

Representation form

Dudley Local Plan Publication Plan

Consultation October 2024



DUDLEY LOCAL PLAN

We are inviting your views on the publication version of the Dudley Local Plan. This form should be used to make comments (known as representations) in response to the consultation.

Guidance notes are available to help you complete this form and can be found online at www.dudley.gov.uk/localplan

The consultation period begins on Friday 18 October 2024, and closes at 5pm on Friday 29 November

Comments can be submitted:

Online: On our online portal available here www.dudley.gov.uk/localplan

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

By post: Dudley Local Plan, Planning Policy, Planning & Regeneration, Council House, Priory Road, Dudley, DY1 1HF.

Additional copies of this response form can be downloaded at www.dudley.gov.uk/localplan or a copy can be posted to you - please call us on 01384814136.

This form has three sections:

Section A: Personal details

Section B: A declaration which you will need to read and sign

Section C: Your representation/comments on the Plan, Sustainability Appraisal or supporting evidence.

Please note:

- 1 You can use this form to comment on more than one site and/or policy. For each comment, please tell us the site/policy reference that your comment refers to. A separate form C should be completed for each comment.
2. Responses must include your name and address.
3. Your comments cannot be treated as confidential. By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. **Completed forms should be received by us no later than 5pm 29 November 2024.**
6. Paper copies of this form and guidance notes can be found in selected libraries - visit www.dudley.gov.uk/localplan for the full list and at Dudley Council House, 1 Priory Road, Dudley, DY1 1HJ.

Individual acknowledgement of receipt will not be possible.



For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

1. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.
2. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal details column, only the title, name and organisation boxes are necessary.

| Please indicate which of these best describes you / your role in responding to this consultation | |
|--|---|
| Resident or Individual | |
| Planning Agent or Consultant | |
| Developer or Investor | |
| Landowner | |
| Land & Property Agent or Surveyor | |
| Local Authority | |
| Public service provider e.g. education establishment, health etc | |
| Public agency /organisation | |
| Community or other Organisation | X |
| Charity | X |
| Other (please specify in space <i>below</i>) | |
| | |

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Dudley Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

Part B: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet.

Your details will be kept until the Local Plan is adopted plus a further ten years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. When other agencies are involved in Local Plan preparation, we may need to share details about you to enable us to work together for your benefit. Information will only be shared with third parties if they have genuine and lawful need for it. Information shared on this basis will not be reused for any other purpose. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

Please sign and date this form.

Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.



Signature:

Date:29 11 24

I understand that in submitting my representations, that my details will be added to the Dudley Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ('GDPR'). If you do not wish to be contacted further, please advise us.

No, I do not wish to be contacted about the Local Plan

A copy of our privacy notice is available at <https://www.dudley.gov.uk/privacy-disclaimer-statement/regeneration-and-enterprise-dudley-local-plan-privacy-notice/>

Thank you for taking the time to provide your response.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

| | | | |
|--------------------------|---------------|-------------------|-----------|
| Title of document | Parts 1 and 2 | | |
| Paragraph/section | See below | Policy | See below |
| Site | | Policy Map | |

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

1. Legally compliant Yes No
2. Sound Yes No
3. Complies with the Duty to co-operate Yes No
- (Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Our Comments are set out below. It is really unhelpful that the Council provides a response form which is in a PDF which is in a format which cannot be edited hence we have had to convert this to a Word document.

Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Comments from Brierley Hill Community Forum on draft Dudley Local Plan November 2024

Part One

Policy DLP11

This table sets out densities of new housing. The percentages of flats allowed on sites in urban areas can be up to 100%.

We think this is far too open-ended, in theory that means that you could have a development of say 500 flats in one location and we do not think that appropriate anywhere in the Borough.

Some developments might be 100% flats but there should be a numerical ceiling on the number of flats that are permitted as part of a single development even in a town centre.

Policy DLP12

This section is about affordable housing.

The key issue here is that the document uses the expression "where financially viable" which basically gives developers the ability to wriggle out of their affordable housing requirements obligations by claiming that the scheme is not financially viable.

All private sector developers are adept at producing financial viability assessments which demonstrate that affordable housing is not financially viable.

On page 118 the document does talk about the necessity for developers to produce financial viability assessments and the possibility that this may be externally scrutinised but again this is identified as a possibility not a certainty. Our view would be that the council should either be stating that **any** site which falls within the threshold needs to provide affordable housing irrespective of financial viability, or the council should be stating that **all** schemes which

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

claim that that it's not possible to provide affordable housing for financially viability reasons should be subject to independent scrutiny (scrutineers selected by the council) at the developer's expense.

Otherwise the council is just making a rod for its own back because it will be engaged in perpetual arguments between developers who are experts at manipulating financial viability whereas planning officers are not.

Policy DLP17 homes in multiple occupation.

Clause a) of policy DLP 17.

This does not seem logical, surely any conversion of family housing to a House of multiple occupation leads to a loss of family housing and surely there's a shortage of family housing across the borough so on this basis no conversions to HMOs should be permitted?

Clause d) on car parking, this is too vague in terms of the level of car parking required and we should be looking for a clear statement of the ratio of car parking spaces compared with the number of occupants in each property.

Paragraph 8.52 is confusing. On the one hand it says that planning permission is not normally required for an HMO but then it refers to the Article 4 direction, so which is it, is planning permission required or not?

Paragraph 8.56 again the implication of this paragraph is that conversion to HMO from a family home will never be permitted because clearly **any** such conversion reduces the number of family homes.

If the council is saying that it will not allow conversion of family homes to HMOs without Planning Permission, we welcome that, but the Document needs to make this a bit clearer.

Comments on Part 2 of Dudley Local Plan

Our comments relate to the Brierley Hill Strategic Centre as defined on plan 1.5 on page 72.

Page 8 point B

Night time economy is all very well, but the Plan needs to recognise the negative impact this can have on people who live adjacent to such uses given the growth of people living in flats above shops in our towns.

We do not feel that there is a need for more pubs in Brierley Hill, and some of the extended licencing hours for the existing pubs already cause issues for people who live in the High Street town centre.

Connectivity across the Strategic Centre

There is little in the plan about achieving connectivity across the strategic centre of Brierley Hill. In fact this is only referred to once.

"Delivering an integrated and accessible town centre" was a key objective of the Council's 2011 Brierley Hill Area Action Plan – why is this not a key objective of the current draft Plan?

See pages 8-11 of the AAP which set out this as the first challenge for the AAP.

AAP 2011 page 9-

"New connections need to be made between the High Street, Waterfront and Merry Hill, and their surrounding areas, and sustainable transport options need to be enhanced to improve access to everyone".

Given that Brierley Hill is now the strategic centre of the borough, we would expect a lot more emphasis to be placed on the need to join up its separate elements.

This should once again be a core objective of the new Local Plan.

At the moment Brierley Hill High Street, Merry Hill and the Waterfront all have very different identities and are effectively separated from one another by topography and physical barriers.

If one of the intentions of the plan is to promote Brierley Hill as a strategic centre, a key objective of the plan should be to propose ways in which these three distinct areas can be more effectively integrated. This could include physical connections such as bridges across the canal, better connectivity between the Waterfront and Merry Hill across Level St.

The potential residential development of sites between Merry Hill and Brierley Hill clearly offers the opportunity to create linkages and join up these areas. It is really important that when these sites are developed the opportunity is taken in their design to achieve a relationship with both Brierley Hill and Merry Hill.

We feel that this is a major failing of the Plan, and we do not understand why this objective which was set out so strongly in the 2011 AAP, has now been abandoned.

New Housing in Brierley Hill Strategic Centre Policy DLPBH8

We are pleased to see that the Council has revised downwards its housing target for Brierley Hill to a more realistic level.

However we do not consider that the high density of development proposed for most of these sites meet the housing need in the area nor is it deliverable in terms of market demand.

Housing Need

Disappointingly, the Plan does not include information on housing need for the plan period for the Brierley Hill area. We find this extraordinary, as this information is held by the Council's Housing Strategy Team.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

The Council's Housing Strategy Team has produced a breakdown of the figures from the SHMA disaggregated into five sub-areas in the Borough as follows:

| Table A Sub-areas of Dudley | |
|------------------------------------|--|
| <i>Sub-area</i> | <i>Composite wards</i> |
| North Dudley | Sedgley, Gornal, Upper Gornal and Woodsetton, Coseley East |
| Central Dudley | Castle and Priory, St James's, St Thomas's, Netherton, Woodside and St Andrew's, Quarry Bank and Dudley Wood |
| Brierley Hill | Brierley Hill, Wordsley, Brockmoor and Pensnett, Kingswinford North and Wall Heath, Kingswinford South |
| Stourbridge | Amblecote, Wollaston and Stourbridge Town, Lye and Stourbridge North, Norton, Pedmore and Stourbridge East |
| Halesowen | Cradley and Wollescote, Hayley Green and Cradley South, Belle Vale, Halesowen North, Halesowen South |

The housing need data collated by the Council at the Brierley Hill sub-area is as follows:

| New housing required 2020 to 2039 | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|
| | | <i>1 bed</i> | <i>2 bed</i> | <i>3 bed</i> | <i>4 bed</i> |
| Market housing* | 830 | 235 | 206 | 195 | 194 |
| First Homes** | 190 | 43 | 61 | 67 | 18 |
| Shared ownership (SO) | 195 | 59 | 69 | 53 | 15 |
| Affordable Rent (AR)/ Social Rent (SR) | 269 | 64 | 41 | 48 | 116 |
| Total | 1,484 | 402 | 376 | 363 | 343 |

*Market housing includes both owner-occupied and private rented **First Homes figures represent potential demand rather than a requirement.

So if we convert the housing need figures above by size into percentages, we get the following figures for new housing required in Brierley Hill sub area -

- 1 bed - 27%
- 2 bed - 25%
- 3 bed -24%
- 4 bed -23%

Conclusion from this data - There is as great a need for family housing in Brierley Hill sub area as there is for flats.

Existing Housing mix

These percentages being based on the "sub-area" which includes places such as Wordsley, Kingswinford North, Wall Heath and Kingswinford South (which have far fewer flats than Brierley Hill does), mask the fact that in Brierley Hill ward there is **already** a disproportionate oversupply of 1 and 2 bedroom properties; meaning that if the need was assessed for the ward on its own, the percentages would lean even more heavily towards a need for more 3 and 4 bedroom properties.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

The data below provided by the Council shows Brierley Hill properties by number of bedrooms compared with Boroughwide by number of bedrooms.

Brierley Hill Ward

- 1 bedroom - 17.6%
- 2 bedroom - 34.4%
- 3 bedroom - 42%
- 4 bedroom - 6%

Summary

- 1 and 2 bedroom - 52%
- 3 and 4 bedroom (family homes) - 48%

Dudley Borough

- 1 bedroom - 9.5%
- 2 bedroom - 24.3%
- 3 bedroom - 51.4%
- 4 bedroom - 14.8%

Summary

- 1 and 2 bedroom - 33.8%
- 3 and 4 bedroom (family homes) - 66.2%

Conclusion from this data - there is already a higher proportion of flats in the Brierley Hill Ward than the borough average, and a corresponding lower ratio of 3 and 4 bedroom houses.

The Dudley Local Plan proposals for housing within Brierley Hill Strategic Centre

Site allocations Page 46.

| Site Name | Net Site Area | Capacity | Density |
|-------------------------------------|---------------|---------------|---------|
| Level Street / Old Bush Street | 1.06ha | 95 dwellings | 90DPH |
| Harts Hill | 1.46ha | 73 dwellings | 50DPH |
| Harts Hill | 4.73ha | 237 dwellings | 50DPH |
| Waterfront Way West | 0.4ha | 61 dwellings | 150DPH |
| Canal Walk South / Mill Street | 2.775ha | 250 dwellings | 90DPH |
| Land at Moor Street | 1ha | 60 dwellings | 60DPH |
| Land at Bell Street and High Street | 1.6ha | 120 dwellings | 75DPH |
| Oak Court Car Park | 0.37ha | 24 dwellings | 64DPH |
| Old Carriage Works, Mill Street | 0.28ha | 28 dwellings | 100DPH |

This table excludes the Priority sites at Waterfront Way and Level Street/Daniels Land. If we look at the density of new homes proposed on the table of sites above per hectare, a number of them are 90-100 homes per hectare, that is the level of development you would expect in a 100% flat development.

See Policy DLP11 of Part 1 of the revised Local Plan which quotes -
 very high density - 100+ homes per hectare
 high density - 45+
 moderate - 40+

Looking at the table of sites above, the total number of homes expected across all of these sites adds up to 948.

However 4 of those sites are at/over/near the very high density level of 100+ homes per hectare, totalling **671 flats minimum**

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

- 71% of all new homes across these sites.

All of the other sites fall in the high density category, meaning small numbers of houses, probably none at all on some of these sites.

Conclusion from this data - the draft Local Plan proposes that a minimum of 71% of new homes across these sites be high density, ie, flats.

Overall Conclusion

The data above demonstrates that –

- The demand for family housing in Brierley Hill is as great as the demand for high density/flats;
- There is already a disproportionately high level of flats in Brierley Hill compared with the rest of the Borough;
- However the Local Plan proposes that a minimum of 71% of new homes across the sites listed above will be flats/high density development.

It is very clear therefore that this part of the Plan is **unsound** as it proposes a mix of housing for sites at Brierley Hill which **will not** meet the local housing need.

Instead of the houses that are needed, more flats will be built, despite the fact that there are already more flats in Brierley Hill than in any other part of the Borough.

The Plan should be revised to emphasise the need for more family housing and less flats.

Deliverability of High Density Development

Our view is that the proposal to build a large number of flats in Brierley Hill not be deliverable in market terms.

Some of the sites in Brierley Hill do lend themselves to flatted development, but this ignores the dynamics of the housing development market.

In theory building flats is good for the developer because it means they can get more properties on less land.

But this only works in areas where there is a strong demand for flats and where they will achieve good sales prices, like Birmingham City centre, not like Brierley Hill where the housing market is comparatively weak and house prices low compared with the borough average. The reality is that most people want to live in houses not in flats so flats tend to be slow sellers.

The other problem with building flats is that because of all the ancillary space associated with flats like corridors lifts service areas etc which the developer has to provide but which doesn't create any income, they are not much cheaper to build than houses.

But the real problem is cash flow.

A developer building out two and three bedroom houses builds those houses a few at a time and sells them as he works through the site, creating a constant cash flow which goes towards paying off his costs of labour, materials, borrowing etc.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

The problem with building flats is that he has to build the whole block before he can either sell or let a single one, so in cash flow terms flatted schemes are really hard to make viable especially now that interest rates have gone up and look likely to stay where they are.

By proposing flats on those sites the Council are effectively making it less likely that anyone will build them out because the risks and costs associated with building flats are so much higher than building traditional housing.

So there are two problems with the Council's proposals to build high numbers of flats in Brierley Hill. The first one is that flats are not what most people in the local area either want or need. The second one is that development of large numbers of flats in this location will not be attractive to developers, and this undermines the deliverability of new homes in the area.

Housing at the Merry Hill Centre

We would like to see included as an aim in the plan the development of high quality housing within the Merry Hill shopping centre or car parks. We believe that the centre will never achieve full occupancy again as a result of the changes to retail patterns and both part of the centre and the extensive car parks could be repurposed with a high quality residential offer. We recognise that the current owners of the site are not considering this option, but longer term, and certainly during the Plan period, we think it is an appropriate aspiration which should be included in the Plan.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|

Q5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Please note, that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Q6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

It is our democratic right as a local stakeholder organisation to have the opportunity to make the points that we have made especially around the integration of the strategic centre and the need for more family housing to the inspector in person.

Please note, the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Completed representations forms can be submitted by emailing: planning.policy@dudley.gov.uk

Please enter **Dudley Local Plan Representation** in the subject field of the email.

Alternatively, completed consultation forms can also be submitted by post to: **Planning Policy, Planning Services, Dudley Council, Council House, Priory Road, Dudley DY1 1HF by 5pm 29 November 2024.**

For official use only

| | | | | | |
|----------------|--|--------------------|--|----------------|--|
| Respondent No: | | Representation No: | | Date received: | |
|----------------|--|--------------------|--|----------------|--|