

25<sup>th</sup> November 2024

Dear Sir/Madam,

CBRE Ltd have been instructed by Glen Dimplex Group to review the Regulation 19 Draft Dudley Local Plan, which is currently out for public consultation until 29<sup>th</sup> November 2024. This letter provides our comments and suggestions on behalf of Glen Dimplex Ltd to the draft planning policies and allocations within the Pre-Submission Dudley Local Plan, in terms of whether we consider if it meets the legal tests of soundness as set out in NPPF Paragraph 35.

## The Site

As set out in our previous representations, we advise Glen Dimplex who own and operate from a circa 2.12 ha site, located off Coopers Bank Road, 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.



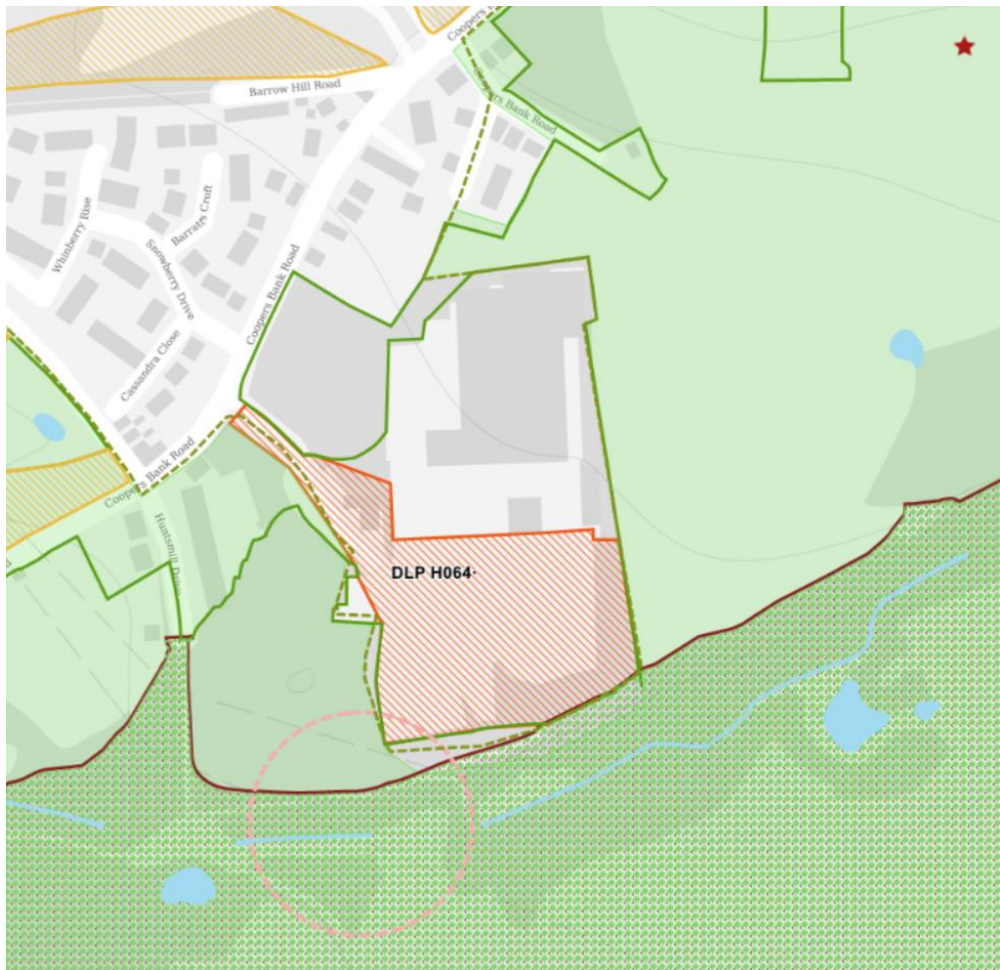


Figure 1: Designations surrounding the site (source: Dudley Borough Council's Publication Local Plan Planning Policy Map)

The site was previously subject to a draft allocation for employment development within the Draft Dudley Local Plan (2023), and prior to that a draft residential allocation in the now ceased Draft Black Country Plan. 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 Publication Dudley Local Plan.

## Regulation 19 Consultation – Publication 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.

However, this draft policy suggests that weight is attached to such sites outside of the Growth Network, yet only allocates 343no. dwellings in such locations (set out in policy DLP1).

We respond specifically on the housing allocation for the Glen Dimplex site later on in this response, and are indeed supportive of such an inclusion. However, with regard to the soundness of this particular general policy we query whether it would be more effective if proportionate housing growth was attributed to these areas, particularly where there is strong connections with facilities, services, and also neighbouring authorities.

### **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 current evidence base supporting this policy, and any relevant revisions’* and refers then to Table 8.3. In our previous representations we noted that it was not clear whether the Local Planning Authority would be undertaking a HMA specific to the Dudley area. It is welcomed that this has now been completed and incorporated into the policy.

Table 8.3 sets out the mix identified in the Dudley Housing Market Assessment (September 2024) (HMA) and is generic for across the Borough as a whole rather than on more localised markets. However we consider that for this policy to be positively prepared in accordance with Paragraph 16 and 35 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 Dudley HMA 2024 (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.”*

Providing a broader source of market information will enable housing developments to be brought forward in accordance to the market dynamics at the time of submitting a planning application, should the HMA be considered out of date.

Furthermore, this will enable this policy to be considered ‘effective’ as such wording will allow the housing requirement to be deliverable in an ever changing market, providing Applicants with the flexibility to bring forward additional sites as required. Additionally, in terms of being positively prepared, this will enable the LPA to meet the Borough’s OAN by encouraging development appropriate to the location.

### **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 enhanced 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. In our previous response to the Regulation 18 consultation, we advised that 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. This would, in our opinion, result in the policy not being positively prepared, effective or justified. 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: [...]”*

In terms of the consideration of this policy against the legal tests of soundness, we advise the following:

- **Positively prepared** – whilst this policy could generally support the OAN and reduce the requirement for unmet need to be addressed through the duty to co-operate, without clarity it could prevent or delay deliverable housing sites coming forward therefore making it more challenging to meet the OAN, particularly when relying on windfall developments.
- **Effective** – this policy, without the proposed additional wording set out above, could prevent or delay the delivery of housing sites if all of the criteria is required to have been met.
- **Justified** – it is not clear why all of the criteria would be required and therefore is not an appropriate strategy.

## Regulation 19 Consultation – Publication Dudley Local Plan Part 2

The Publication Dudley Local Plan Part 2 sets out the policies for centres and draft site allocations. Section 6 of the Publication Local Plan Part 2 provides details of allocated housing sites.

In the Draft Local Plan (2023), the Coopers Bank site was identified as an employment site. We challenged this allocation on the basis that the evidence base used to inform the allocation was unjustified as it relied upon out-of-date information including unspecified ‘market intelligence’ rather than engagement with the landowner. We confirmed in our previous response that whilst the intention of the landowner 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 following receipt of market advice (CBRE) and technical assessments.

We are encouraged to see that this allocation has now been changed to a proposed residential use (reference H064) within the Publication Dudley Local Plan.

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 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.

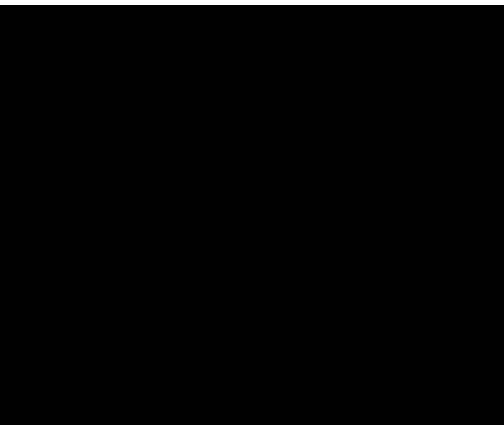
As set out in our previous response, the landowner has undertaken some due diligence into understanding the potential of the southern area for a residential use by undertaking specialist masterplanning, ecology, and highways work. The result of this work is that the site is capable of achieving a capacity of up to 71 dwellings (77 dwellings when counting those proposed fronting Coopers Bank Road) 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.

In the Site Assessment Appendices (October 2024) provided as part of the evidence base to the consultation document, the Coopers Bank Road site has been subject to a detailed assessment. It identifies a number of technical aspects where assessments will be required to confirm the suitability in that regard. Such technical reports will be prepared as part of any forthcoming planning application and mitigation designed as appropriate to ensure no negative impacts in these matters will be experienced on the site.

The Assessment recommends a housing density of 40-45dph which results in a capacity of 60 dwellings. In our technical assessment and indicative masterplanning exercise, described above, results in a housing capacity of 71 dwellings when excluding the potential dwellings fronting Coopers Bank Road. Therefore, as the assessment carried out by the landowner has been informed by specialist technical studies, we consider that the dwelling capacity of this allocation is unjustified and therefore should be increased to a minimum of 71 dwellings. This would also contribute towards Dudley achieving some of its unmet housing need (set out in policy DLP1 / Table 5.1) and strengthening the case of the policy and Plan being positively prepared and effective.

The landowner intends to progress with a pre-application enquiry and intends to submit in due course with subsequent engagement with the market, thus demonstrating the deliverability of the site within the plan period.

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



# Appendix A



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