

**Sandwell Local Plan 2024-2041 – Examination
Hearing Statement on behalf of Oldbury (Smethwick) Ltd
Matter 9 – Site Allocations**

Issue: Whether the plan’s site allocations are justified, effective, positively prepared and consistent with national policies.

Q9.1 Are the site allocations soundly based? In particular:

a) Is the site allocation consistent with the plan’s overarching strategy for the location of development? Is it of strategic importance to the delivery of the plan’s overarching strategy?

b) What is the likely effect of the allocation in relation to the following factors, where relevant:

- I. The highway network and other infrastructure, such as health and education facilities, the national grid electricity transmission network, and open space.**
- II. Flood risk.**
- III. Air quality.**
- IV. Land contamination and stability, minerals and waste, and noise.**
- V. Heritage assets and their significance.**
- VI. Local environment and character.**

c) Is the amount of development proposed for the allocation justified, including having regard to any constraints and the provision of necessary infrastructure and other policy requirements?

d) Is there evidence that the proposed development of the site allocation is likely to be viable and deliverable in the Anticipated Delivery Timescale indicated, where relevant?

e) Has any planning permission been granted and, if so, what are the details?

f) Are any site-specific policies or policy requirements necessary for the soundness of the site allocation?

Q9.2 In terms of this issue, are any main modifications necessary for soundness?

Policy SHO1 (Delivering Sustainable Housing Growth) sets out that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041 (or 614 dwellings per annum) and includes 6,243 homes from “Housing Allocations” that the Plan considers can be delivered over the Plan period. A further 1,814 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 2,100 home (or 20% of the minimum requirement) are from windfall sites (i.e. sites that are not yet known) with an additional 172 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 Policy refers to Appendix B of the draft Plan which sets out details of Sandwell’s proposed allocation sites and first lists each of the Housing Allocations.

Appendix B includes Allocation SH55 “Cape Arm / Cranford Street” which is shown as a 2.13 ha brownfield site with a potential yield of 170 homes at a net development density of 80 dwellings per hectare (dph) over an indicative net developable area of 2.13 ha. Appendix B sets out that the Anticipated Delivery Timescale (completion year) for this allocated site is 2029-2032 (i.e. entirely within the emerging Plan period).

Our client, Oldbury (Smethwick) Ltd, a subsidiary of Pall Mall Investments, are the owners of approximately 1.78 ha of land within Allocation SH55. They have put forward a residential development proposal for this land and have sought the Council’s pre-application advice to inform their latest proposals for up to 90 homes (under reference PA/22/00618).

Our client remains supportive of the continued allocation of this site for residential development within the emerging Sandwell Local Plan, in principle – noting that this latest allocation follows its allocation for residential use in the adopted Sandwell Site Allocations Document (2012) and subsequent draft allocation in the now defunct Black Country Plan. It is also identified for residential development in the Grove Lane Masterplan prepared by Sandwell and Birmingham Council’s and adopted in February 2022. In short, the site has long been identified, and allocated, for residential use within Sandwell’s Development Plan and Supplementary Planning Documents. However, delivery of this site has been held up until the neighbouring Midland Metropolitan Hospital is complete (where part of the site has formed the neighbouring Hospital’s construction compound for example).

As such, the representations made here, and to other draft policies of the emerging Sandwell Local Plan, make some initial observations and suggested amendments to the draft policies to ensure they optimize the market attractiveness, viability and deliverability of development for our client’s site in particular. Our comments seek to ensure that the emerging policies are flexible enough to ensure that the anticipated, and allocated, residential regeneration of our client’s land can be achieved.

Whilst our client welcomes the continued residential allocation of the site under SH55, as it will enable them to bring forward residential development of the site when the current temporary use (facilitating the construction of the Midland Metropolitan Hospital) ceases, they have several comments / observations on the draft site allocation as follows:

- The gross site area is shown to be 2.13 ha of brownfield land. Our client assumes that this includes both our client’s land, which at 1.78ha forms the significant majority (84%) of the allocation, and the small parcel of land that originally formed part of the site but that is now in the control of the NHS trust by virtue of Compulsory Purchase Order (CPO) to facilitate the construction of the neighbouring Midland Metropolitan Hospital. The draft Local Plan Proposals Map also suggests that a small parcel of land on the southern side of the Cape Arm is also included within this allocation.
- The table provided at Appendix B suggests the indicative development capacity is 170 homes and indicates a development density of 80 dph across a net developable site area of 2.13 ha. By way of background, the former BCP draft allocation indicated a development density of 38dph at this site, equating to an indicative capacity of 70

dwellings (over the former site area of 1.85ha). Our client highlighted that this was at the lower end of the range of development densities that could be achieved at this site, and indicated that its own masterplan / site layout work had indicated an achievable site capacity (at that time) of 80 to 90 homes at a density of approximately 43 to 50 dph.

- On this basis, our client submitted (in 2022) an indicative proposal for up to 90 dwellings (or around 50 dph) as part of a pre-application submission to the Council, demonstrating that this level and nature of development represented a viable proposal (at that time) and one that would have been most attractive to the market. As such, this level of development was considered to have been deliverable here.

The latest draft allocation, at a density of 80 dph, is significantly higher (60% higher) than the density considered deliverable by our client. It is also significantly higher than the other residential allocations immediately surrounding SH55 and forming part of the wider Grove Lane masterplan area within the wider Smethwick Regeneration Area. For example, SH54 has a development density of 40dph and SH58 has a development density of 56dph; similar to the density put forward by our client at SH55 (43 to 50 dph).

Moreover, draft allocation SH55 (within Appendix B of the draft Local Plan) suggests the developable area for SH55 is the same 2.13 ha as the total site area of 2.13 ha – suggesting either that the Council is anticipating development to cover the entire site (i.e. with no Green Infrastructure provision etc.) or that the net density calculation has been erroneously undertaken across the entire site and not reflective of a deliverable net developable area.

Ultimately, the approach taken is at odds with other policies within the draft Plan such as SDM1 (Design Quality) which requires major development proposals to contribute towards the urban greening of Sandwell as a “fundamental element of site and building design” and “incorporating measures such as high-quality landscaping and tree planting, other soft landscaping...” (for example) and SH03 (Housing Density, Type and Accessibility) which takes an alternative approach to development density (for example). For the avoidance of doubt, we have submitted representations to each of these draft policies on behalf of our client also and have requested attendance at the relevant SH03 hearing session – highlighting that they require greater flexibility to ensure that development is ultimately viable (and deliverable).

As such, the draft allocation must be clear that the density and capacity figures are “indicative” but they should nonetheless be amended to reflect more realistically a proposal that is deliverable to avoid delivery from this allocated site being stifled by an onerous and undeliverable density and capacity requirement.

- Leading on from the point above, the draft allocation’s requirement for proposals, where adjacent to the canal to pay “full regard” to the Grove Lane Masterplan (and Smethwick Regeneration Area generally) must be recognised in the context that those documents were prepared in the context of the Black Country Joint Core Strategy (JCS)

which formed the strategic Development Plan Document when the Masterplan (and Regeneration Area) were progressed, and which has ultimately failed to deliver the homes needed in Sandwell, and the wider Black Country, to date. With this in mind, we suggest that the allocation's wording is amended to indicate that proposals, where adjacent to the canal should pay "regard to where possible" the Grove Lane Masterplan (and Smethwick Regeneration Area generally) to give flexibility to facilitate some regard to be given but ultimately to focus on a deliverable scheme coming forward.

The emerging Plan's housing trajectory indicates an unrealistic delivery of homes, compounded by the continued reliance on undeliverable assumptions from brownfield sites and when compared to delivery that has been achieved to date, and this is further compounded by the Council's continued heavy reliance on windfall sites.

We have highlighted the conflict created from high density aspirations with onerous, unviable and ultimately undeliverable policy aspirations for design, sustainability and Green Infrastructure provision (for example) from allocation SH55 such that unless greater flexibility is given within the emerging Plan, this allocation will continue to be undeliverable.

The ability for the Plan to deliver against its planned housing requirement is a matter of substantial debate and this notwithstanding the significant uplift in Local Housing Need when calculated using the Government's Standard Methodology which will need to be planned for going forward.

As such, our client requests that a more realistic, and deliverable, development density is planned for Allocation SH55, reflective of the development that it has put forward through its pre-application submission to the Council, so that this particular site can make a tangible contribution to the delivery of homes in Sandwell during the Plan period.