cycle links and open space have been provided to demonstrate the potential sustainability of the site.
26. It is estimated that the site could accommodate 75 – 80 dwellings depending on the dwelling mix. It is suggested that two access points are taken from Leys Road to provide a link road throughout the site. The existing access to the east of the site is unlikely to be suitable for redevelopment and as such this could accommodate an element of open space.
27. Whilst canal fronted residential development would be attractive along the northern boundary, it is unknown what mitigation may be required should the Premier Trading Estate be retained in employment use. Should the land to the north of the canal and east of the site be retained in employment use, appropriate noise mitigation measures can be employed to ensure future residents are protected and the adjacent uses are not affected. This has been shown indicatively on the masterplan by way of a buffer, however an assessment will be carried out in due course. The site will be able to support its own vehicular and pedestrian accesses and therefore there will be no requirement to share any access with HGV's. This addresses point 2 of BCCS policy DEL2 identified in section 2.
28. Developing the frontage to Leys Road with dwellings would improve the residential amenity of those properties to the south of Leys Road.

Figure 2: Indicative Masterplan (prepared by IDP)



3 Potential Development

Sustainable Benefits

29. The table below demonstrates how the redevelopment of this site for residential would contribute to the three dimensions of sustainability as set out in paragraph 8 of the National Planning Policy Framework (2019):

Table 1: Sustainability Credentials

| SUSTAINABILITY CREDENTIAL | ASSESSMENT |
|--|---|
| <p>Economic – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</p> | <p>A range of economic benefits will be created by the Development, including; job creation, creation of additional spend in the economy derived from those living in the Development, which will in turn support/ create other jobs in the local and wider economy.</p> <p>The development of the site will support the objective of ensuring that land is available to support growth by providing land for homes, and engaging in a relocation strategy for the business to relocate within the Borough. Jobs would therefore be retained in Dudley (and therefore the Black Country).</p> |
| <p>Social – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</p> | <p>The site could will deliver much needed homes, whilst also improving and enhancing the living environment and amenity for the existing, and future, residents. The site could accommodate an area of open space and pedestrian / cycle links throughout and adjacent to the canal promoting social interaction.</p> <p>The site could support a mix of housing in accordance with an updated SHMA and the demographics in the area. There are a number of services within walking distance of the site, as well as open spaces and sports facilities.</p> |
| <p>Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p> | <p>The redevelopment of this previously developed site would include the demolition of industrial buildings and associated hardstanding. The frontage currently has limited relationship with the canal and Leys Road. The land is not considered to currently be of high environmental value and its redevelopment would make significant improvements to the area and built and natural environment.</p> |

3 Potential Development

| SUSTAINABILITY CREDENTIAL | ASSESSMENT |
|---------------------------|--|
| | The site is sustainably located, reducing the need to provide significant levels of car parking, although provision would be made in accordance with the relevant planning guidance. |

RELOCATION OF EXISTING USE

30. The site is currently in industrial use that is owned and operated by the landowner, comprising an iron foundry, producing metal castings for motor vehicles. There are currently circa. 54 full-time employees on the site, which operates in tandem with the landowner's other site immediately south-west of the site, situated to the south of Leys Road.
31. The current site is unsuited to the landowner's current operations for the following reasons (addressing BCCS policy DEL2):
 - There is insufficient space on the current site to allow for a more efficient, consolidated operation on one site;
 - The current site access achieved off Leys Road is poor and a constraint on expansion, as the current site is situated at some distance from the strategic road network and goods vehicles have to travel through residential streets; and,
 - The local electricity supply infrastructure has no spare capacity to accommodate increased demand arising from business growth.
32. The landowner is currently searching for an alternative location, assisted by CBRE, with a larger and more regular site size, as well as better access to the strategic road network and sufficient power infrastructure. A larger site in an alternative, better-served location will enable the company's growth plans. It is anticipated that they will relocate within 2-3 years.
33. Owing to the operational issues identified above, the landowner intends to relocate from the existing site (and its neighbouring site) onto a consolidated site in the local area, in order to enable sustainable business growth. The business plans to relocate regardless of its ability to obtain planning permission for residential redevelopment due to the existing constrained nature of the site which is no longer operationally suitable. It is anticipated that they will relocate within 2-3 years.

4 Summary and Conclusions

34. This document has been prepared in support of the submission to the Black Country Call for Sites consultation. It demonstrates the opportunity presented at this site, and the relocation strategy for the existing business setting out how the loss of employment land could be justified, responding to the policy requirements of BCCS policy DEL2.
35. The site is no longer suitable for the current occupier as it requires a larger site to enable all operations to be carried out on one site with suitable access and service yard arrangements, in addition to access to a greater power supply which cannot be achieved at the current site. As the site has been incrementally developed over time specifically for the current occupier it does not comprise of versatile accommodation which would be suitable for many other occupiers. It is anticipated that the business will be relocated within 2-3 years, which would mean that the land would be available for redevelopment within 5 years.
36. Owing to the sustainability of the site with regards to access to shops and services, public transport, and open space the site would be suitable for residential development. The site could yield 75-80 dwellings alongside an area of on-site open space and pedestrian / cycle links. The redevelopment for a residential use would be cohesive with the adjacent land uses and allocations, particularly to the south of the site where the residential amenity can be improved and enhanced. Should the site to the north of the canal remain as an industrial use, appropriate mitigation could accommodate on the site by means of a buffer (as demonstrated on the enclosed masterplan) or other methods following an assessment in due course.
37. We duly request that this site is assessed for potential allocation as residential development. Should you require any further information, please contact:

