

# 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](http://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](http://www.dudley.gov.uk/localplan)

**By email:** [planning.policy@dudley.gov.uk](mailto: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](http://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](http://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.



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## Part A - Personal details

	1. Personal details	2. Agent's details (if applicable)
Title		
First name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)	Telereal Securitised Property GP Limited	Turley
House No./Street		Brownlow Yard, 12 Roger Street
Town		London
Post Code		WC1N 2JU
Telephone Number		
Email address (where relevant)		

### Notes:

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	<input type="checkbox"/>
Planning Agent or Consultant	<input checked="" type="checkbox"/>
Developer or Investor	<input type="checkbox"/>
Landowner	<input type="checkbox"/>
Land & Property Agent or Surveyor	<input type="checkbox"/>
Local Authority	<input type="checkbox"/>
Public service provider e.g. education establishment, health etc	<input type="checkbox"/>
Public agency /organisation	<input type="checkbox"/>
Community or other Organisation	<input type="checkbox"/>
Charity	<input type="checkbox"/>
Other (please specify in space below)	<input type="checkbox"/>

**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.

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# 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.*

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## 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: ..... 29/11/2024 .....

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.

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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.**

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# 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?

<b>Title of document</b>	Dudley Local Plan – Part 2 Centres and Site Allocations – Publication Version (Regulation 19) (October 2024)		
<b>Paragraph/section</b>	Paragraph 2.80, Table 2.1	<b>Policy</b>	
<b>Site</b>	Dudley Castle BT Telephone Exchange, Trinity Road/Wolverhampton Street, Dudley, DY1 1JA (DLP D H2)	<b>Policy Map</b>	

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   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Complies with the Duty to co-operate<br>(Mark as appropriate) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

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.

### Introduction and Background

On behalf of our client, Telereal Securitised Properties GP Limited, we hereby submit written representations to Dudley Metropolitan Borough Council (“Dudley MBC”) with regards to its Publication Dudley Local Plan (Regulation 19, October 2024) (“the Draft Local Plan”).

### About Telereal Securitised Properties GP Limited and its landholdings in Dudley MBC

It is considered that it would be helpful to provide some background to our client who owns and operates a network of British Telecom telephone exchanges throughout the country.

Within Dudley MBC, our client is – for instance – the freeholder of the *Dudley Castle Exchange, Trinity Road, Dudley, DY1 1JA* (“the site”) which is subject to Draft Housing Site Allocation **DLP D H2 (BT Telephone Exchange, Trinity Road/Wolverhampton Street)**. It is important to note that this specific Telephone Exchange site has been subject to a recent strategic asset review where it has been concluded that it is expected to become surplus to operational requirements and, consequently, available for residential-led redevelopment by 2031.

### Interest in the Draft Local Plan

Due to its land interest in the above site, the Draft Local Plan is of significant importance to our client who has a strong interest in ensuring that it creates a strong, flexible, ambitious and deliverable planning policy framework to facilitate the sustainable growth the Borough requires and optimises its development potential in order to maximise the public benefits they can deliver.

Ensuring that the Draft Local Plan, in general, and Draft Housing Site Allocation DLP D H2, in particular, provide a flexible, ambitious and, most importantly, deliverable framework for a future redevelopment of these sites is of significant importance to our client.

Once existing operations cease by 2031, the site represents a significant development opportunity on brownfield land in a highly accessible, sustainable town centre location. Our client therefore encourages the Council to be ambitious, and realistic, in relation to site capacities in its draft site/housing allocations to make most effective use of brownfield land in accordance with national policies.

### Relevant Policy Framework and Development Plan

As the Council will be aware, Chapter 11 of the National Planning Policy Framework (“NPPF”, 2023) sets out the Government’s intention to make effective use of land and achieving appropriate densities. Paragraph 123, for instance, states that “[p]lanning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding

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and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".

Paragraph 124d further highlights that planning policies (and decisions) should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used for effectively".

With regards to achieving appropriate densities, Paragraph 128 requires that "[p]lanning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places".

In its draft modifications to the NPPF, the Government further emphasises the need to meet (revised) housing targets through making most effective use on brownfield land.

### Existing Use of the Telephone Exchange site

Whilst the site (i.e. Draft Housing Site Allocation DLP D H2) currently operates as a telephone exchange (*sui generis*), it is anticipated to become surplus to BT's operational requirements by 2031 (or earlier) which requires a forward-thinking strategy to ensure this brownfield site is effectively used once vacated by the current occupier and therefore avoid a long-term period of vacancy. This should be awarded significant weight in line with NPPF Paragraph 121 and it is positively noted, and supported, that this town centre site forms part of a draft housing allocation seeking to manage this transition process.

It should also be noted that this site provides limited on-site employment currently. Whilst most telephone exchanges (including this site) are a key part of the UK's communication infrastructure via their copper and fibre networks and have historically provided ancillary offices and related accommodation (such as catering facilities), their ancillary office elements have not been (or only been in limited) active use. Openreach engineers and other Communication Providers who have equipment located at sites simply attend the properties to maintain, upgrade or install their equipment (in irregular or regular intervals).

Any office-based staff are located in separate fit-for-purpose office buildings. The site is therefore much more akin to, for instance, a specialist data centre accommodating communication equipment (racks, cable chambers, plant, etc.). With Openreach withdrawing copper-based technology in favour of fibre in the coming years, it will result in a consolidation of BT's portfolio, including the decommissioning/closure of the telephone exchange.

As such, the site has been underutilised in terms of (ancillary) office use for a significant amount of time, not accommodating any regular on-site employment. Any redevelopment of the site, due to the reasons set out above, will therefore not result in a loss or need for the reprovision of active or existing (office) employment floorspace, and a residential-led redevelopment is fully justified.

### Draft Housing Site Allocation DLP D H2 (BT Telephone Exchange, Trinity Road/Wolverhampton Street)

#### *In-Principle Support for Draft Housing Site Allocation DLP D H2*

It is positively noted that the site is identified for residential-led redevelopment in Draft Housing Allocation ref. DLP D H2 in Table 2.1 of the Draft Local Plan Part 2; and in the accompanying Regulation 19 Policies Map (October 2024). Our client confirms that it is the sole landowner of the site, which is deemed **deliverable, suitable, available and economically viable** (in line with the definition of deliverable housing sites set out in NPPF Para. 69 and its Glossary). Draft Housing Allocation DLP D H2 is noted to also be located within draft Town Centre and Regeneration Corridor designations, which our client welcomes.

As noted above, it is of significant importance that the site is subject to a draft housing site allocation in the Draft Local Plan and accompanying Policies Map to ensure that there is clarity in terms of its future use once existing operations cease. This will not only provide comfort to the landowner/a future developer that the future residential-led redevelopment in such a sustainable town centre location is supported in-principle, but also ensure that this strategic site provides its contribution to the Council's wider ambitions to regenerate this part of Dudley Town.

#### *Approach to Indicative Development Capacities*

It is noted that, for each draft site/housing allocation, Table 2.1 sets out an associated Residential Capacity labelled as *indicative* and *not a cap*. In the case of DLP D H2 this relates to 33 dwellings. Based on our client's experience, the existing built environment,

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and linked height and massing on site (surroundings comprising mostly 2- to 5-storey buildings, with a part 3-, part 5-storey building on the site) and initial feasibility testing, it is considered that given the site's area (c.1.29 acres/0.52 ha) and urban/town centre setting (and whilst taking the nearby conservation area and wider heritage assets into account, the site does not fall into any view corridors, as set out in Fig. 2.2, but requires a heritage-led approach to redevelopment in light of adjacent heritage assets), the estimated indicative residential capacity is considered to be rather conservative and likely to underestimate its potential optimum capacity. This is particularly the case in light of the NPPF's objectives towards making most effective use of brownfield land to meet housing (and/or other) identified needs (see Paragraphs 123 and 124 referred to above).

It is also considered that this will help to align DLP D H2 site allocation capacity with Dudley MBC's own local aspirations. It is noted that the justification for Draft Policy DLP24 (Dudley Borough Centres), at paragraph 10.9 of the Draft Local Plan Part One document, notes that *"the concentration of investment within centres is the basis to achieve transformation and economic growth, to make the fullest possible use of existing and future infrastructure and to deliver sustainable regeneration."* Furthermore, paragraph 10.35 (supporting text to Draft Policy DLP28) emphasises the importance of centres in meeting the borough's housing need, whilst also providing accommodation in sustainable locations with access to a range of amenities.

Therefore, when taking the site, its constraints/opportunities, and the ambitions of the Draft Local Plan Part One and NPPF into account, it is recommended to increase the indicative Residential Capacity of Housing Allocation DLP D H2 to c.80-100 residential dwellings (assuming a flatted development), with the final development quantum and capacity to be determined at planning application stage and subject to detailed environmental, townscape and heritage testing. It is strongly considered that the site can make an even greater contribution to the Council's housing target than currently anticipated.

Nevertheless, our client recognises the flexibility written into the Draft Housing Allocations' capacities through the proviso in Table 2.1 that Residential Capacities are *"undiscounted figures – indicative and not a cap"*. This is greatly welcomed and should be retained on the basis that it affords the flexibility needed for the feasibility testing, detailed design, and development management processes to confirm an optimal capacity appropriate for the site's context and potential, at the time of its prospective redevelopment/once a planning application is being prepared.

However, it is considered no less important that the Draft Local Plan encourages a benchmark that is reflective of local and national priorities for town centres, meeting housing needs and the importance of making effective use of brownfield land.

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**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.**

~~Suggested Deletions~~

Suggested Additions

**Draft Housing Allocation DLP D H2 (BT Telephone Exchange, Trinity Road/Wolverhampton Street)**

- RESIDENTIAL CAPACITY (undiscounted figures -indicative and not a cap) – ~~33~~ 80-100 dwellings

[Note: To ensure compliance with the NPPF's approach to optimizing densities and making most effective use of brownfield land as set out above.]

*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.*

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

**No**, I do not wish to participate in 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:**

*Our client has a significant land interest in the draft housing site allocation referred to above. Ensuring that the draft housing site allocation is sound, flexible, makes most effective use of brownfield land and is ultimately deliverable is our client's main interest.*

*Our client wishes to reserve the right to attend and, where necessary, contribute to hearing sessions relating to the draft housing site allocations / Dudley Town to provide additional information, clarifications and/or expand on the above written representations.*

**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](mailto: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.

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