

1051_IM
12 June 2025



Planning Policy
Sandwell Metropolitan Borough Council
Council House
Freeth Street
Oldbury
B69 3DE

Via Email Only – sandwell_LocalPlan@sandwell.gov.uk

Dear Sir/Madam,

RESPONSE TO THE NEW SANDWELL LOCAL PLAN EXAMINATION – HEARING SESSION

192-200 DUDLEY ROAD, OLDBURY, BIRMINGHAM, B69 3DS which is allocated for residential development under Site Reference SH63 in Appendix B

WWA has been instructed by our client, Mr Mukarram Sattar, to submit this written statement in response to the Inspector's Matters., Issues and Questions for Examination Main Matter 2 (Issue 2b) and Main Matter 3 (Issue 3a).

Mr Mukarram Sattar has been a promotor of 192-200 Dudley Road, Oldbury referred to as 'The site', which is identified for development in Appendix B under Site reference SH63'. The land promotor has been an active participant through the various stages of the Sandwell Examination, submitting detailed responses to the Regulation 18 and 19 consultations.

This letter responds to the specific questions identified in the Inspector's MIQs (SA/ED33) for Main Matter 2 and 3 and should be read alongside the land promoters previous representations to the Regulation 19 consultation.

Matter 2: Vision, Objectives, Sandwell's Housing and Employment Needs and the Plan's Overall scale of growth

Issue 2b - Whether the assessment of housing needs and the plan's overall scale of housing growth for the settled community are justified, positively prepared, effective and consistent with national policy.

Q2.3 Is the plan's total housing requirement of at least 10,434 net new homes (which the plan states would result in unmet need for 15,916 homes in the borough over the plan period 2024-2041), justified? Including:

- a) Is the assessment of local housing needs for Sandwell robust, sufficiently up to date, and has the standard method for assessing the minimum local housing need been correctly applied?***
- b) Are there any exceptional circumstances that would justify calculating Sandwell's housing need on a basis other than the standard method?*
- c) Have the levels of need in Sandwell for affordable housing and other specialist housing needs of particular groups, including for older people and people wanting to build their own homes, been appropriately assessed and considered?*
- d) Are the assessments of land capacity for residential development in Sandwell, and the site selection methodology and process used to inform the selection of sites for allocation in the plan, sufficiently robust? Including:*
 - i. How have constraints to development in the borough influenced site selection, capacity, and the Plan's overall spatial strategy? SA/ED33*
- e) Have potential opportunities for housing development in the borough's area of designated Green Belt been appropriately considered? Including:*
 - i. Is the evidence base relating to the Green Belt sufficiently up-to-date and robust? Is it consistent with relevant national policy?*
 - ii. Is the plan's overarching requirement and strategy for housing provision consistent with the evidence base for the Green Belt?*
 - iii. Do exceptional circumstances exist that would justify changes to Green Belt boundaries?*
- f) Have all potential sources of housing land supply been explored and exhausted such that a housing requirement below the objectively assessed need could be justified?***
- g) Overall, is the plan's housing requirement justified and positively prepared?*

MATTER 3: The Spatial Strategy (Policy SDS1) and other Framework Policies (SDS2 – SDS8)

Issue 3a – Whether the strategy for the spatial distribution of new development (Policy SDS1) is based on robust evidence and is justified, positively prepared, effective and consistent with national policy.

Q3.1 Is the plan's spatial strategy as set out in chapter 2 and policy SDS1 based on robust evidence and justified in terms of the amount, type, and spatial distribution of development? Including:

- a) Is the "Balanced Green Growth" approach justified in light of reasonable alternative options and when considering plan's shortfalls against the identified needs for housing and employment development? Including:*
 - i. Have identified constraints, such as green belt, heritage assets, major infrastructure and biodiversity, been appropriately considered in this context and in light of robust and up to date evidence?*

- b) Does the spatial strategy make effective use of land including previously developed land and underutilised land?*
- c) Does the spatial strategy optimise the density of development?***
- d) Has the spatial strategy been appropriately informed by robust and up to date strategic assessment of flood risk in the borough?*
- e) Is the policy sufficiently clear how unmet development needs will be addressed?*
- f) Is the policy consistent with the plan-making expectations of NPPF paragraph 11?*
- g) Are the other requirements of the policy soundly based?*

Question 2.3 and Question 3.1 are taken together

Whilst the Local Plan is assessed against the 2023 NPPF and Standard Method figure under transitional arrangements, it is of note that should the Council have submitted the Plan only a few months later, it would have been required to apply the new Standard Method figure. Notwithstanding this would have resulted in a reduction for the annual figure from 1,550 to 1346 (a reduction of 204 dwellings per annum) and a reduction from 26,350 to 22,882 homes over the plan period.

While the housing demand is set at 26,350 dwellings, the Housing Topic Paper (SA/ED24) identifies an updated supply of 10,771 dwellings, leaving an unmet need for 15,579 homes in the plan period. Table 3 of the Housing Topic Paper (SA/ED24) indicates that a total of 6,905 dwellings will come through as allocated sites that the Plan considers can be delivered over the Plan period. A further 1,720 homes are anticipated from “commitment” sites including those under construction, those with planning permission or prior approval and “other commitments” as set out in the 2024 SHLAA. A further 1,870 homes are from windfall sites (i.e. sites that are not yet known) with an additional 170 from “additional floorspace” within the West Bromwich town centre, other Town Centres and District and Local Centres, and an additional 105 homes identified from “supply in Wednesbury Masterplan” (subject to lapse discounts as set out in the Policy)

The draft plan recognises that there is a finite supply of land readily available for development in Sandwell Borough and it would not currently be possible to meet the full extent of the Sandwell Borough housing need within the Sandwell Council administrative area. But as a percentage, the proposed supply in the draft plan represents just 40% of the boroughs housing need. This is unacceptable when looking at the wider national level and Government objectives enshrined within the NPPF, which were explicitly introduced to address persistent structural under delivery and to ensure that Local Plans play a proactive role in supporting the Government’s national ambition to deliver 370,000 homes per year.

In that context, a minimum LHN figure should be treated as a baseline, not a cap, with local authorities expected to consider reasonable uplifts where justified by local evidence, demographic trends, economic forecasts or strategic spatial objectives. The Plan’s failure to do so is inconsistent with the direction of national policy and undermines its ability to make a meaningful contribution to housing supply and growth at both a regional and national level.

Considering this, there is concern that all opportunities to increase housing delivery have not been fully explored and it is therefore essential that Sandwell Council makes the best use of the land which is available in the Borough to reduce the housing shortfall.

To help address this shortfall, the spatial strategy and emerging policies should seek to provide sufficient uplifts to minimum density requirements consistent with the advice in paragraph 129 of the NPPF that:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

The emerging Draft Policy SDS1 (Spatial Strategy for Sandwell) provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period to 2041. Among many other criteria, this policy seeks to ensure this growth is sustainable by requiring as much new development as possible on previously developed land and sites in the urban area. The Urban Capacity Appraisal (2024) (Document HOU 006) notes that despite an exhaustive search for sites there is insufficient land to meet objectively assessed housing needs. Densities have been increased so that the Publication plan now requires minimum densities of 100dph (e.g flatted development) within town centres and other identified locations. 45dph in areas where accessibility allows for a high-density development and 40dph in areas of moderate levels of accessibility.

There will be variation across Sandwell, but this acknowledges the density optimising approach that is set out in national policy which seeks to maximise the use of land.

We therefore object to the proposed spatial strategy on the basis that it fails to make effective use of land, particularly through prescribed density assumptions on allocated sites. In reviewing the site allocations, it is apparent that several sites have been allocated at densities well below what could reasonably be expected. In direct contrast other sites have been prescribed densities that are considered to be undeliverable by the respective client/ landowner. This undermines the ability of the plan to meet its objectively assessed housing need (OAN) in full, contrary to national policy.

The ability for any site to achieve any minimum density requirement will depend upon a range of site-specific factors, such as site constraints, delivery against other policy requirements (like draft Policy SMD1's requirements to deliver sustainable design and technology and urban greening / green infrastructure) as well as each specific proposal's ability to deliver a suitable mix needed to achieve the required density, factoring in market demand and need for example, as well as viability – which is fundamental if any homes are to be delivered at all.

It is strongly considered that the onerous minimum housing density required is one factor why there has been poor delivery from often long-allocated housing sites during the Black Country Core Strategy period to date. Clearly the density requirement will need to balance other policy and density mix requirements, as well as both market demand and need, as well as site-specific constraints – and not just whether meeting the net density requirements would prejudice historic character and local distinctiveness (as referenced within the Policy).

As such, we respectfully recommend that the plan be modified to:

1. Avoid rigid or blanket density prescriptions based solely on generalised spatial classifications and instead adopt a more flexible, evidence-led approach. Draft Policy SHO3 must be updated to ensure that there is flexibility and should express the required densities as 'targets' rather than 'minimum' requirements. It should also add clarity around whether the more flexible targets should be applied to the gross site area or the net developable area
2. Engage meaningfully with landowners and developers to test realistic site capacity through ongoing engagement and viability testing.

Without these modifications, the plan risks being found unsound on the grounds of ineffectiveness and not being positively prepared. The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement.

If there is any additional information which you require, please get in touch.

1051_04_IM
192-200 Dudley Road, Oldbury
10 June 2025



Yours sincerely,



Ifti Maniar
Planning Director
BArch, MA, MSc, MRTPI

cc: Mr Mukarram Sattar (by email only)