

## **APPENDIX 1**

### **THE BRIERLEY HILL PLAN**

*(BRIERLEY HILL AREA ACTION PLAN REVIEW)*

### **ISSUES AND OPTIONS REPORT**

DRAFT

**CONSULTATION DOCUMENT**

**CONSULTATION: 10<sup>th</sup> JANUARY 2022 TO 28<sup>th</sup> FEBRUARY 2022**

# THE BRIERLEY HILL PLAN

## ISSUES AND OPTIONS REPORT

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- 1. Do you agree with the vision for The Brierley Hill Plan? - is there any other aim you would like to see included? (page 18)**
  
- 2. Which of the areas in Option 2b do you think should be included within the plan area boundary? (page 22)**
  
- 3. Which option do you prefer for the Town Centre boundary, within which retail and leisure uses should be focused? (page 37)**
  
- 4. What types of use would you like to see more of within Brierley Hill High Street, for example, shops, houses, offices, public houses? (page 40)**
  
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- 8. Do you consider that the Chapel Street Housing Estate should be identified within the plan for regeneration as a housing site? (page 53)**
  
- 9. Do you consider that these broad locations should be retained mainly for industrial and office uses? (page 57)**
  
- 10. Do you consider that these areas should be identified in the plan mainly for community, leisure, entertainment, and food and drink uses? (page 60)**

**11. Do you consider that we should give particular focus within the plan to the proposed Midland Metro stop at Cottage Street, to provide a high-quality landscaped area there, which is well linked in with the High Street? (*page 63*)**

**12. Do you consider that sites for Renewable Energy installations, such as solar panels and/or alternative renewable energy sources, should be identified within the plan area? – if so can you suggest any locations that may be suitable? (*page 66*)**

**13. Do you consider that these measures and projects should be included within the plan to help Brierley Hill become a greener place? – are there any other locations within the plan area which you think would benefit from being greened up? (*page 70*)**

**14. Have you any comments to make on the contents of the Sustainability Appraisal? (*page 71*)**

**15. Do you have any further comments on the contents of this report or planning issues in general within Brierley Hill which you think that this plan should address? (*page 71*)**

## **1.0 INTRODUCTION TO THE BRIERLEY HILL PLAN**

1.1 The Brierley Hill Plan (Development Plan Document) is a review of the existing Brierley Hill Area Action Plan (AAP) 2011. We are naming it the Brierley Hill Plan (BHP) for ease of reference and with a view to better community engagement and ownership.

1.2 The Brierley Hill Plan sets out policies and proposals to guide the future development of Brierley Hill. It will also identify where future development will take place by allocating land for new housing, community facilities, shops and employment. It is the key document used to determine planning applications for new development in Brierley Hill.

1.3 The existing AAP was adopted in 2011. In brief, it has the following format:

- A vision and spatial strategy
- A defined plan boundary which also constitutes as a town centre boundary
- 12 no. Urban Quarters, each with an identified local character, and formed around a framework of primary thoroughfares, Primary Public Spaces and infrastructure, including the canal network and Rapid Transit (Midland Metro) line
- 29 no. Development Opportunity Blocks (DOB) are identified and are the subject of site specific allocations and development parameters
- The remaining areas, outside of the DOBs are shown as Established Areas, where the existing mix of uses is intended to remain and consolidate
- A Primary Shopping Area for the Merry Hill Centre
- A Local Shopping Area for Brierley Hill High Street
- A network of potential wildlife corridors
- A set of local planning policies, seeking to articulate the delivery of strategic targets at the local level, including the conditions governing comparison retail growth at Merry Hill.

### **The need for a review of the plan**

1.4 We consider that there are four primary reasons why it is considered necessary to review the existing Brierley Hill AAP:-

1. *The Government requires us to keep our plans up-to-date – so that the policies and allocations of our plans are based on the latest evidence and strategic targets*

Under Government regulations<sup>1</sup>, all Local Plans should be reviewed every 5 years. Given that the existing Brierley Hill Area Action Plan (AAP) was adopted in 2011, it is due for a review to ensure that

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<sup>1</sup> Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

the plan is relevant and based on the most up-to-date national guidance, evidence and strategic targets, including on housing land.

2. *The BHP needs to focus the strategic targets set out in the Black Country Plan (BCP) into local site allocations and enabling local policies.*

The existing AAP focused on Black Country Core Strategy (BCCS) (2011) strategic growth targets for Brierley Hill (and the other designated Strategic Centres).

The BCCS is now also undergoing a review known as the Black Country Plan (BCP). The BCP has recently been out for consultation on the draft plan stage, between 16<sup>th</sup> August and 11<sup>th</sup> October 2021. The BHP will translate the strategic targets and policies of the BCP into sustainable local policies and deliverable site allocations within the Brierley Hill plan area and will follow a similar timetable to the BCP, with an adoption date of around 6 months later:-

- Programmed adoption date of The Black Country Plan: Spring 2024
- Programmed adoption date of The Brierley Hill Plan: Autumn/Winter 2024

The period that the strategies and policies of both the BHP and BCP will cover will be up to the year 2039. A review of the AAP is therefore required to take forward and focus the revised sub-regional growth targets of the BCP within the Brierley Hill plan area over that proposed extended time period.

The format of the BCP leaves a gap on the Policies Map around the Brierley Hill Plan boundary, except for strategic infrastructure and Strategic Policy designations, which will be “filled in” by the policies and designations of the BHP. The same will apply to the other Strategic Centres within the Black Country: Wolverhampton City Centre, and Walsall and West Bromwich.

3. *(Allied to 1 and 2), the policies and allocations of the existing AAP did not achieve the anticipated growth targets set out in the BCCS*

The existing BCCS and AAP covers the period up to 2026. Development monitoring has revealed that this anticipated growth through development has not materialised in Brierley Hill to meet these targets.

**Table 1: Delivery of the strategic growth targets from the Black Country Core Strategy for Brierley Hill**

Land Use	BCCS Targets for Brierley Hill Centre (to 2026)	Actual Achieved results within the AAP area (2020)
Additional office floorspace– sq m	<b>220,000</b>	<b>0</b>
Additional comparison retail floorspace – sq m	<b>95,000</b>	<b>0</b>
New housing – residential units	<b>2,940</b>	<b>235</b> (182 units within the former office building at Point North, The Waterfront)

There are several reasons for the underperformance of the AAP, the main one being that office development did not come forward as anticipated at the start of the plan period, this is likely to have been as a result of macro-economics, including the recession in 2008.

4. *A need for the BHP to address a changed strategic planning and regeneration framework*

in particular to take on board the opportunities presented by: -

- The programmed Midland Metro route which runs through the plan area, with several new stops
- The Enterprise Zone (DY5 EZ) within the plan area
- The projects associated with the Future High Streets and Heritage Action Zone bids
- The challenge of climate change and adapting to a Low Carbon Future

**Brierley Hill – A brief history and population profile**

1.5 Brierley Hill is a heavily industrialised area of Dudley Borough once significant for its industries, glass-making, iron and steel. Brierley Hill is located 2 miles north of Stourbridge Town Centre and 2.5 miles south west of Dudley Town Centre. It is some 8 miles west of Birmingham and comprises an established Black Country settlement within the wider West Midlands Conurbation.



1.6 Brierley Hill became heavily industrialised during the Victorian period as a result of its rich natural resources and was heavily reliant on manufacturing industry. There has been a long-term decline in local manufacturing employment and consequently spend, which is particularly evident within Brierley Hill High Street which has been in decline since the 1970s.

1.7 Round Oak Steel Works, which was a major local employer, closed in the early 1980s with substantial job losses. This led to the designation of an Enterprise Zone by Government during the mid-1980s to support new investment into the area by the private sector. This resulted in the development of the Merry Hill Shopping Centre and Waterfront Office Park. Large parts of the original Enterprise Zone have remained undeveloped due to abnormal costs such as poor ground conditions and a lack of infrastructure. This resulted in a second Enterprise Zone being designated by the Government in 2017 (DY5 EZ) to support the regeneration of the remaining commercial and industrial areas of Brierley Hill.

1.8 The Brierley Hill plan area falls mainly within Brierley Hill Ward which has as a population of 15,050<sup>2</sup>. Over recent years its younger and working age population has declined and its ageing 65+ population has increased. 50% of the economically active population are in employment and a further 5% are self-employed. Significantly, some 35% are economically inactive of which 6% are long-term sick or disabled, which is higher than the Borough averages of 22% and 5% respectively. Other contributory factors have included poor education standards and a lack of investment in training. As a result, there are below average economic activity rates and reduced levels of educational attainment than the Borough average.

1.9 Brierley Hill falls within the Index of Multiple Deprivation (IMD) 20% most deprived neighbourhoods within the country. Its IMD score in 2015 was 34.9 in comparison to 23 for Dudley Borough and the levels of child poverty and older people living in deprivation are significantly higher than the Dudley average. Brierley Hill is among the 10% most deprived wards nationally for education, skills and training. There is a higher than average level of fuel poverty due to income levels and the outdated quality of some of the housing stock. The number of people living in fuel poverty is 11.6% compared to the Dudley average of 10.4%. The area has some of the highest incidents of crime, with rates approximately 10% higher than the Borough average.

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<sup>2</sup> ONS mid year estimate 2018

## **2.0 THE ISSUES AND OPTIONS REPORT**

2.1 This report represents the first stage of the Brierley Hill Plan, termed the “Issues and Options” Report. It provides a series of planning issues, affecting the future shape and growth of Brierley Hill up to 2039, followed by a number of options in which these issues can be potentially successfully resolved and/or needs met through policies and site allocations within the BHP.

2.2 An example would be the strategic need for new housing across the Black Country, specifically within the urban area, including in and around centres like Brierley Hill. Options to deliver this growth in Brierley Hill could result in higher density housing and/or more land allocated for housing, new housing close to metro stations or more mixed-use development. Chapter 9 of this report sets out the issues and options with regard to residential development in more detail.

2.3 The report is divided into a number of chapters based around planning topics. However, it is important to note that these topics are very much integrated and often overlap.

### **Sustainability Appraisal (SA)**

2.4 Alongside this Issues and Options Report, we are also consulting on the first stage Sustainability Appraisal (SA). This document assesses the options identified in this report against a range of social, environmental and economic issues and helps to identify all the likely significant environmental impacts. The SA advises on ways in which any adverse effects could be avoided, reduced, or mitigated and how any positive effects could be maximised. This helps us to ensure that as the policies are developed in the Local Plan, they are in keeping with the aims of sustainable development, and alternative options are properly assessed and considered.

### **Consultation on the Issues and Options Report and SA**

2.5 We are consulting on the BHP Issues and Options Report for a 7 week period commencing 10<sup>th</sup> January 2022. The deadline for the receipt of consultation responses on this stage of the plan is 5pm on 28<sup>th</sup> February 2022.

2.6 The consultation exercise will adhere to the methods and means as set out within the Council’s Statement of Community Involvement (SCI) (2020) – <https://www.dudley.gov.uk/media/6538/sci-full-document.pdf> . In addition to the community and other stakeholders interested in the future of Brierley Hill, we will also consult the required statutory bodies and neighbouring authorities under our Duty to Cooperate obligations, resulting in the submission of statements of common ground if appropriate.

## How to make comments

2.7 Within the report, there are a number of questions in order to prompt your thoughts on the planning issues that have been identified for each theme. These questions are set out in full, including the different options being put forward to address these issues within a questionnaire, which is separate to this report and forms part of the consultation documents. A summary document of this report will also be published, containing a summary of the planning issues leading into the questions in concise form.

2.8 The questions we are asking you are on which of the options being presented do you consider is in the best interest of, or most appropriate to, the Brierley Hill community and environment. In addition, there is space for you to forward alternative options to those being presented or make comments on any paragraph in the report and make more general comments on the BHP.

2.9 Once you have looked through this Issues and Options Report, please complete the questionnaire and send us your comments. There are a number of ways in which you can do this:-

• **Using the Council's online consultation system** - This is the Council's preferred means of receiving representations because it is the fastest and most accurate method and it will help us to manage your representations quickly and efficiently: - <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/brierley-hill-area-action-plan/>

• **Emailing us** – either attaching a completed questionnaire, or by submitting your comments on the plan at [planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)

• **Filling out a questionnaire (hard copy)** - If you do not have access to a computer, a paper form can be completed and sent to the Council.

Copies of the questionnaire are available from Planning Services by ringing 01384 814136, or will be available at Brierley Hill, Kingswinford, Dudley and Stourbridge local libraries, and Council Plus, and the postal address to send back copies of the completed questionnaire is: The Brierley Hill Plan Project Team, Planning Services, Dudley Council, Priory Road, Dudley. DY1 1HF

2.10 Your views are important to us, but we recognise that the planning system is not always easy to understand. We want to make sure that as many people as possible have an opportunity to have their say on the new Brierley Hill Plan, regardless of their previous experience with planning matters.

2.11 That is why we are here to help at every stage of the process. Officers from the Planning Policy Team are available to help guide you through the process of preparing this new Local Plan. You can contact us using one of the following methods:

- You can phone us on 01384 814136 (ask to speak to someone in the Planning Policy Team);
- You can email us at [planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)

2.12 There will also be opportunities for you to meet officers either face-to-face or via virtual meetings, presentations and exhibitions throughout the process of preparing the new Local Plan, at key points in the preparation of the document. Details of these events, together with up to date information on the Local Plan review can be found on the Council's website:

<https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/brierley-hill-area-action-plan/> . We shall also be providing regular updates on the Council's Facebook page and on our Twitter feed [@PlanningDudley](https://twitter.com/PlanningDudley).

### **What happens next after the consultation closes?**

2.14 Once consultation on this report has finished, we will consider all of the representations received, using them to inform the policies and site allocations to be included in the BHP as the plan progresses through its stages towards adoption.

2.15 All personal data will be processed in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). For further information on why we process your personal information please see our Privacy Notice available at this link:

<https://www.dudley.gov.uk/residents/planning/planning-services/advice-and-guidance/planning-privacy-notice/>. We will then tabulate responses, grouping them as necessary and respond in a Community Statement which we will publish with the next stage of the plan, and then update as we progress through future consultation stages of the plan.

2.16 In Winter 2022, we will hold a further round of consultation on our preferred or draft local plan policies and site allocations (Draft Plan Stage). Our final round of consultation will be at the Publication Stage of the plan in Winter 2023, leading up to the plan being submitted to the Inspectorate for an Examination in Public. That consultation will be focused on the soundness of the plan, including its legal compatibility: whether the plan has been positively prepared, and that its policies are justified, effective and are in conformity with the National Planning Policy Framework (NPPF).

2.17 The timetable leading up to the adoption of the BHP in Autumn 2024 is set out below:-

**Table 2: Timetable for the progression of the Brierley Hill Plan through to adoption**

Stage 1	Stage 2	Stage 3	Submission	Examination in Public	Adoption
CONSULTATION Issues and Options	CONSULTATION Draft Plan	CONSULTATION Publication			
<b>10<sup>th</sup> January 2022 to 28<sup>th</sup> February 2022</b>	<b>Winter 2022</b>	<b>Winter 2023</b>	<b>Spring 2024</b>	<b>Summer 2024</b>	<b>Autumn/ Winter 2024</b>

### **3.0 PLANNING POLICY CONTEXT**

#### **National Planning Policy Framework (NPPF)**

3.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The principle of sustainable development is difficult to define: The NPPF refers to the United Nations General Assembly definition of “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. It also refers to the UK Sustainable Development Strategy ‘Securing the Future’ which sets out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; using sound science responsibly.

3.2 For plan making, the presumption in favour of sustainable development, means that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. For decision-making, that presumption means approving development proposals that accord with an up-to-date development plan without delay.

3.3 There are three dimensions to sustainable development: economic, social and environmental. To achieve sustainable development, the NPPF states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. For example, economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities.

3.4 In addition, in summary, on plan making, the NPPF states the following: -

- The planning system is plan-led and up-to-date plans should provide a positive vision for the future of the plan area
- Plans should be a framework for addressing housing needs and other economic, social and environmental priorities, and a platform for local people to shape their surroundings
- Plans should be aimed at achieving sustainable development
- Plans should be prepared positively in a way that is aspirational but deliverable
- Plans should be reviewed every 5 years and take into account changing circumstances affecting the area or any relevant changes in national policy
- Plans should be shaped by early, proportionate and effective engagement between planmakers and communities and other stakeholders
- Plans should contain policies that are clearly written and unambiguous

- Plans should be accessible through digital tools to assist public involvement and policy presentation
- Plans should serve a clear purpose, avoiding unnecessary duplication of policies
- Plans should set out the contributions expected from development – this should include setting out the levels and types of affordable housing provision required along with other infrastructure, such as the need for education, health, transport, flood and water management, green and digital infrastructure – such policies should not undermine the deliverability of the plan.

### **Status of the Plan’s Policies**

3.5 In terms of the NPPF, the policies of this plan can be regarded as “non-strategic policies”. That is these policies are used by local planning authorities and communities to set out more detailed policies for specific areas. These policies include site allocations, the provision of infrastructure, local community facilities, design principles, conserving and enhancing the natural and historic environment and setting out development management policies.

3.6 Once adopted the Brierley Hill Plan will supersede the existing Brierley Hill AAP, and the Design in Brierley Hill Supplementary Planning Document (SPD).

### **The Evidence Base**

3.7 The NPPF states that local plans should be underpinned by relevant and up-to-date evidence base, which should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and that plans should be informed by a Sustainability Appraisal (SA).

3.8 The following documents will form part of the evidence needed to inform and shape the policies and land use allocations of the Brierley Hill Plan:-

1. A Sustainability Appraisal (SA)
2. A Habitats Regulation Assessment (HRA)
3. Equalities Impact Assessment (EqIA)
4. Strategic Environmental Assessment (SEA)
5. A Community (Engagement) Statement
6. Nature Conservation Surveys
7. The Delph “Nine Locks” Conservation Area Character Appraisal and Management Plan<sup>3</sup>

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<sup>3</sup> Subject to the option of including this CA within an extended plan boundary (Option 3b)

8. The Brierley Hill Urban Historic Landscape Characterisation (UHLC)
9. Brierley Hill High Street Conservation Area Management Plan (CAMP) (2019)
10. The Brierley Hill High Street Future High Streets Bidding Documents
11. The Brierley Hill High Street Heritage Action Zone Bidding Documents
12. The Black Country Plan (BCP) Centres' Study (Lambert Smith Hampton) 2020 and 2021 update
13. The Black Country Plan (BCP) Car Parking Strategy (AECOM) 2021
14. The Black Country Housing Market Assessment 2021
15. Black Country Urban Capacity Review Update 2020
16. DY5 Enterprise Zone Feasibility Report (Cushman and Wakefield) 2020
17. AAP Development Opportunity Block Review (Internal) and
18. AAP Policy Review (Internal)



## **4.0 VISION AND OBJECTIVES FOR THE BRIERLEY HILL PLAN**

### **Strategic planning objectives**

4.1 In terms of aligning with the spatial objectives of the NPPF, the broad vision for Brierley Hill is for the BHP to have:-

- A. An Economic Objective – in supporting the growth of businesses within the plan area, including enabling the take up of office space and identifying sites for service industries, especially around the new music faculty, as well as making the most of the opportunities presented by the proposed Midland Metro route and stations within the plan area
- B. A Social Objective – by allocating land for the delivery of a substantial number of new high quality residential units within the plan area, growing and enabling the Brierley Hill Community, providing well designed and safe public spaces, and increasing the amount of open spaces within the plan areas and making them more accessible, especially by foot and bicycle
- C. An Environmental Objective – by protecting and enhancing the natural, built and historic environment of Brierley Hill, fully considering the noise environment and improving air quality, improving the amount of green infrastructure and biodiversity, and adapting to and mitigating for Climate Change, including the use of renewable energy measures, and enabling sustainable modes of transport.

## The vision for the Brierley Hill Plan

4.2 To deliver these objectives, the vision for the Brierley Hill Plan (BHP) is as follows:-

Brierley Hill in 2039 will be a place which has the benefit of:

- a strong, resilient, and thriving community with enhanced health and well-being, including access to more cultural, leisure and community facilities
- being more than a shopping destination, including benefiting from a revitalised night-time economy and family orientated leisure facilities
- having a greater resident population, living in sustainable, well – being enhancing accommodation incorporating energy efficiency measures and making active use of extensive areas of imaginatively landscaped and well-connected public spaces
- being a much greener place, with increased tree cover and more biodiversity including wildlife corridors, which is better linked to the Saltwells and Fens Pool Nature Reserves
- being much more accessible, especially by public transport and a network of footpaths and cycleways, with the Midland Metro Stations providing focal points within these networks and hubs for new development, with well-designed public open spaces around them
- having a high quality built and natural environment that respects and enhances local character, including important historic buildings and areas, and makes effective use of the canal network as an asset
- Being a place of excellence in enterprise, education, and training

4.3 In order to achieve this vision, we have set out the following 5 main objectives for the plan:

- 1) To set out and update the detailed planning policies and strategy for future development within the Brierley Hill Plan area, including articulating the strategic steer provided by the Black Country Plan (BCP) through the identification of appropriate and deliverable site allocations within the Brierley Hill Plan area and the formulation of policies that enable appropriate development to be delivered in a form and quality that is both sustainable and strongly in the interests of the local community and local environment
- 2) To provide an appropriate, imaginative, sustainable, resilient and deliverable planning framework for Brierley Hill Strategic Centre, which enables the centre to be much more than a shopping destination, with an emphasis on providing for the delivery of:-
  - a) new development centred around the proposed new transport infrastructure, particularly the Midland Metro route, with the potential for new development to cluster around the proposed stops

- b) the introduction of new high quality, well-being enhancing housing, potentially at a high density
  - c) the creation of more, well-linked community and leisure, and recreation spaces
  - d) the consolidation of office use particularly at the Waterfront, but also allowing for a diversification of uses at this location
  - e) the diversification of land uses within the centres, particularly aimed at increasing their vitality
- 3) In terms of place shaping, make full use of the opportunities presented by :-
- a) the Green and Blue Infrastructure, particularly the Dudley and Pensnett Canals, Marsh Park and the nearby Saltwells and Fens Pool Nature Reserves, with the potential to reinstate redundant canal arms to also function as recreational routes and/or wildlife corridors
  - b) to forge an effective pedestrian link between the Merry Hill Centre and Brierley Hill High Street
  - c) the proposed Midland Metro stations
  - d) the potential for improvements to the High Street particularly informed by, and responding to, its designation as a Conservation Area
- 4) In terms of design challenges, in particular, addressing those posed by:-
- a) pedestrian and cycle linkages, and wildlife corridors
  - b) merging the mall at the Merry Hill Centre into the surrounding urban fabric
  - c) the large areas of surface car parking at the Merry Hill Centre
  - d) repurposing existing buildings and sites to deliver new high quality well-being enhancing homes and introducing new high-density housing as appropriate
  - e) the introduction of sustainable measures, including renewable energy and sustainable drainage
  - f) significantly increasing the number of trees, tree canopy cover and biodiversity and nature recovery networks within the plan area
  - g) requiring measures which help prevent and/or mitigate for Climate Change
- 5) To have meaningful and sustained engagement with the community, in particular, the potential for increased community provision within the centre.

**QUESTION 1:**

**What are your views on the proposed vision for the Brierley Hill Plan? – is there any other aim that you would like to see included?**

## **The Future High Streets Bid for Brierley Hill**

4.4 In August 2019, Brierley Hill was shortlisted to receive a share of £1bn from the Government's Future High Streets Fund, and monies were awarded to the Council to work up detailed proposals over a 12 month development period. The bid area includes Brierley Hill High Street including The Moor Centre and Marsh Park, the land between there and the Merry Hill Centre focusing on Daniel's Wharf, as well as land at Mill Street, The Chapel Street Estate and the Nine Locks Conservation Area.

4.5 In December 2020, it was announced that Brierley Hill was to receive £9.98 million from a new Future High Streets Fund. Key to the transformation will be works to improve connectivity and integration with the new Midland Metro stop at Brierley Hill. Projects also include the refurbishment of Brierley Hill library and the reopening of public toilets within the centre.

4.6 We consider that the objectives and proposals contained within the Future High Streets Bid need to be part of the Brierley Hill Plan, particularly where they involve matters relating to place shaping, including the identification of options to revise the plan boundary and to confirm land use designations. The reasons which we have identified for the need for the BHP to take on board the objectives and proposals of the Future High Streets (FHS) Bid are:-

- To ensure consistency in approach and vision for the future planning of Brierley Hill
- To give weight to the proposals of the FHS Bid in the assessment and determination of development proposals
- The FHS will provide an essential component of the delivery framework for the proposals within the BHP

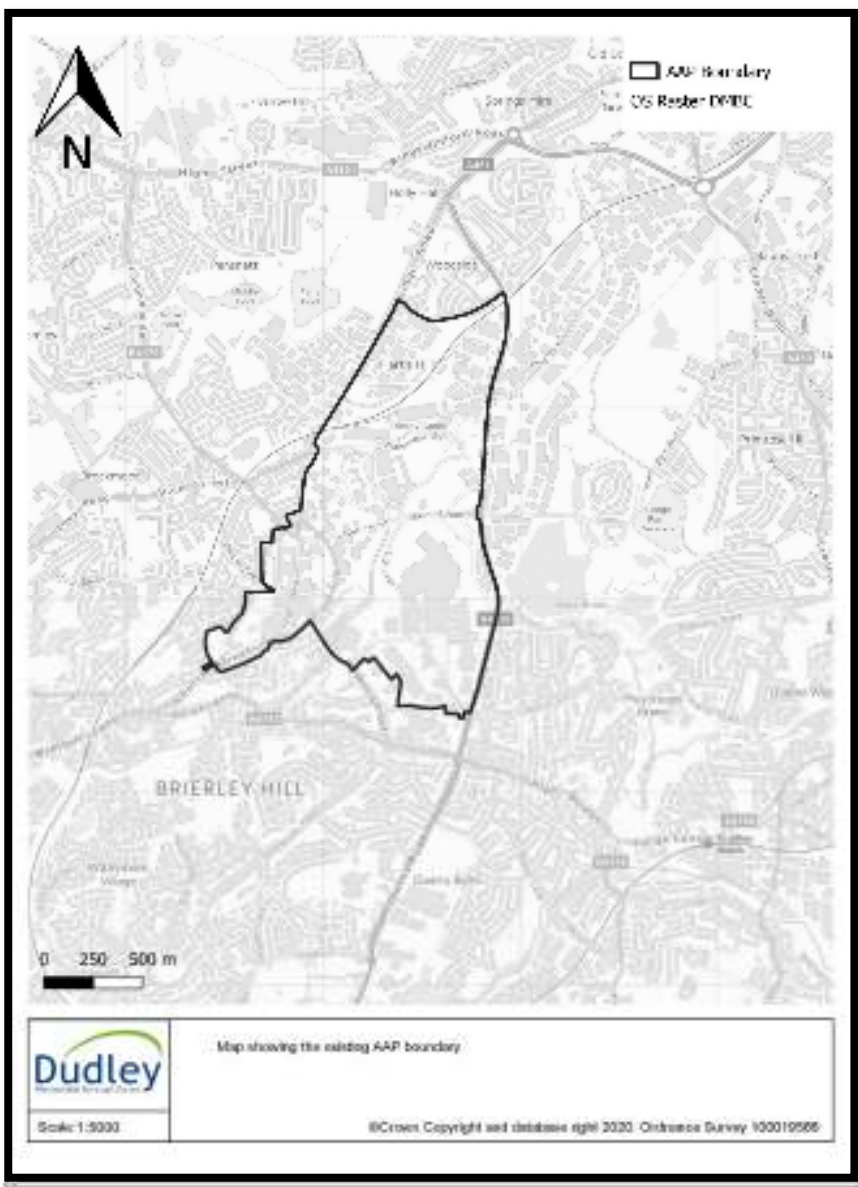
## 5.0 THE PLAN BOUNDARY

5.1 The existing plan boundary shown on the AAP Policies Map accommodates: -

- a) the retail centres of the Merry Hill Centre and Brierley Hill High Street
- b) the land between these two centres where there are a number of large vacant sites
- c) the office complex at The Waterfront and the car parks which serve it
- d) the established industrial areas to north of The Dudley Canal (Harts Hill and to the west of Pedmore Rd) where changes in land use and the redevelopment of Development Opportunity Blocks for appropriate development is proposed.

We consider that there is a rationale for using this existing AAP boundary as also the boundary for the BHP and therefore that this can be presented as an option (Option 2a).

**Map 1 – The existing Plan Boundary (Option 2a)**



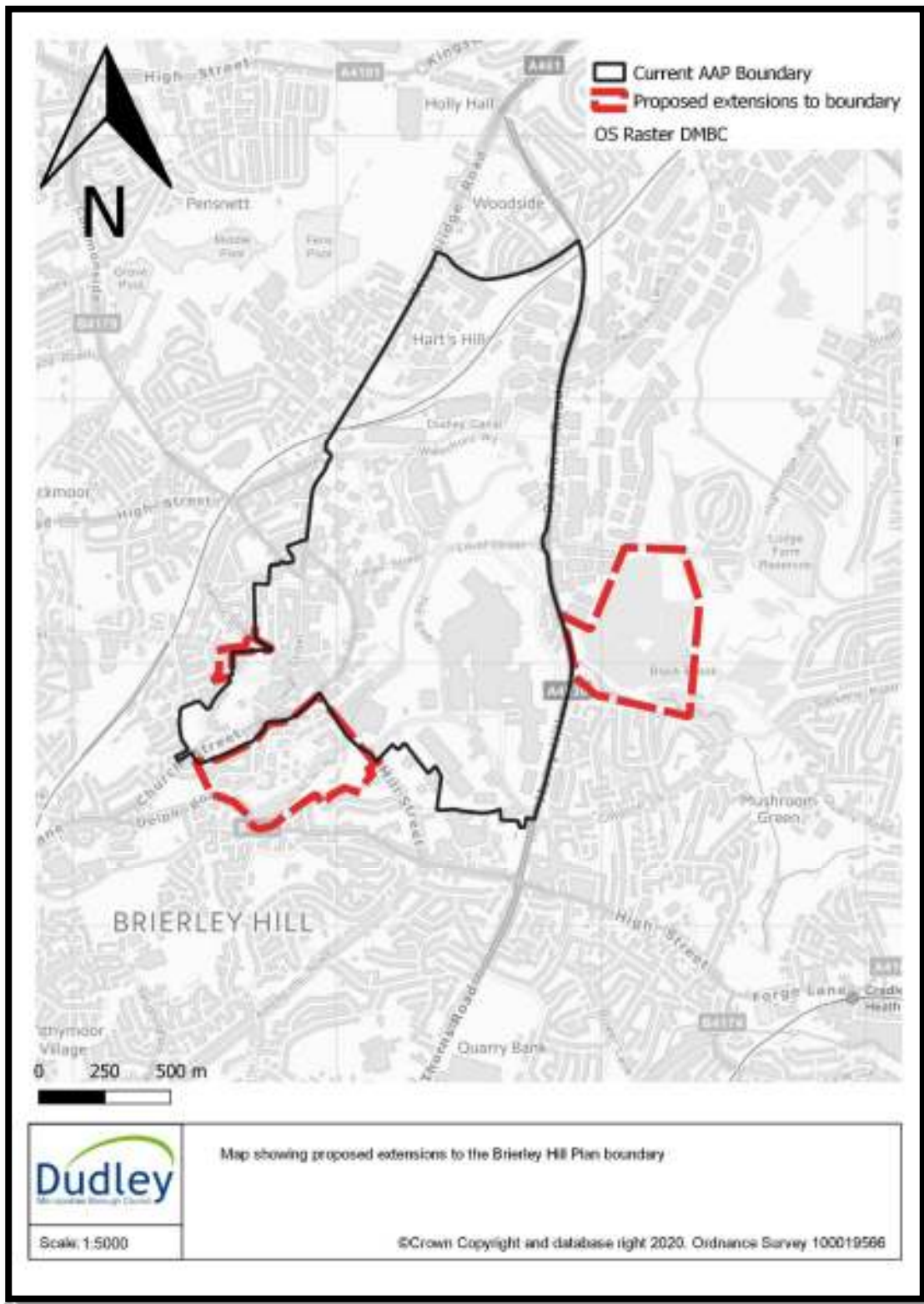
5.2 This existing boundary has provided for a relatively compact Strategic Centre appropriate for the channelling of growth into it. However, arguably, it does not encompass a number of adjoining areas where opportunities for new growth or redevelopment have arisen since the adoption of the AAP, or where there is a considered planning aspiration for including that area within the plan boundary.

5.3 We consider that these areas into which the existing boundary could be extended into are:-

- a) The Chapel Street Housing Estate – this area of Council owned high rise flats and maisonettes lies on the edge of the Brierley Hill High Street shopping area and has been identified as part of the submission area for the Future High Streets bid –the blocks have been assessed as having a high investment need to maintain or improve current housing stock condition standards. The estate could therefore benefit from refurbishment and/or redevelopment as a housing site – as such it represents an area of potential change
- b) The Delph Locks Conservation Area – this conservation area adjoins the Chapel Street Estate and is on the opposite side of Mill Street to The Boulevard leading into The Merry Hill Centre – as with the Chapel Street Housing Estate, it has been identified as part of the submission area for the Future High Streets bid - however it is not easily accessible from the surrounding areas - regeneration proposals for the Chapel Street Estate in particular could lead to the better integration of this conservation area with the rest of the Strategic Centre
- c) Saltwells Wood – one of the issues that Brierley Hill faces is the lack of green open space within the centre, except for Marsh Park – although this is a relatively small area (approx. 1 ½ hectares) on the fringes of the centre and not easily accessible from it – we therefore consider that there is an option of integrating that part of Saltwells National Nature Reserve nearest to the plan area (Saltwells Wood) within the centre, specifically the Merry Hill Centre, by extending the plan boundary into it
- d) Northmoor Industrial Estate and area of open space on the opposite side of Moor Street – this small area lies on the edge of Brierley Hill High Street – the industrial estate has existing housing on 3 sides, including the potential for the conversion of the former Dudley College Annex on Bell St for flats, and a number of the industrial units are unlet – it is considered that this estate could be appropriately redeveloped for housing – the open space on the opposite side of Moor Street could be redeveloped for infill housing or enhanced as an area of open space as a Gateway into the centre or both.

5.4 These additional areas to be incorporated within the plan boundary present a further option:  
Option 2b.

Map 2 – The existing Plan Boundary with extensions (Option 2b)



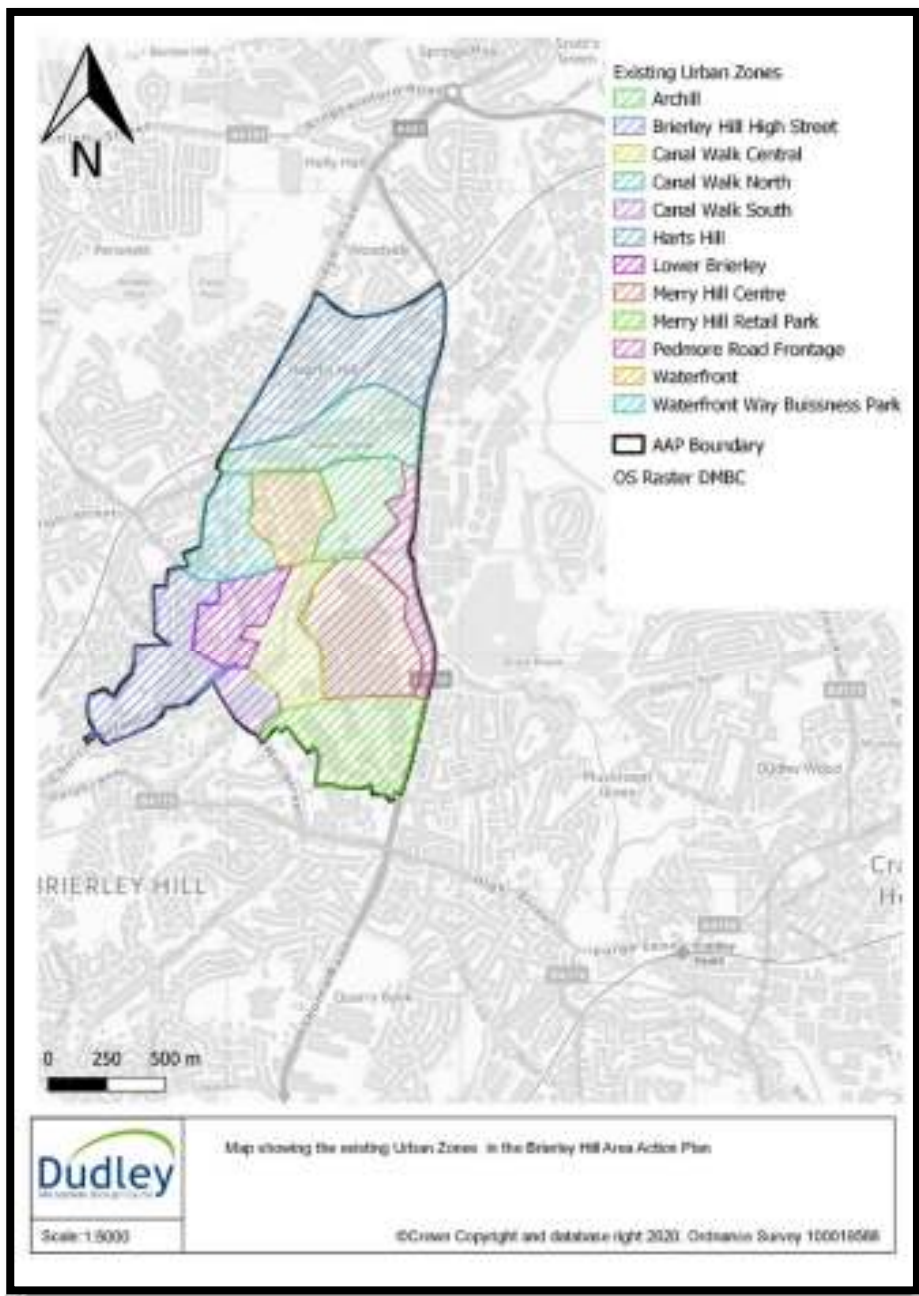
**QUESTION 2**

Which of the areas in Option 2b do you think should be included within the plan area?

## Brierley Hill's Urban Quarters

5.5 The existing AAP identified 12 no. Urban Quarters (UQ), and each of them was attributed a local character to guide the form of new development within it.

### Map 3 - The existing Urban Quarters



5.6 However, the character of a specific UQ was seldom addressed by applicants in the submission of planning applications within it. Arguably, there were too many UQ, often with little to distinguish between the characters of adjoining UQ in particular.

5.7 We therefore consider there is an option of reducing the number of UQ within the plan or removing them all together as a planning concept, and instead deferring to the Urban Historic Landscape Characterisation areas (UHLC refer to Chapter 8 of this report) to inform the design of new development.



## **6.0 LOCAL PLAN OPPORTUNITY SITES**

6.1 The existing AAP contained 29 no Development Opportunity Blocks (DOB). Each of the DOB was subject to an AAP Policy which specified preferred and acceptable land use allocations for that site.

6.2 We recommend that the term Development Opportunity Block be replaced with “Opportunity Site” for ease of understanding and future stages of this plan will use this designation moving forward.

6.3 We undertook a full review of these existing DOB. The review acknowledges that some of the DOB have been developed out and that, in order to facilitate comprehensive redevelopment in particular, others we are recommending to be augmented with adjoining DOBs.

6.4 This review also assessed the land use allocation for each DOB with the onus on clearly stating the acceptable land use or, in some instances, the acceptable land uses. Given the need to meet our strategic housing targets and the need to repurpose our centres, a significant emphasis on stating residential as an acceptable alternative use is considered appropriate.

6.5 There is now a requirement for land use allocations to be more prescriptive, for instance with regard to a housing allocations, detailing the number of units, the density of development and the amount and type of affordable housing required, as well as potentially the Infrastructure Fund Statement Projects which the proposed development of the site could contribute towards (para 34 of the NPPF).

### **Urban Design (Opportunity Sites)**

6.6 In addition, we consider that as well as each of the newly designated Opportunity Sites having a clear land use allocation attaching, we will also set out Design Parameters for each site, and that these Design Parameters will enable development schemes to be shaped so that they respond positively to local character and distinctiveness as well as progressing the townscape, while piecing it into an overarching urban design framework.

## 7.0 **LOCAL PLAN POLICIES**

7.1 The current AAP contains a total of 67 planning policies, 29 of which relate to setting out land use allocations for the individual Development Opportunity Blocks (DOB).

7.2 We undertook a review of all the existing policies, except for those relating to the DOB. In undertaking this review we were mindful of the stipulations within the NPPF with regard to policy formulation:-

- Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals (para 16(d) of the NPPF)
- Policies should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area including policies in this Framework, where relevant (para 16(f) of the NPPF).

7.3 In applying these requirements in our review of the existing policies, we found that they were often too long and too many as a number of them were repetitious of existing strategic policies or lacked sufficient clarity to inform us in determining planning applications. We therefore recommended that a number of these existing AAP policies be removed and not be carried forward into the BHP.

7.4 With some policies, we considered that they could be kept in the BHP, but with modifications or a change in emphasis. However, we also considered that a number of new, additional policies needed to be included within the BHP as a result of the issues highlighted within the chapters of this report or through up-to-date national planning requirements or guidance.

7.5 Furthermore, as part of the BHP, there will be a requirement to include a new, overarching policy on sustainable development. This requirement stems from the NPPF in that a presumption in favour of sustainable development runs as a thread throughout planning policy, and that for plan making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. In addition, plans should be prepared with the objective of contributing to the achievement of sustainable development (NPPF para 16 a).

### **Urban Design (Policies)**

7.6 In order to achieve the Plan Objectives to realise the Vision we are putting forward, as set out in para 4.3 of this report, particularly on place shaping and design challenges, we consider it is important to highlight that Urban Design policies and guidance will be a constant thread running through the plan.

7.7 Urban Design will not only feature in the Design Parameters for individual Opportunity Sites, but also provide an overarching urban design framework set out in policies within the BHP which will enable Brierley Hill to become more of a sustainable location, with well-designed buildings and imaginatively designed spaces, which also respond to the area's historic qualities and natural and built assets.

7.8 This is instead of having a separate stand-alone Supplementary Planning Document (SPD) on Urban Design as was the case for the current AAP: The Design in Brierley Hill Town Centre SPD, which it is intended the BHP will supersede.

## **8.0 BRIERLEY HILL'S HISTORIC ENVIRONMENT**

8.1 The historic importance of Brierley Hill is recognised as a major asset in delivering regeneration and enhancing the town centre as more attractive, engaging and vibrant place for people to live, work and spend time. Located within the centre of Brierley Hill is the Brierley Hill High Street Conservation Area and located just to its south is the Delph Nine Locks Conservation Area. There are a number of statutory Listed Buildings, such as the Grade II Listed St Michaels Church, Brierley Hill War Memorial, Brierley Hill former Technical Institute and Library and the former Royal Brierley Crystal Glassworks. There are also various non-designated heritage assets such as the Marsh Park Archaeological Priority Area (APA), the Adelaide Street Triangle Area of High Historic Townscape Value (AHHTV) and individually significant buildings and structures such as the Locally Listed St Mary's Catholic Church and Brierley Hill Civic Hall.

8.2 The NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment and that they should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The AAP has an existing policy (Policy 59 - *Conservation and Enhancement of Local Character and Distinctiveness in Brierley Hill*) requiring all development proposals should take account of the locally distinctive character of the area in which they are to be sited. The NPPF also requires local planning authorities to have up-to-date evidence about the historic environment within their area.

### **Brierley Hill Urban Historic Landscape Characterisations study (UHLC)**

8.3 The '*Brierley Hill Urban Historic Landscape Characterisation*' (UHLC) (2007) provides the evidence base to inform an understanding of the town's historic character. This evidence has been used in the application of existing AAP Policy 59 when considering how new development proposals and the enhancement of existing townscapes and landscapes should respect Brierley Hill's character.

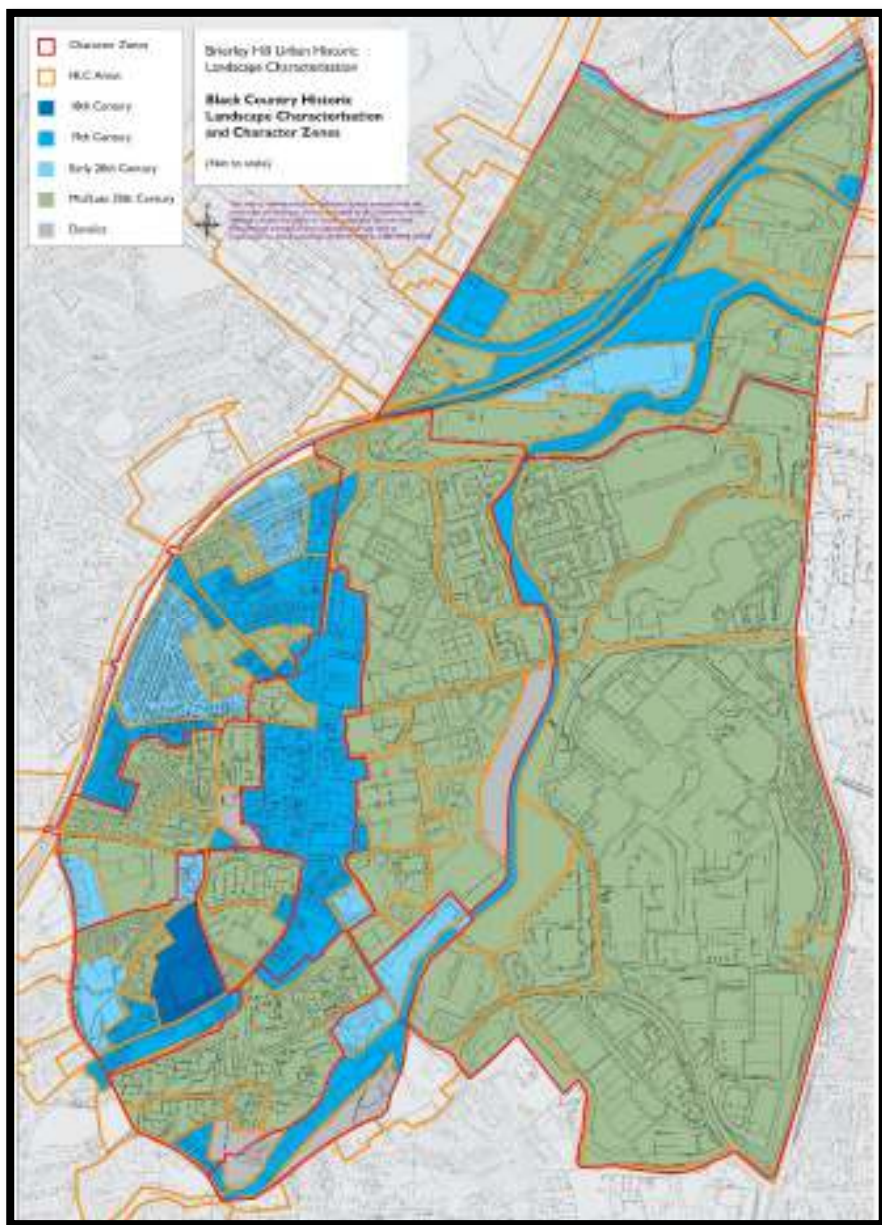
8.4 The boundary of the UHLC study area is not contiguous with that for the AAP but spreads wider in order to more fully capture the historic extent of Brierley Hill and to include its associated hinterland. The study describes the historical development of Brierley Hill and identifies ten Historic Townscape Character Zones within the Town Centre and beyond. Each character zone was individually assessed and provided a summary description of its townscape, architectural and historic character and archaeological potential.

1. The High Street
2. Area of modern and late 20<sup>th</sup> century industrial and commercial development
3. The Delph and historic canal side
4. Mid-20<sup>th</sup> century high-rise development

5. St Michael's Church, Marsh Park and mixed housing development
6. Mid-20<sup>th</sup> century low-rise middle class housing development
7. Late 19<sup>th</sup> and early 20<sup>th</sup> century terraced housing development
8. Modern town centre shopping and recreation development
9. Merry Hill Shopping Centre
10. Harts Hill.

8.5 As part of the local plan policy review which we undertook, we consider it appropriate that this policy be retained. We do however consider that there is an opportunity that the Brierley Hill Urban Historic Landscape Characterisations study (UHLC) be refreshed in order that there is in place an up-to-date evidence base/appraisal about the historic environment for the Brierley Hill Plan.

**Map 4 - Brierley Hill UHLC Boundary and Character Zones**



## **Brierley Hill High Street Conservation Area**

8.6 The Brierley Hill High Street Conservation Area was designated on the 12<sup>th</sup> March 2009 due to it forming a significant part of the mid-18<sup>th</sup> to early 19<sup>th</sup> Century development of the borough and due to the group value of surviving historic buildings. The conservation area is focused along the High Street, with the extent of the conservation area being determined by the extent of the historic town centre and the survival of historically significant buildings and spaces.

8.7 In 2009 a Conservation Area Character Appraisal and Management Plan was published for Brierley Hill setting out the various features which give the Brierley Hill High Street Conservation Area its special architectural and historic interest. The appraisal identifies 6 separate character areas within the Conservation Area, these being; the Civic Centre, The High Street, St Michael's Church and the surrounding main street frontages; Marsh Park and Seager's Lane; Albion Street and Talbot Street; and Bell Street. Despite these areas having individual characters, together they provide the Brierley Hill High Street Conservation Area its significance. The appraisal also identifies a number of issues that negatively impact on the Conservation area and explains why it has been identified by Historic England to be a 'Conservation Area at Risk'.

8.8 In 2019 the High Street Heritage Action Zone Programme (HSHAZ) was established. It is a nationwide initiative funded by the Government and run by Historic England designed to secure lasting improvements to historic high streets. In 2019 Brierley Hill High Street was selected as one of 68 High Streets across England to receive a share of the fund following the submission of a successful bid by Dudley Council. A significant part of the evidence which helped to underpin the bid and the programme of projects contained within it, related to the key issues affecting the Brierley Hill High Street Conservation Area as well as the CACA designations.

8.9 The programme has three investment objectives:

1. Changing perceptions of heritage and high streets
2. Supporting sustainable economic and cultural growth on and around high streets
3. Restoring and enhancing local historic character

8.10 The programme will therefore provide grant assistance to third parties to carry out repair, reinstatement and refurbishment works to historic buildings. It also provides grant towards public realm improvements, plus there is a programme of complementary education and community engagement activities.

8.11 The funding was granted in 2019. Work on the HAZ has now commenced and funding will be allocated over four years, with the project being completed by March 2024. The plan will be supportive of repairs and regeneration of the historic environment of Brierley Hill.

8.12 The AAP has an existing policy (Policy 2 -*Brierley Hill High Street Conservation Area*) requiring development proposals to pay special regard to preserving or enhancing the character and appearance of the Brierley Hill High Street Conservation Area. As part of the local plan policy review which we undertook, we consider that it is likely to be appropriate that this policy be retained. We also consider that it may be appropriate that the Brierley Hill High Street Conservation Area Character Appraisal and Management Plan be refreshed in order that there is in place an up-to-date evidence base/appraisal about the Brierley Hill High Street Conservation Area.

8.13 An updated Conservation Area Character Appraisal and Management Plan will provide the basis for the effective management of the Brierley Hill High Street Heritage Action Zone and Conservation area, by setting out:

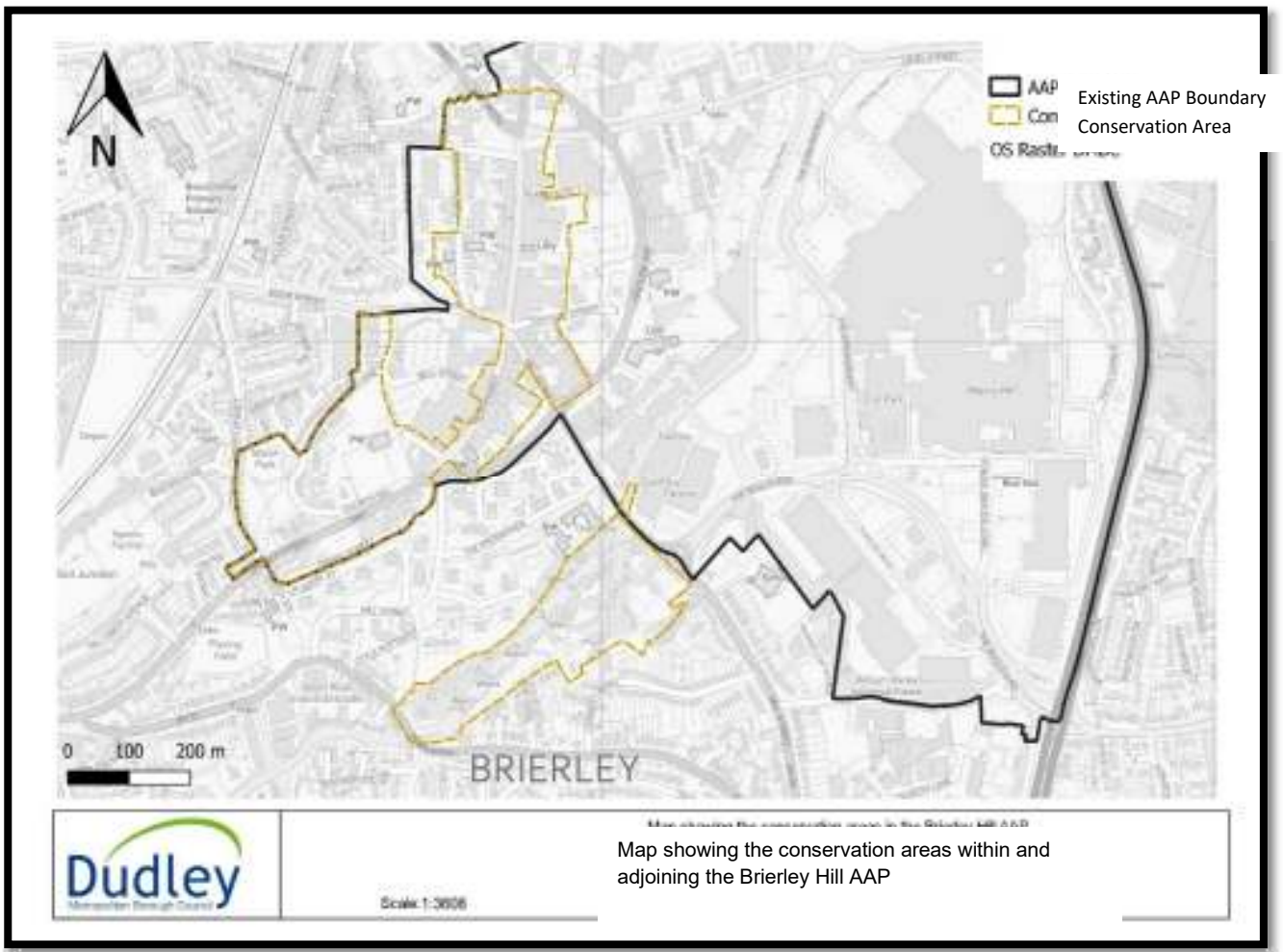
- A summary of the conservation value and the potential threats
- The tools which will be used for the future management for the area
- How the community will be engaged in the managing of the area in the long term
- How the plan will be put into practice

### **Delph 'Nine' Locks Conservation Area**

8.14 The Delph 'Nine' Locks Conservation Area was designated in February 1976 and then updated again in April 2007. Although it does not currently fall within the existing AAP boundary it does form part of the Brierley Hill UHLC study, identified as Character Zone 3: *The Delph and historic canal side*. In addition, one of the options being put forward within the BHP is to extend the existing plan boundary to incorporate this area, along with other areas adjoining that boundary (Option 2b).

8.15 In 2007 a Conservation Area Character Appraisal and Management Plan was prepared for the Delph 'Nine' Locks Conservation Area. We consider there is an opportunity that the Delph 'Nine' locks Conservation Area Character Appraisal and Management Plan be refreshed in order that there is in place an up-to-date evidence base/appraisal about the Delph 'Nine' locks historic environment.

# Map 5 - Brierley Hill High Street Conservation Area and Delph Nine Locks Conservation Area





## **9.0 BRIERLEY HILL'S CENTRES**

### **The Black Country Centres Study**

9.1 The Black Country Centres Study (Lambert Smith Hampton) 2020 and 2021 update, was commissioned by the Black Country Authorities to form part of the evidence base to inform the Black Country Plan, particularly with regard to the chapter on Centres and Retail. It was published in August 2021 to coincide with the consultation on the draft BCP.

9.2 The study addressed the potential for retail growth over the plan period, as well as growth in leisure, offices and other centre uses, when set against trends in retail, especially the rise in internet shopping and with the 2021 update report focusing on the impact of the Covid-19 pandemic on retail trading and the health of centres, as well as being informed by a telephone interview survey conducted by NEMS. The study also included detailed healthchecks on the Black Country's Strategic and Town Centres, including Brierley Hill, both the High Street and Merry Hill Centre: a healthcheck dated April 2019 accompanied the 2020 report and a healthcheck dated May 2020 accompanied the 2021 update.

9.3 The study confirmed that the national picture on current retail trends can also be related to Brierley Hill: that retail centres nationally have seen a decline in patronage and an increase in the proportion of vacant retail units, as a result of Special Forms of Trading (SFT), such as internet shopping, and other economic factors, as well the coronavirus pandemic (Covid-19) creating one of the toughest trading environments for the retail and leisure sectors.

9.4 The study also stated that while, after allowing for the turnover of all known commitments, there is a limited amount of growth in convenience retail floorspace up to 2039 forecast for Brierley Hill (445 sq m), there is a negative forecast for comparison retail growth within Brierley Hill, and across all the Black Country Centres there is no quantitative requirement to identify and allocate sites for future retail development.

9.5 The Black Country Study also revealed the following strengths and opportunities for Brierley Hill High Street and the Merry Hill Centre.

**Table 3: Strengths and Opportunities for Brierley Hill Centres**

Centre	Strengths	Opportunities
<b>Brierley Hill High Street</b>	Important focus for the surrounding residential community. Strength of the independent sector Good level of pedestrian footfall Good car parking provision.	Fostering a collective voice via a Business Improvement District (BiD) Identifying the uniqueness and focus for the High Street Establishing a marketing campaign to raise profile of centre linked to Future High Street Fund and Town Investment Fund Capitalising on the new Wednesbury to Brierley Hill Midlands Metro Line initiative and associated footfall
<b>Merry Hill Centre</b>	A shopping centre with a regional draw High multiple retailer representation Good level of pedestrian footfall Highly accessible by all modes of transport Good diversity of uses especially comparison goods and commercial leisure provision. Ample car parking provision Safe shopper environment. Provision of free Wi-Fi to shoppers.	Additional leisure extension (scope of which at this stage remains yet to be determined) Potential to increase EV charging points

9.6 The Black Country Centres Study concluded that “although retail will remain a key part of their overall offer, vitality and viability - helping to generate trips, footfall and spend, it is critical that the strategic policies in the Black Country Plan are supported by policies and strategies developed for each centre (such as through tier-two plans) to help promote greater flexibility and diversity, so that they can respond more effectively and rapidly to future trends. This flexibility and diversity will, in turn, help to create more resilient, attractive and successful town centres. It will also help to strengthen their respective roles in the network and hierarchy of centres as places to live, work, shop, study, play and visit for a wide range of uses and activities”

9.7 We have taken on board the study's conclusion, particularly the need to diversify uses within centres, including the introduction of new residential development, as well the need to invest in the quality of town centre environments, to create more accessible, safer and greener environments. We also concur that there remains a need to safeguard and encourage the use of centres, including in terms of their general role in the selling of convenience and comparison products (A1 Retail Use – now Class E[a]<sup>4</sup>), as well as supporting independent retailers. It is also recognised that there is also a need for retailers to compete for shoppers' attention through a variety of means including creating experiences.

9.8 Within this context, the NPPF states that planning policies should:

- Support the role that town centres play at the heart of local communities (NPPF para 86)
- Retain and enhance existing markets (NPPF para 86c)
- Plan for the anticipated needs for retail (and other main town centre uses) for at least the next 10 years (NPPF para 86d)
- Recognise that residential development often plays an important role in ensuring the vitality of centres.

9.9 As a result of this general position, the NPPF states that planning policies should allow centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. This indicates a need for centres to diversify and re-purpose, often requiring a contraction of their retail core to enable other Main Town Centre Uses and residential uses to consolidate particularly around the periphery.

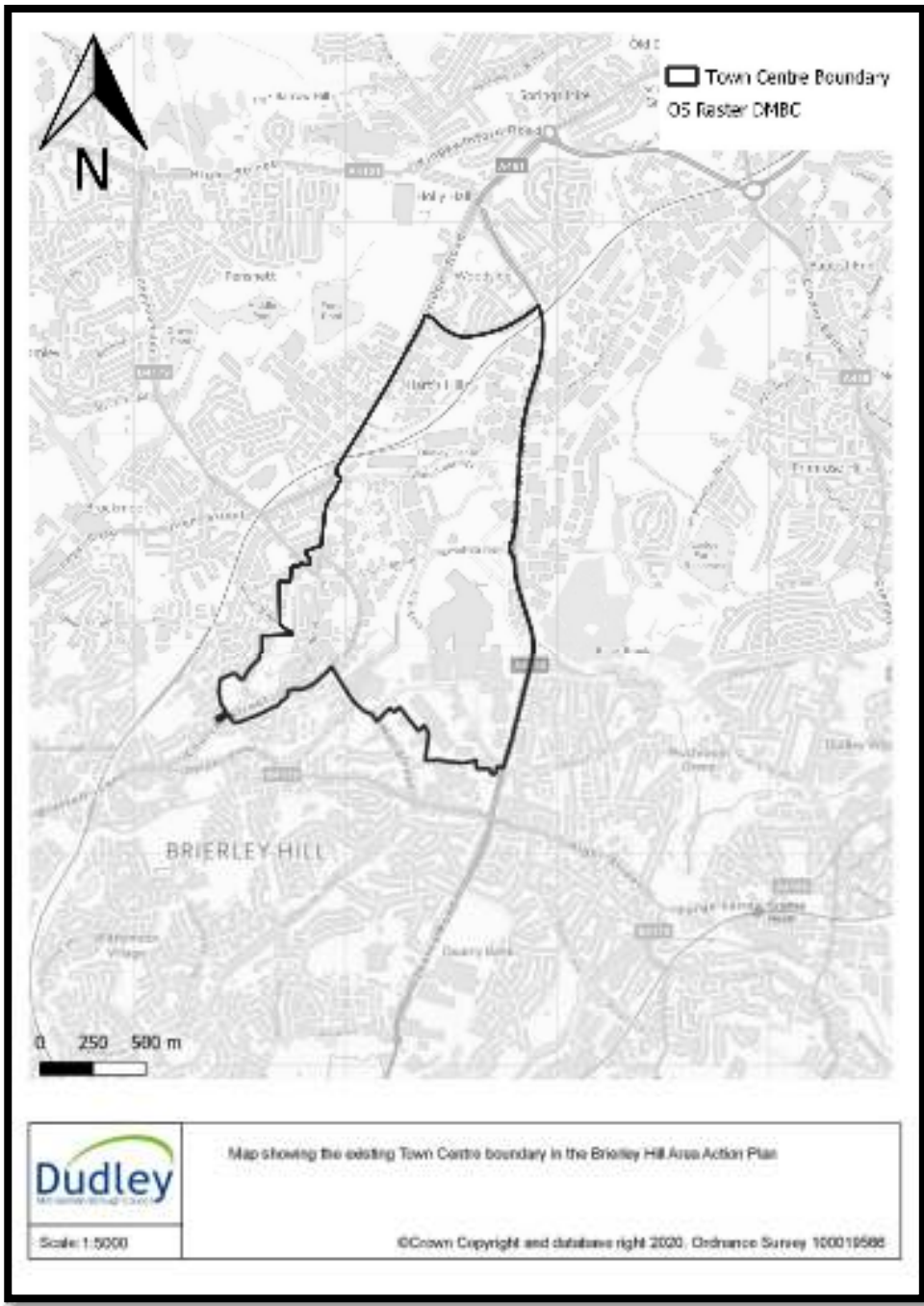
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<sup>4</sup> Changes to the Use Class Order were introduced in September 2020- these changes included the revocation of Classes A1-3 and these uses instead forming part of a new Commercial, Business and Service Use Class (E)

## The Town Centre Boundary

9.10 The NPPF requires planning policies to *'define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations...'* (NPPF para 86 b). With regard to the existing AAP, the plan boundary also constitutes the Town Centre Boundary, as shown on Map 6 (Option 3a).

**Map 6 – The existing Town Centre Boundary (Option 3a)**



9.11 The delineation of the Town Centre Boundary is significant as it defines an area within which Main Town Centre Uses are considered appropriate and, also outside of which such uses are sequentially non preferable and, depending on the scale of the proposed development, require a Sequential Approach and/or Retail Impact Assessment to be undertaken.

9.12 Main Town Centre Uses are defined in the NPPF<sup>5</sup> and, for example, comprise retail, office, leisure, recreation and cultural development and facilities. The AAP defines when Main Town Centre Uses may be defined as Edge-of-Centre or Out-of-Centre within Policy 46 (Edge of Centre and Out of Centre Development).

9.13 That current policy states that to be regarded as Edge of Centre:-

- Retail development needs to be either within 300 m of the Primary Shopping Area at Merry Hill or the Local Shopping Area at Brierley Hill High Street
- For all other town centre uses, to be regarded as Edge of Centre they need to be within 300m of the Town Centre Boundary

9.14 Out of Centre Development is defined in AAP Policy 46 as any development further away from these defined shopping areas (for retail development) or the Town Centre Boundary (other Main Town Centre Uses)

9.15 We are of the view that the widely drawn AAP Town Centre boundary has resulted in a degree of uncertainty when assessing the appropriateness of Main Town Centre Uses on sites which are peripheral to the main shopping areas but still within that boundary and not subject to a Development Opportunity Block Site Allocation, especially on sites within designated Established Areas within the AAP.

9.16 We are therefore proposing as an option to redefine the Town Centre Boundary within the BHP so that it is contracted to encompass the centres at Brierley Hill High Street and Merry Hill, and the areas of land in-between these centres, as well as The Waterfront.

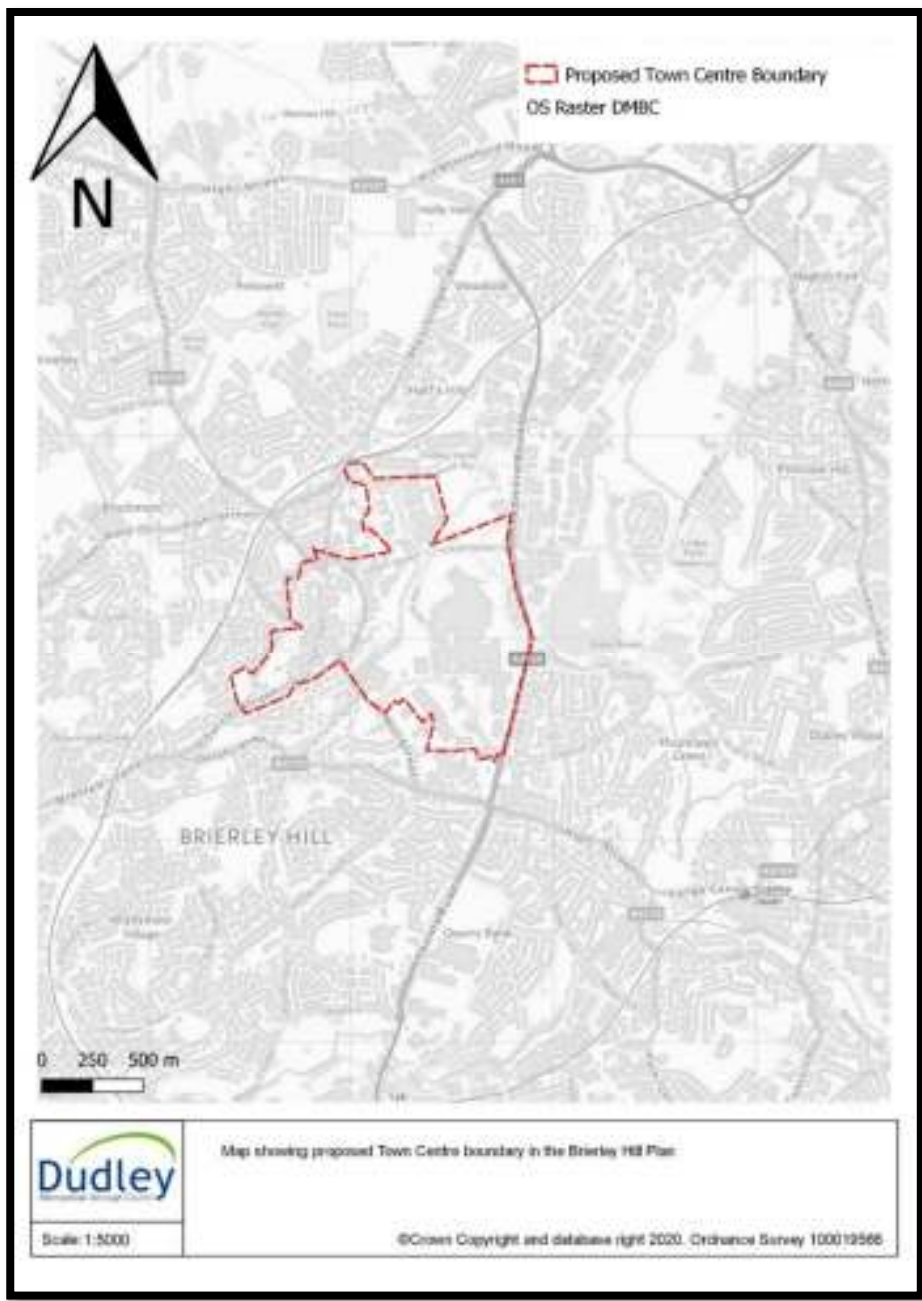
9.17 We consider that it is potentially appropriate to include the land in-between the centres of Brierley Hill High Street and The Merry Hill Centre, to allow for the expansion of Main Town Centre Uses within this area, as well as in-centre residential, enabling opportunities for growth in these uses as well as the existing centres to be linked through development.

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<sup>5</sup> The full definition of Main Town Centre Uses is included within Annex 2 (Glossary) of the NPPF

9.18 We consider it potentially appropriate to include The Waterfront within the Town Centre boundary as a result of the area already accommodating Main Town Centre Uses (especially offices), but also with a view to allowing potentially more retail development there especially restaurants and bars alongside small shops. This is to not only increase the vitality and viability of that area, particularly with regard to its night-time economy, but that of the Strategic Centre overall. This alternative town centre boundary is shown on Map 7 (Option 3b).

**Map 7 – Alternative Town Centre Boundary (Option 3b)**



**QUESTION 3**

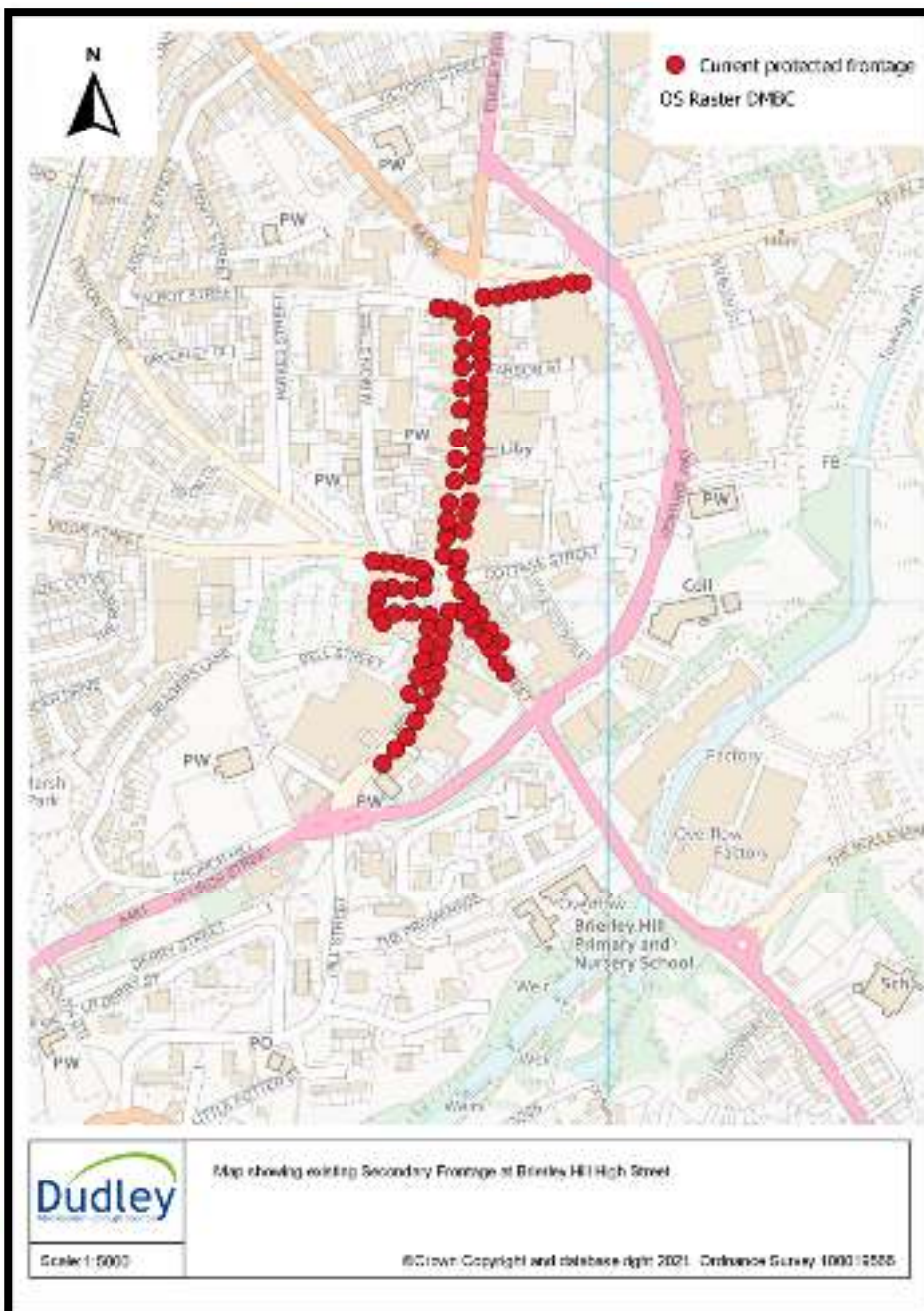
Which option do you prefer for the Town Centre boundary, within which retail and leisure uses should be focused?

## **Brierley Hill High Street**

### **The Protected Retail Frontage at Brierley Hill High Street**

9.19 Within the existing AAP, Brierley Hill High Street Local Shopping Area contains a Secondary (Protected) Frontage. As shown on Map 8, that frontage extends along High Street from its junction with Level St in the North to (almost) its junction with Venture Way in the South, incorporating The Moor Centre and premises in Mill Street, Cottage Street and Little Cottage Street.

**Map 8 - The existing Secondary Frontage at Brierley Hill High Street**



9.20 The current AAP Policy states that not more than 50% of the units, or more than 2 adjoining units, within the Secondary Frontage, shall be in a non A1<sup>6</sup> Retail Use (AAP Policy 1 – Brierley Hill High Street Local Shopping Area). The Black Country Plan Centres' Study recent Healthcheck have shown that 24% of the total units within the High Street are vacant and that 37% of the remaining units were in a form of A1/E(a) Retail Use.

9.21 Recent changes to the Use Class Order (UCO), have meant that a retail use (previously A1 Use Class) is now within a new Use Class: Commercial, Business and Service Use - Class E. Class E also includes a number of non- retail uses, such as financial and professional services e.g. banks and estate agents (formerly Use Class A2), restaurants and cafes (formerly Use Class A3), offices and light industrial uses (formerly Use Class B1), health centres, creches and day nurseries (formerly Use Class D1) and some indoor sports facilities (formerly Use Class D2).

9.22 This means that it would now not be classed as development should an existing unit which previously had a lawful A1 Use change to one of these other uses specified within the new Use Class E. There may however be an opportunity to restrict a proposed new build unit to a specific (retail) use within Class E, should we consider this necessary in retaining the viability of the centre.

9.23 The implications of the new E Use Class and permitted development allowance are that the change of an existing unit within a protected frontage to a non-A1 Use may be outside of our (planning) control. This is unless, for example, the proposed change of use is to a hot food takeaway or public house, as these uses do not fall within Class E. Without this control over the loss of previously classed A1 Uses, we consider the reasons for designating and maintaining a Protected Frontage becomes questionable.

9.24 In addition, recent changes to the General Permitted Development Order (GPDO) also allow, as of the 1<sup>st</sup> of August 2021, premises within an E Use Class to change to residential (C3 Use) without the need for planning permission. This is subject to there being no more than 1500m<sup>2</sup> of floorspace involved, and other limitations and conditions being met, including determination through a Prior Approval process.

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<sup>6</sup> Changes to the Use Class Order were introduced in September 2020 - these changes included the revocation of Classes A1-3 and these uses instead forming part of a new Commercial, Business and Service Use Class (E)



9.25 Given the decreasing percentage of shopping units within an A1/E(a) use and the relatively large number of vacant units within Brierley Hill High Street, as well as factoring in the general decline in in-centre retail shopping as well as changes to the UCO, we consider that there is an option to refocus this part of the Strategic Centre, including the contraction or removal of its protected frontage, but building on the centre's unique character and the opportunities presented by the proposed terminus of the Midland Metro route at Cottage Street in particular.

9.26 We therefore consider there is an option to revise the boundary of the High Street, in order to enable the repurposing of Brierley Hill High Street and the diversification of uses within it, to reduce its retail role but expand its function as a community focus, by including locally prominent features and assets, such as Marsh Park, St Michael's Church, the former technical institute/library, the proposed Metro terminus and the Civic Hall.

9.27 We are therefore presenting a general question within this report, as to what type of uses you would like to see within Brierley Hill High Street. As this will help inform us as to how we move forward on this issue, for example, with some form of protected frontage, which, subject to the planning controls available, specifies which uses would be acceptable within it.

#### **QUESTION 4**

**What type of uses would you like to see more of within Brierley Hill High Street, for example shops, houses, offices, public houses?**

## The Merry Hill Centre

### Targets for retail growth at the Merry Hill Centre

9.28 The current AAP allocated land at The Merry Hill Centre within Development Opportunity Blocks for an additional 56,500 m<sup>2</sup> of A1 Comparison<sup>7</sup> Retail to be phased between 2009 and 2021 with an additional 8,500 m<sup>2</sup> allocated elsewhere within the plan during that period. Additional capacity was also identified within the centre for 30,000 m<sup>2</sup> of A1 Comparison Retail between 2021 and 2026.

9.29 These targets clearly have not been achieved for a number of reasons including macro-economics and general trends in retailing (summarised in para 8.3 of this report). Furthermore, as stated in para 8.4 of this report, the Black Country Centres Study has evidenced a need for only a limited amount of growth in convenience retail and no growth in comparison retail within Brierley Hill Strategic Centre up to 2039. We think that this not only illustrates that the previous BCCS targets are no longer sustainable, but also establishes a need for the centre to diversify, especially in terms of land uses, away from being a singularly focused retail destination.

9.30 Also of significance on this issue are the three pre-conditions which are required to be met, through the provisions of BCCS Policy ENV3 (Growth in the Strategic Centres) and AAP Policy 66 (Phasing of Comparison Retail allocations), before a net increase in A1/E(a) Comparison Retail can be permitted at The Merry Hill Centre.

9.31 These pre-conditions are:-

1. Adoption of the AAP – *clearly, this has occurred*
2. Implementation of improvements to Public Transport - *the bus station has been improved and there are bus priority traffic lights at the junction of The Boulevard and Mill Street*
3. Introduction of a car park management regime, including the use of parking charges compatible with those in the region's network of major centres – *this remains outstanding.*

9.32 As Policy CEN3 is regarded as Strategic Policy, its review is being addressed within the BCP (Policy CEN2) where the strategic implications of either retaining or removing this pre-condition are being assessed, including in recognising that Merry Hill has changed since the adoption of the BCCS: as a result of recent development, such as the establishment of a food court, Merry Hill is growing more as an established centre, rather than an out-of-centre shopping centre located within the urban area.

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<sup>7</sup> Comparison Retail is the provision of retail items not obtained on a frequent basis – e.g. clothing, footwear, household and recreation goods.

9.33 In addition, at the strategic level, there is also a need to factor in the need for Strategic Centres to meet environmental sustainability criteria, including sustainable modes of transport, and promote sustainable development within them. In the case of the Merry Hill Centre, the future sustainability of the centre is likely to rely heavily on the introduction of The Midland Metro in 2024.

9.34 This issue, as well as potential future retail growth targets at Brierley Hill, are therefore matters for the Black Country Plan to address, informed by an emerging independent evidence base, notably the Centres Study and Car Parking Study, with the outcome reiterated and articulated at the local level within the BHP.

### **The Primary Shopping Area**

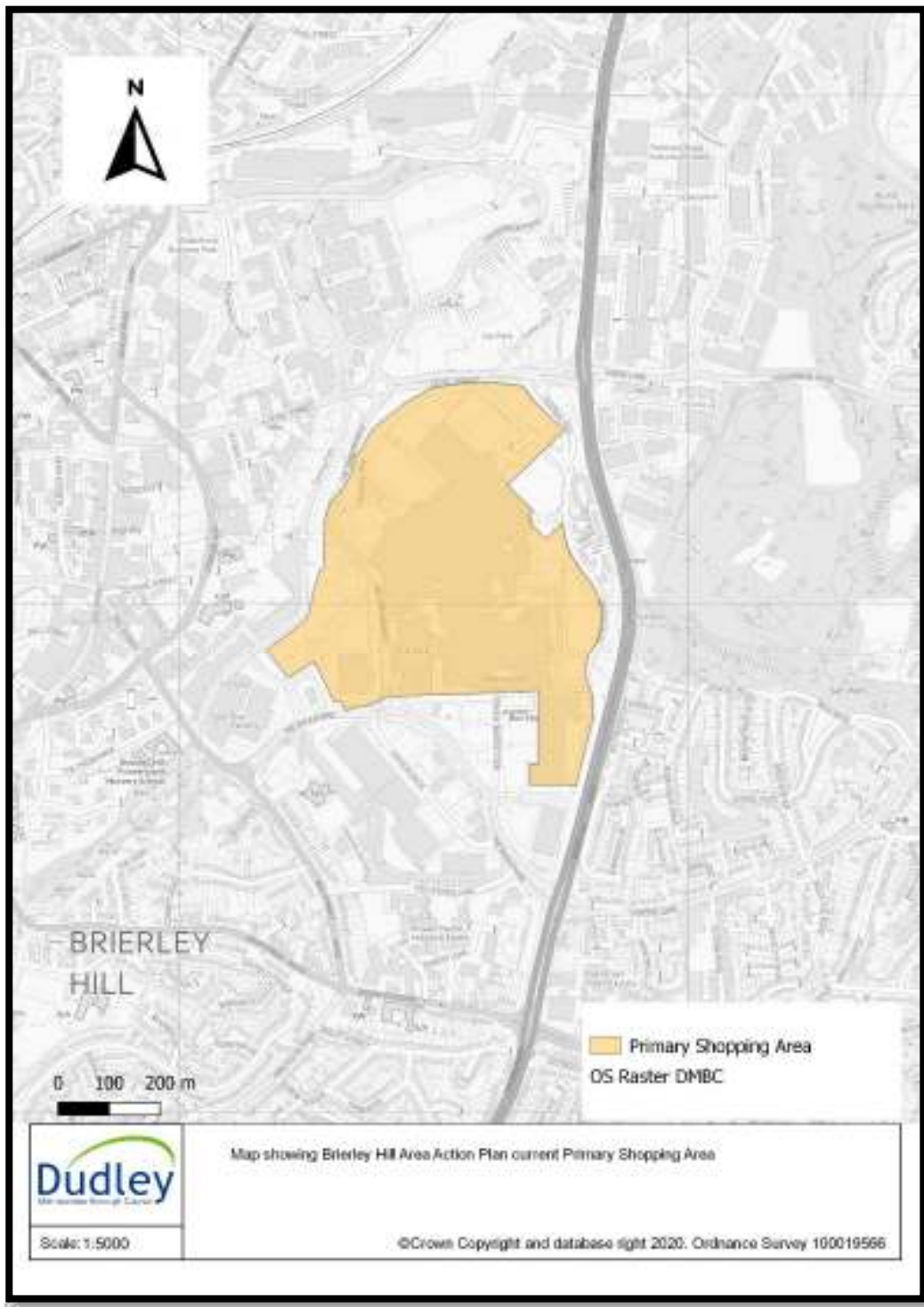
9.35 The AAP designated Primary Shopping Area (PSA) covers The Merry Hill Centre Mall as well as the car parks and service areas immediately adjoining it, the existing cinema and plateau behind it (to the West), as well as the units fronting Times Square Avenue (with the exception of the end unit – Unit 1).

9.36 The function of the PSA is to define an area where retail development is concentrated and in which the location of new A1 Retail Development (now Use Class E) is sequentially preferable, as opposed to edge-of-centre development (within 300m walking distance of the PSA) or out-of-centre (further away from the PSA than 300m).

9.37 The existing PSA at Merry Hill, as shown on Map 7, has 2 further functions:-

1. It is also the designated Protected Frontage for The Merry Hill Centre (see below)
2. It forms the Merry Hill Urban Quarter, which is subject to a different Community Infrastructure Levy (CIL) charging regime for new A1 Comparison Retail (now Use Class E) development (over 100 sq m) – there is no CIL Charge for such development within this defined area on the basis that instead public transport infrastructure improvements will be triggered as a result of pre-condition 2 attaching to BCCS Policy CEN3 – *however it should be noted that CIL is in the process of being replaced by a new National Infrastructure Levy.*

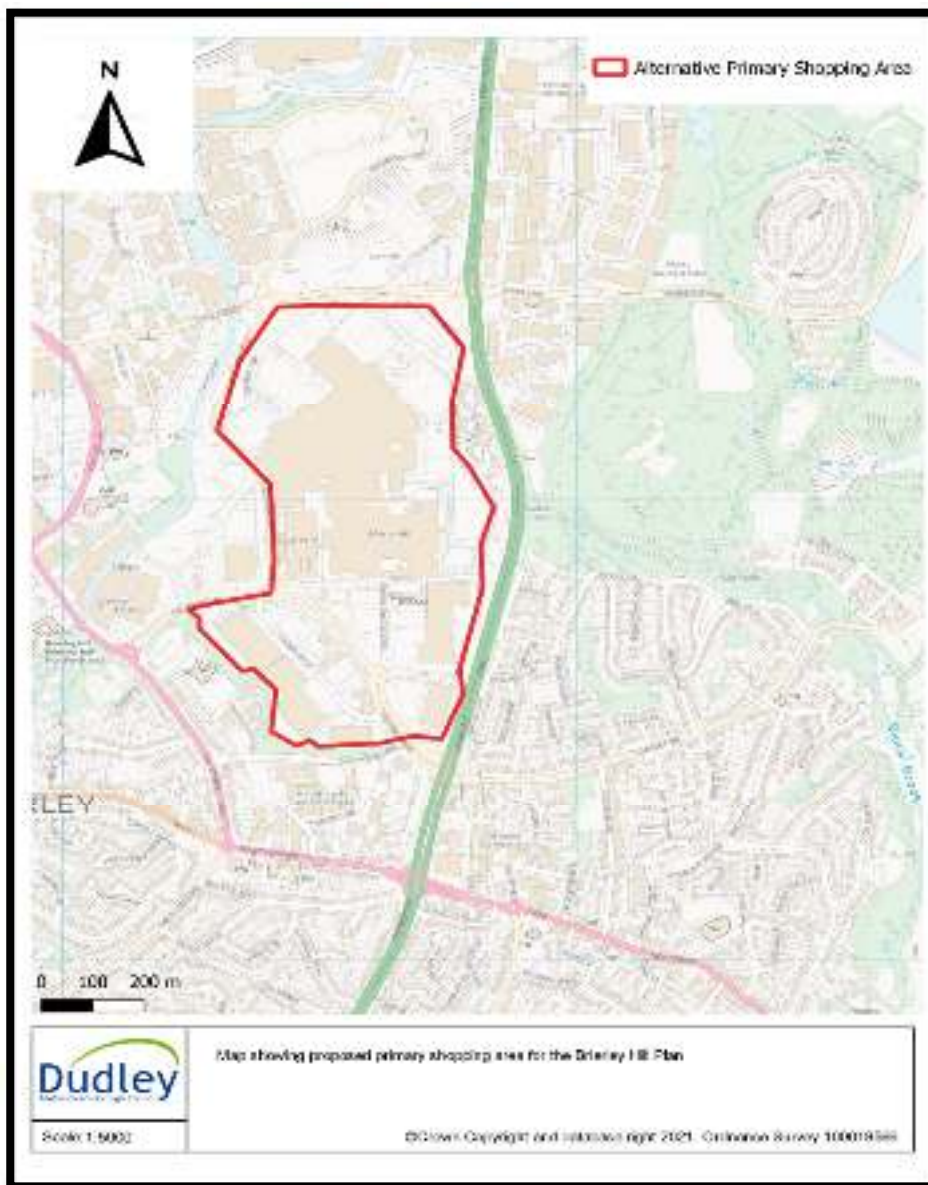
## Map 9 – The existing Primary Shopping Area at Merry Hill (Option 5a)



- 9.38 We consider that, as an option, it is therefore reasonable to review the boundary of the PSA to:-
- A. To exclude the existing cinema site and the plateau to the rear of it – as this area would remain within the Town Centre Boundary, and thereby provide an opportunity for this site to be potentially retained or redeveloped for a number of Main Town Centre Uses and/or for residential development without the requirement to protect that site’s retail frontage – which is given further weight as a result of the fact that it is currently in a non-retail use as a cinema: now a Sui Generis Use (a use which requires permission to change from or to) in the new Use Class Order

- B. To include the existing retail units fronting on to Station Drive – this is an established part of the Merry Hill Centre providing a location for larger scale A1 Comparison Retail (now Use Class E) operators - this option would also enable them to be brought into line with the current CIL Charging regime, or potentially the replacement Infrastructure Levy regime, particularly with regard to sustainable transport projects, affecting the other retail units within the mall.

**Map 10 – Alternative Primary Shopping Area at Merry Hill (Option 5b)**



**QUESTION 5**

Which option do you prefer for the Primary Shopping Area at the Merry Hill centre, within which retail uses should be focused?

## **The Protected Retail Frontage at The Merry Hill Centre**

9.39 As stated above, one of the functions of the PSA is to also define a Protected Retail Frontage for the Merry Hill Centre. The current AAP Policy states that proposals for non-A1 Retail development (now Use Class E) will be resisted where this would lead to less than 70% of the units within the PSA being within an A1 Retail Use (now Use Class E). This is except to allow for the provision of a foodcourt, leisure attractions at the existing cinema site and the provision of multi-deck car parking wrapped around residential uses (AAP Policy 45 – The Primary Shopping Area).

9.40 We think that this would indicate that, albeit with the establishment of the foodcourt and not accounting for the lawful use of the vacant units, the 70% target for the total number of units to remain within an A1 Retail Use at the Merry Hill Centre needs reviewing. On top of this, as stated in para 8.11 of this report, there is the evidence of the need for centres to “repurpose” and diversify.

9.41 In addition to this current 70% threshold, we therefore consider that there are 3 alternatives:-

1. A 65% threshold for the retention of A1 Retail Uses (now E Use Class) – this would bring Merry Hill in line with that prescribed for the Borough’s Town Centres
2. A 50% threshold for the retention of A1 Retail Uses (now E Use Class) – this would enable the Merry Hill Centre to evolve into much more than a shopping destination, giving opportunities for the growth, for example, in further restaurants and leisure facilities
3. Not to identify a percentage threshold for the retention of A1/E Uses within the PSA

9.42 The reasons why we are presenting an alternative to not have a percentage threshold of A1/E within the PSA is the same reason behind why we have the option for not having a Protected Frontage within Brierley Hill High Street:-

- Recent changes to the Use Class Order have meant that a retail use (previously A1 Use Class) is now within a new Use Class – Commercial, Business and Service Use Class E. Class E also includes a number of non- retail uses, such as indoor sport, health centre, creche, offices and light industrial uses
- This means that it would now not be classed as development, should an existing unit which previously had a lawful A1 Use change to one of these other uses specified within the new Use Class E
- The implications of the new E Use Class are that the change of an existing unit within the PSA would potentially be outside of our control

- In addition, recent changes to the General Permitted Development Order (GPDO) also allow, as of the 1<sup>st</sup> of August 2021, premises within an E Use Class to change to residential (C3 Use) without the need for planning permission
- Without these controls over the loss of previously classed A1 Uses, we consider the reasons for maintaining a % threshold of units within this use within the PSA becomes at best, questionable
- However, the reason for having a PSA remains relevant in order to identify when a development outside of the PSA can be classed as Edge-of-Centre or Out-of-Centre and for the purposes of our CIL Charging Regime or potentially the superseding National Infrastructure Levy.

## **10.0 HOUSING DEVELOPMENT IN BRIERLEY HILL**

### **Strategic Housing Targets**

10.1 A main Government objective is to significantly boost the supply of homes in England. Not only in quantity but a sufficient variety is required in order that the needs of groups with specific housing requirements are addressed.

10.2 As we have set out in Table 1 of this report, the delivery of the existing Black Country Core Strategy growth target for new housing within Brierley Hill Strategic Centre up to 2026 is 2,940 new residential units. To date, however, only a small number of new homes have been delivered: 235 units.

10.3 The emerging Black Country Plan will allocate land to meet the areas' housing needs for 15 years (between 2024 and 2039). The NPPF states that in order to determine the minimum number of homes needed for an area, Strategic Policies should be informed by a local housing need assessment, conducted using the standard method contained within national planning guidance.

10.4 Based upon Government guidance, statistics and growth forecasts, the Black Country has a need for approximately 5,000 new homes each year, over the BCP plan period, up to 2039. As Brierley Hill is a Strategic Centre within the urban area and contains existing and proposed public transport stations, under the overarching aim of making the efficient use of brownfield land for sustainable housing development, it is expected to have a much stronger role in providing new housing, potentially at high densities.

10.5 On this basis, and as evidenced in the BCP Black Country Urban Capacity Report<sup>8</sup>, despite previous limitations in housing delivery, we think it is appropriate, particularly given the potential for regeneration within the area, to not only retain a target figure of 2,940 new houses, which minus the 235 new homes already delivered equates to a baseline of 2,705 units, but plan for an additional 350 units on top to provide a total of 3,055 new homes by 2039.

### **New sustainably located housing development**

10.6 We therefore need to identify new housing sites within the plan to meet this strategic target for housing growth, particularly where sites are sustainably located, such as sites located close to the Midland Metro line and its stations. This is as we consider that it is appropriate to help facilitate new housing development within walking distance of the stops (where appropriate) or to bus routes serving the stops, as this would create a highly sustainable form of development.

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<sup>8</sup> BCP – Black Country Urban Capacity Review Update (May 2021)



- 10.7 The means by which we will allocate sites for new housing will be through a combination of:
- carrying some of the existing AAP Development Opportunity Blocks (DOB) forward into the BHP where residential is an acceptable use
  - revising other DOBs to provide a change in emphasis towards housing being an acceptable use
  - identifying new Opportunity Sites specifically for new housing development.

10.8 For each of these Opportunity Sites, we will detail how many new residential units they will be likely to accommodate as a contribution towards meeting the target, as well as providing requirements and guidance through design parameters to ensure that new sustainable housing development can be delivered not only in way which makes the efficient use of brownfield land, but also encompasses good urban design principles.

10.9 On this basis, we have presented the following broad locations as options for future housing growth:

1. Harts Hill
2. Archill, north of Level Street
3. Land at The Embankment
4. Land East of Venture Way and at Daniel’s Wharf
5. Waterfront West/Waterfront Way
6. Canal Walk South
7. Land at Moor Street and Bell St

10.10 A broad appraisal of these areas for potential future housing growth is summarised in the following table (Table 4), and their broad locations are shown on Map 11.

**Table 4: Potential broad locations for new housing development**

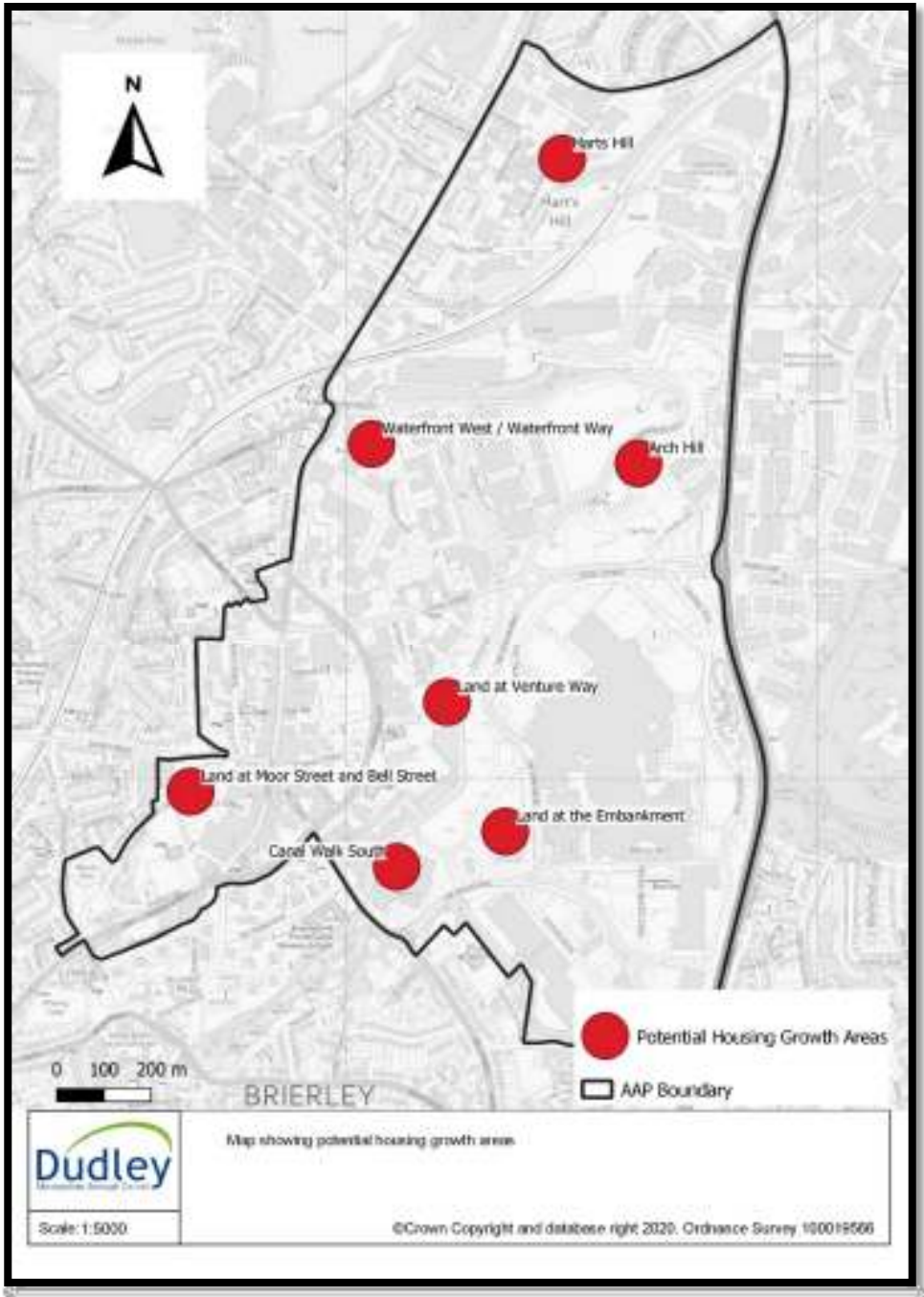
<b>Opportunity Site</b>	<b>Existing AAP allocation</b>	<b>Initial appraisal</b>
<b>Harts Hill</b>	This area contains 6 no. DOB (H1-H4, H7, and H11) with the acceptable uses for these areas being either B1 Business or C3 Residential Uses or a combination of the two uses - as set out in AAP Policies 41 and 42.	Since the adoption of the AAP, H11 (Canal St) has been developed out for housing (planning permission ref. P18/0147) and permission has been granted for residential development on H1, H2, H4 and H7 (part) (Cochrane Rd) (ref. P20/0001). The remaining areas have a mixed B1 and C3 allocation.

		A proposed reallocation for a C3 Use is given further weight as a result of the sustainable location of this area for housing, being close to the Strategic Centre as well as proposed Midland Metro Stops.
<b>Archill, north of Level Street</b>	This area comprises DOB W1, 2, 3, 4 and 5. The land use allocations for these areas as set out in AAP Policies 33 to 35 are centred on B1 Business Development, with up to 2 hectares of residential development on DOB W5 (the eastern part of The Waterfront Car Park), and with ancillary uses specified as D1 (Non-residential institutions) and small-scale retail uses	This area is within DY5 EZ and also contains a proposed MM stop and a Primary Public Space on the western part of The Waterfront Car Park and a Primary Thoroughfare leading up to it from Level Street. The Cushman and Wakefield Report on the viability of uses within the DY5 EZ, stated that Archill has “good potential for residential development” Given this review and a lack of growth in the office sector in Dudley also evidenced in this report, then as alternative to the existing land use designation for this area (primarily B1 Business with 2 ha of residential), then an option would be for comprehensive residential development, potentially with small scale retail development. To help achieve this, consideration could be given to the provision of a multi-storey car park on the existing Waterfront car park, to allow space to be freed up for potential residential development.
<b>Land at The Embankment</b>	Within the AAP this site is identified as DOB C2 and C3 within the Canal Walk Central Urban Quarter, with the relevant policy (AAP Policy 20) identifying this area, along with DOBs to the north, for an expansion of The Merry Hill Centre in terms of an increase of 56,500 m <sup>2</sup> of additional A1 Comparison Retail, with leisure and residential development also being appropriate.	The Black Country Centres Study forecasts no growth in Comparison Retail development for the Black Country’s Centres and therefore no requirement to allocate sites for this use. The study as well as national planning policy and guidance also states that there is a need for centres to “re-purpose”, with less emphasis on maintaining a shopping focus. Given this evidence, a potential future land use option for this site would be for residential development. It should be noted that the southern part of DOB C2 is constrained by ground condition issues which may need significant remediation works to facilitate development on this part of the site.
<b>Land East of Venture Way, and at Daniel’s Wharf</b>	Within the AAP, this area comprises DOB BR15C and F, and BR16A –C and falls within the Lower Brierley Urban Quarter. The acceptable land uses for this area are a mix of B1 Business Development and C3 residential development, with D1 non-residential institutions also acceptable on DOB 15C and 15F (AAP Policies 13 and 14).	This area is located between Brierley Hill High Street and The Merry Hill Centre and adjoins DOB BR15D, 15G and BR16D (Daniel’s Wharf) where high rise and high density residential development is being pursued to align with the land use allocation within the AAP (AAP Policy 19). Given the lack of demand for additional B1a/ E(g) Office development, at this location (as evidenced within the Cushman and Wakefield Study) and the appropriateness of residential development within centres, especially on the periphery of

	The non- residential institution D1 land use has already been delivered as a result of the completion of the Brierley Hill Health and Social Care Centre since the adoption of the AAP.	retail cores, an alternative land use option is to allocate this area for residential development, potentially high rise and at a high density, with the potential for small scale retail uses at ground floor at Daniel’s Wharf.
<b>Waterfront West/ Waterfront Way</b>	Within the AAP, this area forms part of DOB WW1 as part of The Waterfront West Business Park The acceptable land use for this area is B1 Business Development, although there is the potential for a mix of uses with housing and non-residential institutions also acceptable (AAP Policy 36).	While we consider that it is appropriate that this area remains primarily in its E(g) Business Park use, there is the potential for intensive residential development of part of it, specifically, the car park on Waterfront West at the junction of Waterfront Way – this could be in the form of high density residential development and could potentially provide student accommodation to cater for a potential demand arising from the recently opened music faculty at this location.
<b>Canal Walk South</b>	Within the AAP, this area forms DOB CW1. The relevant policy (AAP Policy 29) specifies that this DOB would be suitable for mixed use development, with acceptable land uses being C3 Residential and B1 business uses, with other acceptable uses being D1 (non-residential institutions) and D2 (assembly and leisure)	This potential Opportunity Site would carry forward the DOB allocations within the AAP, however, could place a greater emphasis on residential. There is potential justification for this change in emphasis given the site’s position at a sustainable location at a gateway into the centre, as well as being on the opposite side of Mill Street to the Nine Locks Conservation Area.
<b>Land at Moor Street and Bell St</b>	Within the AAP, this area is identified as DOB BR1. The acceptable uses for BR1 are set out within AAP Policy 3 and comprise additional A1 Retail (Comparison up to 6500 m <sup>2</sup> and Convenience up to 3000 m <sup>2</sup> ) as well as Residential (C3) and Assembly and Leisure Uses (D2) being acceptable. In addition, other retail uses are considered acceptable as well as D1 (Non-Residential Institutions).	In terms of The Moor Centre, this site is sustainably located, especially as it will be within easy walking of the MM Terminus at Cottage Street. Given this, in addition to the existing land use allocation for primarily retail development, there is the potential here for a mixture of residential and retail development. In addition, pending an extended plan area boundary being agreed, this potential Opportunity Site could also incorporate the Northmoor Industrial Estate and the Dudley College Annex (a Grade 2 Listed Building) as well as the vacant land on the corner of Moor Street and Fenton St. The potential acceptable use of this site could therefore be residential, with additional landscaping to form a gateway to Brierley Hill High Street. It is considered important that any residential scheme on this site involves the conversion of the Listed Building, with any new development alongside it, sensitive to its character and distinctiveness.

		Should the option of residential redevelopment of the Northmoor Industrial Estate be pursued, it is preferable that this is undertaken comprehensively to avoid piecemeal development and consequently amenity issues arising.
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**Map 11 - Location of potential housing growth areas**



**QUESTION 6**

Do you consider that new housing development should be prioritised in these specified broad locations?

10.11 In order to create sustainable communities there is a recognised need to develop high quality housing to attract a range of occupiers (including professional and entrepreneurial people) alongside meeting an identified local need, for example, for single person households, the elderly and those unable to compete on the open market.

10.12 A flexible and imaginative approach will be needed to provide a mix of dwelling types and tenures at a variety of densities suitable to a Strategic Centre to accommodate a balanced population. Higher density development such as 100 dwellings per hectare is considered to be appropriate in Strategic Centres such as Brierley Hill which are very accessible and close to shops and amenities. Clearly, the appropriate density of development will depend upon the individual circumstances of each site.

10.13 Therefore in order to deliver the relatively large number of new residential units within this Centre as required through the strategic housing targets for this compact, urban area, it is realised that the density of development is likely to be generally high, potentially within high rise units at least on some of the identified housing sites. We therefore consider that a policy on this issue could specify that while high-density housing is likely to be required on a number of the housing Opportunity Sites, with potentially car parking limited as appropriate, internal and external amenity spaces would need to be of a very high quality and standard.

### **Supported Living Accommodation**

10.14 The current tenure mix of the wider Brierley Hill area indicates that 49% are owner occupied, 34% of housing is social housing and 14% is rented privately. The Council's housing waiting list identifies a clear need to provide affordable housing and an increased supply of 1 and 2 bedroomed properties. The housing offer within the area could also be used to attract a new working age population that will support local services and the retail offer. Currently Brierley Hill does not have an Extra Care housing offer to provide specialist housing for older people, with a growing ageing population.

10.15 There is therefore evidence that currently there is a lack of provision for older residents who may want to remain within or move closer to the facilities that Brierley Hill has to offer. A supported living scheme could enable residents to live independently, while having the benefit of being within a small community and having access to readily available support when needed. We therefore consider that there is an option to provide such a facility within the plan area.

### **QUESTION 7**

**Do you consider that there should be a supported living scheme within the Brierley Hill plan area, within which elderly residents could live independently but with access to care when needed?**

## **The Chapel Street Housing Estate**

10.16 This estate provides one of the priorities for renewal within the Future High Streets Bid for Brierley Hill. Therefore, we have presented an option of including this area within the plan boundary.

10.17 The existing housing offer at the Chapel Street Estate is considered in need of review and potential investment and regeneration.

10.18 While there is currently uncertainty about the type of regeneration activity that might take place on this estate, we consider that, as an option, its potential regeneration needs to be addressed within the plan: there is the potential for such decisions on the estate's future to be made as the BHP progresses, with the BHP requiring a planning framework with appropriate place shaping measures to be put in place, to enable the delivery of sustainable housing with high quality public realm at this location.

10.19 We therefore consider that, as an option, should the plan boundary be extended to include this estate, then it should form a new Opportunity Site within the plan.

### **QUESTION 8**

**Do you consider that the Chapel Street housing estate should be identified within the plan for regeneration as a housing site?**

## **11 INDUSTRY AND OFFICES IN BRIERLEY HILL**

### **Employment Growth Targets**

11.1 The existing AAP did not contain any policies aimed at growth within industrial employment land within the centre but emphasised instead the allocation of sites to meet the strategic targets set out within the BCCS for offices (B1a Use – new Use Class E(g)): an additional 220,000 m<sup>2</sup> (gross) of office development between 2006 and 2026.

11.2 At that time that figure was considered ambitious and openly aspirational, and this has proved to be the case with no additional growth in office floorspace recorded since the adoption of the AAP in 2011 (See Table 2).

### **The DY5 Enterprise Zone**

11.3 Enterprise Zone status was granted to Dudley MBC for the DY5 Business and Innovation Enterprise Zone (DY5 EZ) in April 2017 for a period of 25 years (until March 2042). The DY5 Enterprise Zone comprises 6 main areas. Those areas within the plan area comprise: -

- The Waterfront (8.03 Ha)- Existing development of Grade B office space;
- Archill (17.17 Ha)- undeveloped land comprising current use of surface car parking with some areas currently vacant and not in any use at present
- Harts Hill (14.79 Ha)- an area dominated by mixed quality industrial buildings in multiple ownerships.
- Canal Walk (7.02 Ha)- Land flanking the canal overlooking the Merry Hill Centre.

11.4 The benefits for a company locating within DY5 EZ include up to £55,000 per year business rate discount over a five-year period. Broad uses were allocated for each of the specified areas within the EZ. Within the AAP area, these were: The Waterfront – offices; Archill – offices; Harts Hill – technology including Research and Development; Canal Walk – mixed including residential.

11.5 These uses were reviewed within a study by Cushman and Wakefield<sup>9</sup> particularly focusing on their market attractiveness. In summary, they evidenced that for:-

- Offices - nationally there is a trend of occupiers wanting to locate in regional Central Business Districts, moving away from out of town and sub-regional centres, with businesses gravitating to the large skills markets, hence the current trend towards regional CBD's such as Birmingham, and that Dudley as a

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<sup>9</sup> Cushman and Wakefield Dudley Enterprise Zone Review 2019

sub region has delivered no new office space within the last 12 months with an overall vacancy rate of 4.5%.

- **Industrial** – there is demand for sites and premises for large logistics companies, dominated by the fast growing e commerce sector, with these urban logistics centres needing to be well accessed by the local road network, close to the population they need to serve and in locations where their 24-hour operations do not cause a nuisance to neighbours.

11.6 However, with regard to offices, the Black Country Centres Study identified The Waterfront as remaining a viable office destination, particularly given the benefits associated with that area’s inclusion within DY5 EZ.

11.7 That general evidence on market attractiveness, coupled with a lack of recorded new development for offices and industrial uses within Brierley Hill, are leading us to the conclusion that the majority of these DOBs which were previously allocated for such uses within the AAP, need to be reviewed and potentially reallocated for alternative uses, especially residential. Although there is additional evidence, particularly on the need to meet housing growth targets and locate new residential development in sustainable locations, which has enabled us to come to this view.

11.8 This position has helped us to justify presenting the potential for the identification of Harts Hill, Archill and Canal Walk South as areas for potential housing growth (refer to Map 12). However we consider that the potential loss of these industrial and office designations within the AAP needs to be counterbalanced by the following proposed broad locations for primarily the consolidation of the existing office and industrial employment uses :-

- a) Waterfront West
- b) Waterfront East
- c) Canal Walk North

**Table 5: Potential broad locations for the consolidation of industrial and office uses**

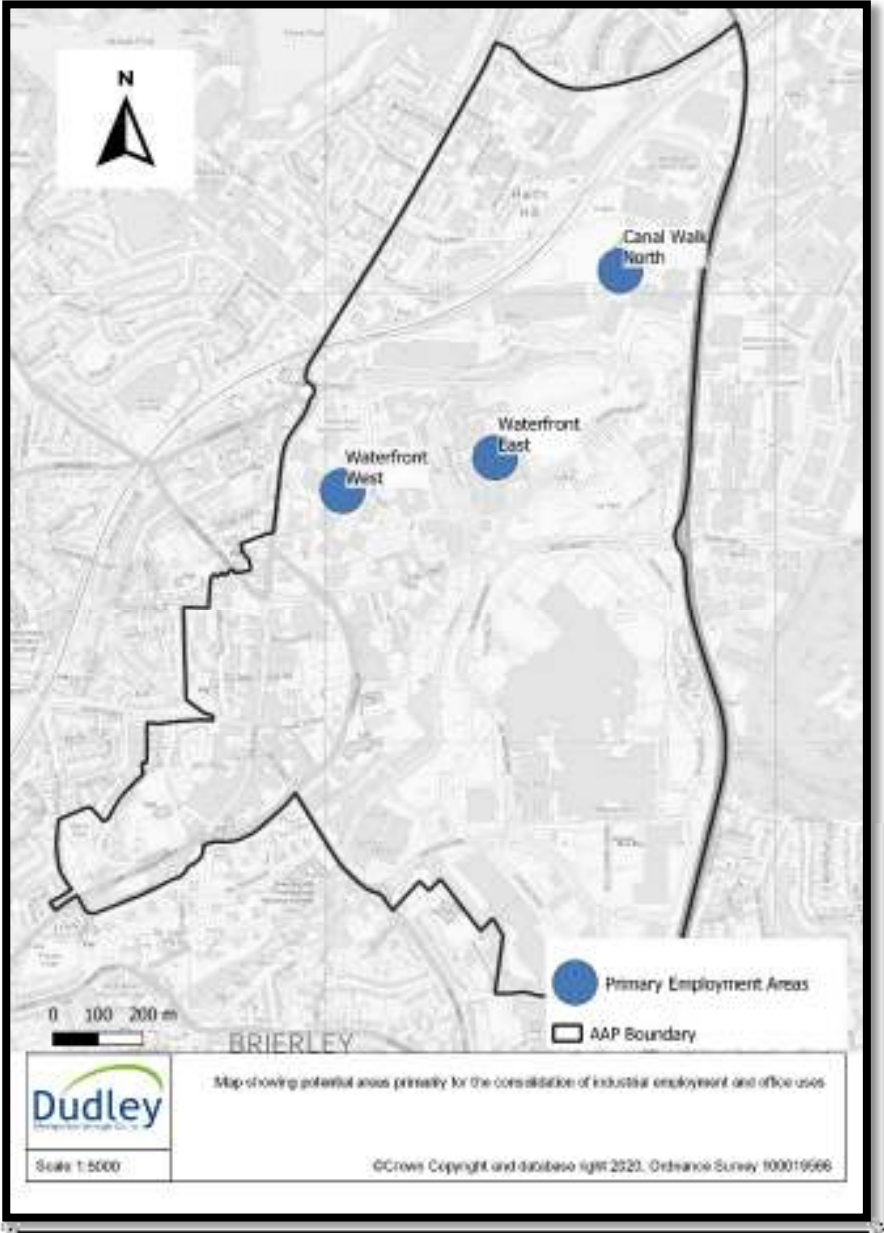
<b>Opportunity Site</b>	<b>Existing AAP allocation</b>	<b>Initial appraisal</b>
<b>Waterfront West</b>	Within the AAP this area is identified as containing 3no. DOBs: WW1, 2 and 3. The land use allocation for these DOBs was for B1 Business Development, with the potential for a mixed use approach with housing and non-residential institutions potentially also being acceptable.	Part of this area (the canalside office blocks, and the car parks off Waterfront West) fall within DY5 EZ and have benefited from that designation, particularly in terms of the take-up of vacant office floorspace.



	<p>The remainder of this Urban Quarter is identified as an Established Area and thereby subject to AAP Policy 44 which states that within these areas the existing mix of land uses is considered acceptable and is anticipated to remain</p>	<p>It is therefore considered appropriate that this area could be consolidated as primarily an office location and for industrial employment uses, but also including education and training facilities.</p> <p>These land use designations accord with those for the relevant DOBs (WW1, 2 and 3) within the existing AAP, so no change in those allocations is preferred at this location. However, this is potentially with the exception of the car park opposite The Landmark building which could be allocated as a housing site.</p>
<b>Waterfront East</b>	<p>Established Area (as above)</p>	<p>This area falls wholly within the DY5 EZ and comprises an office complex, which has a variety of ground floor uses including retail and bar and entertainment uses.</p> <p>It is considered appropriate to retain this established pattern of uses, retaining the upper floors office use, but allowing for the growth in ground floor entertainment uses, to enable this area to consolidate as an Entertainment Zone and night-time destination</p>
<b>Canal Walk North</b>	<p>Within the AAP, this area contains 5 no. Development Opportunity Blocks (W7, W8, W10 and W11). The area is also intersected by the Dudley Canal and the line of the proposed Midland Metro (MM) which crosses the canal, as well as a proposed MM Station at Canal Street</p> <p>There are a number of different land use allocations within the AAP for these DOB as set out in AAP Policies 38 -40: W7 – a park and ride facility and B1 Business Development; W8 and W10 – a mix of B1 Business and C3 Residential with ancillary retail uses (up to 250 m<sup>2</sup>)</p>	<p>This is regarded as a relatively robust existing industrial area (a Local Employment Area) into which it is likely to prove difficult to accommodate alternative uses successfully, especially residential.</p> <p>There is also an argument that if the option for the residential redevelopment of Harts Hill is adopted, then to compensate the Canal Walk North area should remain in an employment use and potentially allow for some of the existing industries at Harts Hill to relocate here.</p> <p>With regard to the proposed park and ride facility within DOB W7, this is a strategic policy matter for the BCP to address.</p>

		There is also considered scope for additional office development alongside the Midland Metro Station at Canal Street
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**Map 12 - Potential areas primarily for the consolidation of industrial employment and office uses**



**QUESTION 9**

Do you consider that these locations should be retained mainly for the industrial and office uses?

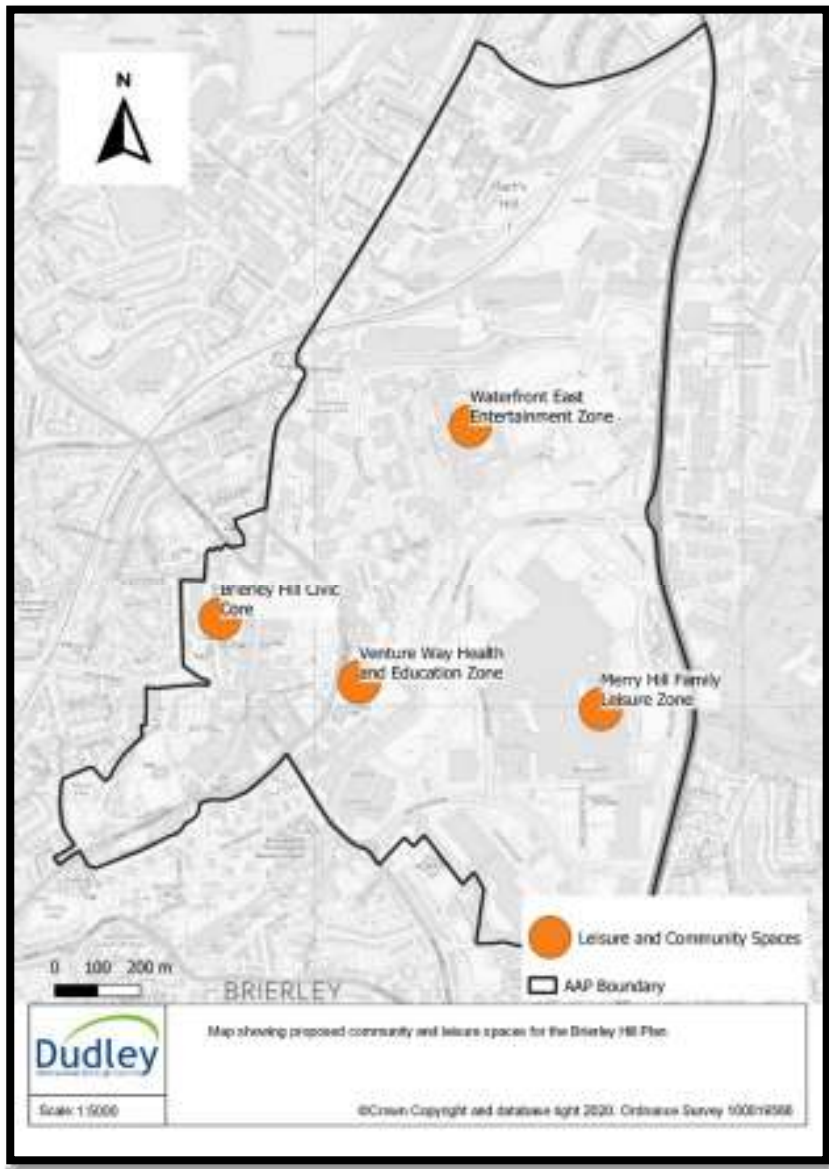
## **12.0 LEISURE AND COMMUNITY SPACES IN BRIERLEY HILL**

12.1 As part of the vision for the plan, and to help benefit the health and wellbeing of Brierley Hill residents, strengthening community ties and attachment to Brierley Hill, we are presenting the option of increasing leisure and community facilities available within the plan area.

12.2 We will seek to achieve this by presenting options to identify 4 main community hubs within the plan as Opportunity Sites and allocating these sites for appropriate land uses, to enable them to be strengthened in this role. These leisure and community hubs we have identified are at:-

- A. Brierley Hill Civic Core Zone
- B. Merry Hill Family Leisure Zone
- C. The Waterfront East Entertainment Zone, and
- D. The Venture Way Health and Education Zone

**Map 13 - Proposed Community and Leisure zones**



## **Brierley Hill Civic Core**

12.3 There is a cluster of existing community uses in close proximity to each other around the northern end of High Street, and at Talbot Street, Bank Street and Albion Street. We consider that that area could be consolidated and strengthened as a civic core, incorporating The Brierley Hill Civic Centre, which also serves as a youth centre for the surrounding areas, the Storehouse Community Centre and the Jamia Masjid Rizvia Mosque.

12.4 In addition, we consider there is the opportunity here to enhance the area of open space, currently fenced off and in front of the Civic Centre as an area of Public Open Space, with improved landscaping, including seating areas. This would further allow this area to establish itself as a community focal point.

12.5 We are therefore of the view that, as an option, this area be designated as a new Opportunity Site and be allocated for community and entertainment uses (F1, F2 (b) and concert and dance halls [Sui-Generis] Land Uses), as well as residential (C3 Land Use).

## **Merry Hill Family Leisure Zone**

12.6 We consider there is the potential to consolidate the area around the existing food court as an entertainment centre, termed a new family leisure zone. The consolidation of such (Assembly and Leisure and food and drink) Uses in this area would enable the centre to diversify and thereby provide a range of uses at the centre in addition to it being solely a shopping destination. This would particularly enhance the vitality of the centre. It would also provide an additional cluster of community and leisure uses to that proposed at The Civic Core, creating a counterbalancing community focal point at either end of the centre.

12.7 Within the existing AAP, this area falls within DOB R10, where through AAP Policy R10, it is identified for the provision of approximately 5000 m<sup>2</sup> of additional A1 Comparison Retail floorspace. We are therefore presenting as an option, a revised Opportunity Site here with acceptable land use allocations specified as food and drink and assembly and leisure uses.

12.8 In addition, the options we have presented for relaxing the thresholds or indeed removing them for A1 Retail Use (new Use Class E) within this part of the Primary Shopping Area so as to enable other Main Town Centre Uses to be established, will help enable the establishment of the Family Leisure Zone here.

12.9 Furthermore there is scope to link this proposed leisure zone with Saltwells National Nature Reserve, thereby strengthening the recreational potential within this part of the centre. This proposed improved link is presented as one of the potential greening measures for Brierley Hill.

## **The Waterfront East Entertainment Zone**

12.10 Within the existing AAP, The Waterfront is designated as an Established Area, reflecting that at the time of the adoption of the AAP, this area was an established and successful area of office development with bars and restaurants around the canal basin, and that those established uses would remain.

12.11 However, the number of bars and restaurants in the area has significantly fallen since then and has only recently shown signs of a recovery with a number of new retail uses being established particularly in ground floor units within Waterfront East. This is likely to have been at least partly precipitated by the recent conversion of the nearby former offices at Point North into 180 flats.

12.12 The arrival of the Music Faculty at Cable Plaza and the potential for associated student accommodation to be provided nearby would further add to the vitality of this area, in providing in-situ customers for retail and entertainment uses at this location. The revitalization of the night-time economy here would also accord with part of our vision for Brierley Hill – *refer to para 4.2 of this report*.

12.13 We therefore present an option of identifying this area as a new Opportunity Site and allocating it for appropriate acceptable uses to ensure that bars and restaurants and small local shops re-establish within ground floor units at Waterfront East.

## **The Venture Way Health and Education Zone**

12.14 The establishment of the existing Brierley Hill Health and Social Care Centre and the Dudley College Art and Design Centre (Inspired) within close proximity to each other, on the eastern side of Venture Way, we think provides an opportunity, as an option, to designate a Health and Education Zone within this part of the Strategic Centre.

12.15 Also included within this area could be the Buddhist Temple, as well as The Poplars (Dudley Health Priority Trust) Centre and, further south along Venture Way, the former industrial units, one of which has been converted into a Children’s Play Zone. It could also include the currently vacant areas of land adjoining the College building through which the MM line is proposed, with any residual land left over after the line is implemented used for an expansion of the college facilities or a similar, complementary use, and landscaping. This designation would largely carry forward the proposals within the AAP for the relevant DOBs within this Urban Quarter, which seek to enable the growth in educational facilities here.

### **QUESTION 10**

**Do you think that these areas should be identified in the plan mainly for community, leisure, entertainment, and food and drink uses?**

## **13.0 TRANSPORT AND ENERGY INFRASTRUCTURE**

13.1 The NPPF states that major development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes (para. 105). It also requires that priority be first given to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and, so far as possible, to facilitating access to high quality public transport (para 112).

13.2 There is therefore a recognised need to provide for and encourage the increased use of all forms of sustainable transport including public transport, cycling and walking, thereby helping to encourage a shift away from excessive reliance on and use of the private motor vehicle.

### **The Midland Metro Extension (Wednesbury to Brierley Hill)**

13.3 The Midland Metro (MM) Extension will run from Wednesbury through Dudley Town and currently on to and terminate at Brierley Hill, improving travel by public transport within Dudley Borough, and better connecting Brierley Hill (and Dudley) via existing metro services to other Black Country boroughs and centres, Birmingham City Centre, and potentially Birmingham International, Solihull and the Birmingham HS2 Interchange.

13.4 The Wednesbury to Brierley Hill Midland Metro Extension will be a key part of the tram network across the region and will play a significant role in the regeneration and economic growth of the West Midlands. Together with Metro extensions taking place in Wolverhampton City Centre and across Birmingham, it will deliver an integrated transport network for the future. The Midland Metro Alliance states the following headline benefits for the Wednesbury to Brierley Hill extension are:

- Attracting investment and regeneration to Brierley Hill and Dudley Town Centres;
- An important driver for this route is the creation of a link from this part of the Black Country to HS2 and everywhere in between - supporting economic growth by linking jobs and people;
- Enhancing public transport accessibility across the Black Country as a whole, reducing journey times as well as improving air quality and reducing noise<sup>10</sup>.

13.5 Within the proposed Brierley Hill Plan boundary, the Metro Extension's stops offer potential to act as a catalyst for change and regeneration – their locations are listed below (approaching Brierley Hill from Dudley) and identified on Map 14:

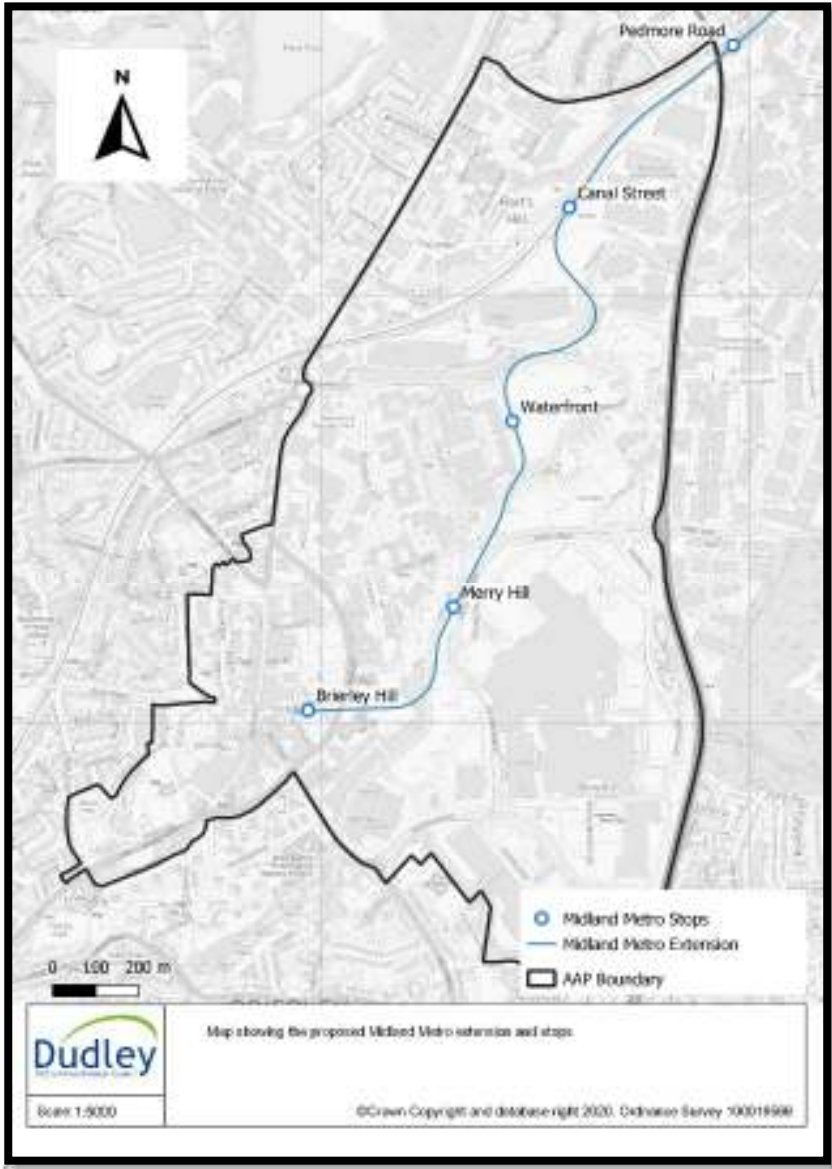
- Stop - Pedmore Road (at or just outside the northern edge of our proposed plan boundary);

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<sup>10</sup> Source: Midland Metro Alliance - <https://metroalliance.co.uk/projects/wednesbury-to-brierley-hill-extension/>

- Stop – Canal Street
- Stop – Waterfront (East)
- Stop – Merry Hill
- Terminus - Brierley Hill (Cottage Street, near the Market Hall)

**Map 14 – The Midland Metro Route and stops**



13.6 Part of our vision for the BHP is that the full economic and environmental benefits and other opportunities presented by the MM are realised, and as a part of this, any identified land uses and submitted development proposals in proximity to the MM route, stops and terminus meet this objective. We also consider it important to enhance the function, setting and attractiveness of at MM stop by creating well designed and landscaped areas of public realm around them and also increasing their connectivity to the wider locality, particularly to ensure that they become focal points within cycle and footpath networks as key active travel links.



13.7 While we consider it important to identify all the MM stops as focal points for sustainable development, accessibility and well-designed public realm, we consider that there is an option to specifically focus on the MM stop at Cottage Street, which also forms the MM terminus and the stop accessing Brierley Hill High Street. Within the current AAP, this area is identified as Development Opportunity Block BR10 within the Lower Brierley Urban Quarter and is allocated for non-residential institutions (D1) or Assembly and Leisure (D2) (AAP Policy 11). It also identified as a Primary Public Space.

13.8 We are of the view that there is an option for The Midland Metro Terminus to provide an opportunity for a cluster of retail uses around it, for example, bars, restaurants, cafes and takeaway sandwich shops, as well facilities associated with the MM (e.g. a ticket office and/or toilets). In addition, we consider that there is a lack of any central open greenspace near to High Street for the community to relax or for events, and that the opportunity to help remedy this issue could be provided by the establishment of a new area of high-quality public realm here.

13.9 This new area of public realm could, for instance, provide a place to sit, meet, and perhaps hold a summer fete or other community events. It would create a sense of arrival at the new terminus giving this area the status it requires. Ideally this area would be relatively large utilising land surrounding the terminus centred on Cottage Street in order to form a unique and attractive new space, as well as potentially providing toilets and extending into a more pedestrian friendly area on part of Cottage Street.

13.10 We think that this area could also incorporate pedestrian and cycle links within landscaped channels, spreading out to surrounding areas, in particular to the High Street via enhanced pathways along Cottage Street and also through a link space between the car parks and the High Street to the north of the terminus, northwards towards the supermarket, westwards along Cottage Street and eastwards adjacent to the Midland Metro corridor.

#### **QUESTION 11**

**Do you consider that we should give particular focus within the plan to the proposed Midland Metro stop at Cottage Street, to provide a high-quality landscaped area there, which is well linked in with the High Street?**



## Cycling and walking

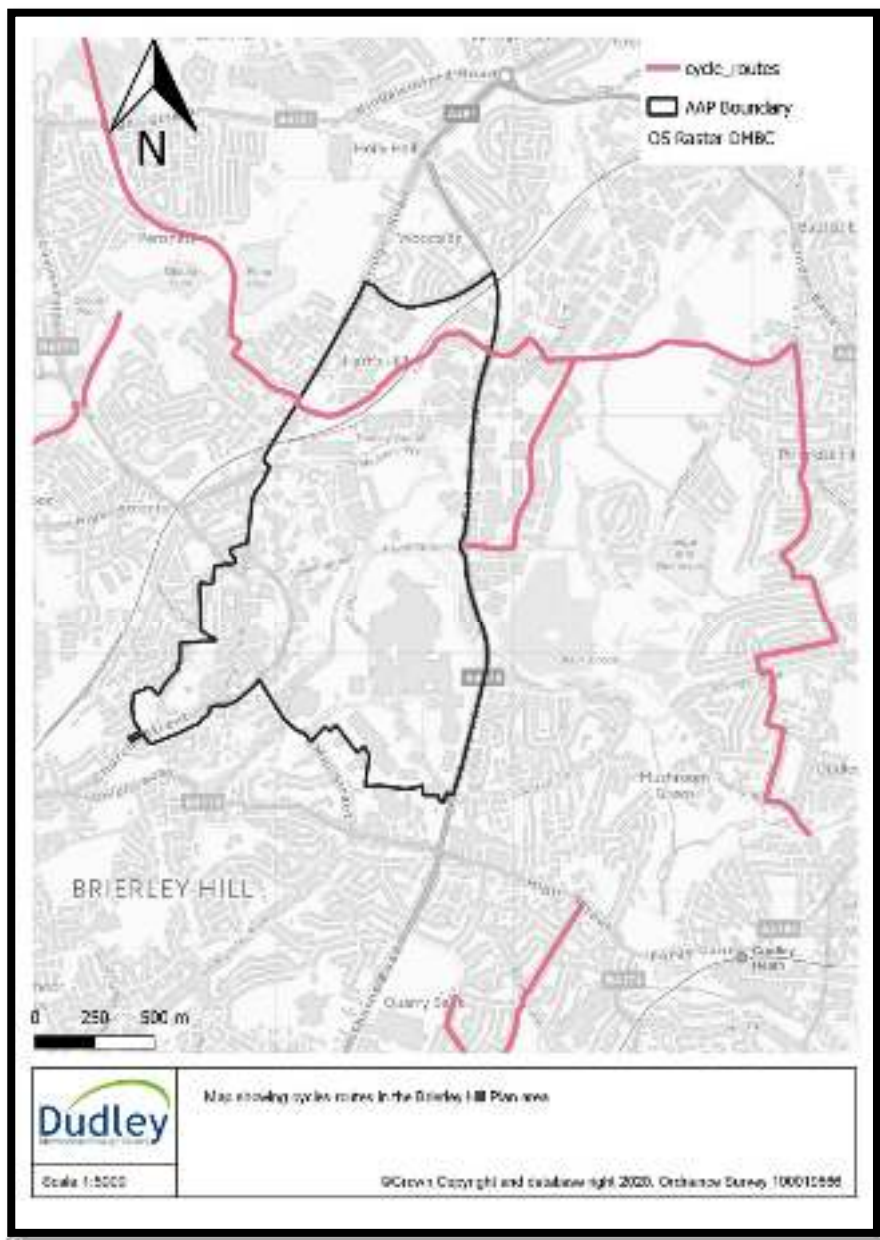
13.11 Unlike most of our other current planning documents, the existing AAP does not contain a cycling and walking policy. We consider that it could, as a result of national planning requirements and guidance, and also as Brierley Hill: -

- sits directly on a component part of the West Midlands’s Strategic Cycling Network – Sustrans<sup>11</sup> National Cycle Network (NCN) Route 54 (Derby to Stourport), largely following the route of the Stourbridge Canal through Brierley Hill
- contains existing and or proposed local cycle network routes that link to NCN Route 54 within or close to its plan boundary – like the NCN, these local cycle routes are also suitable and promoted for walkers, and include the proposed cycle route from Brierley Hill to Fens Pools, Pensnett and on to the Kingswinford Railway Walk
- provides scope for ‘Active Travel’ measures and projects within the plan area - as part of a Dudley borough-wide network for Active Travel, comprising such activities as walking, cycling, recumbent bikes, scooters (non-petrol), wheelchairs, prams, Nordic walking and so on - active travel links into or out from Brierley Hill centre could include:
  - Paths through Saltwells National Nature Reserve, heading west to Pedmore Rd and on through the Merry Hill Centre
  - Stourbridge Canal towpath from the south
  - From the Waterfront (including via the canal)
  - Links from Fens Pools Nature Reserve and on via North View Drive, Terrace Street and Dudley Road
  - Links from Brockmoor High Street to Brierley Hill High Street.
- contains both the terminus and a number of stops for the proposed Midland Metro Extension within its plan boundary, offering potential for increased cycling and walking to and from the MM
- comprises the borough’s only Strategic Centre and thus being a focus for further development and growth, leading to an increased need for sustainable travel into, within and outwards from Brierley Hill.

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<sup>11</sup> The Sustrans National Cycle Network is a UK-wide network of signed paths and routes for walking, cycling, wheeling and exploring outdoors – see <https://www.sustrans.org.uk/national-cycle-network/>

## Map 15 –Existing and proposed cycle routes



13.12 In order to encourage more cycling and walking within the Strategic Centre, particularly as a means of promoting Active Travel, as well as safeguarding and extending existing networks, we consider that it is important that new developments are required to provide appropriate levels of safe, secure and conveniently located cycle parking facilities and improve the environment for pedestrians, cyclists and people with disabilities, and be linked safely and directly as possible into the cycling and walking networks.

## **Renewable Energy**

13.13 In order to accord with the requirement of ensuring that development is not only sustainably located, but also designed and serviced with the principles of sustainable development to the fore, and to articulate strategic policy at the local level on this issue, especially current BCCS Policy ENV7 (Renewable Energy), and emerging policies on Climate Change and renewables, we consider it appropriate, to highlight this issue within the plan.

13.14 A proposed local plan policy could focus on not only the installation of electric vehicle charging points and solar panels within existing and proposed development, but also potentially allocate a site for a renewable energy installation.

**Q12 – Do you consider that sites for Renewable Energy installations, such as solar panels and/or alternative renewable energy sources, should be identified within the plan area? – if so can you suggest any locations that may be suitable?**

## **14.0 THE GREENING OF BRIERLEY HILL**

14.1 Brierley Hill and its surrounds contain a rich diversity of wildlife, much of which is directly attributed to its industrial past. The Dudley Canal works its way through the area in a general north to south direction providing a valuable ecological/recreation corridor. The remnants of the no longer navigable Pensnett Branch Canal form an undisturbed waterbody with heavily wooded margins. Just outside the plan boundary, rich veins of underlying natural resources such as coal, fireclays and ironstones were heavily mined at Saltwells National Nature Reserve (NNR) and Buckpool and Fens Pool Local Nature Reserve (LNR), both of which have, over time, been reclaimed by wildlife. Saltwells NNR forms part of the Black Country Geo Park with two geological Sites of Special Scientific Interest. The site is heavily wooded and is species rich with locally rare fauna and flora. We think that these wildlife rich sites and the avenues for movement of species between them need to be protected and enhanced within the wider landscape context of all new development to combat the combined challenges of climate change, past habitat fragmentation and increased urbanisation.

14.2 While the Strategic Centre is heavily urbanised, there is a 17.2 % canopy cover within the Brierley Hill Ward<sup>12</sup>. That figure is slightly above that of 16% canopy coverage for urban areas within the UK, however, falls below the average for the borough (18.2%).

14.3 The benefits of having more trees include helping to combat future potential problems with flooding, air pollution and the heat island effect. We think all new development should incorporate trees and, where appropriate, hedgerow planting (the latter as a form of boundary treatment), as well, potentially on larger sites, woodland and meadow creation and ponds, including natural Sustainable Drainage Systems. These measures can play a significant part in reducing the impact of climate change and reduce air pollution, as well as providing an uplift in biodiversity. They also offer valuable habitats. If a site is located within an important strategic location such as adjacent to a wildlife corridor, wildlife friendly landscaping (including green roofs) should form a significant important element of the scheme.

14.4 The lack of green spaces and parks existing in this centre has been acknowledged as an issue. A target number of new trees to be planted within the plan boundary during the 15-year plan period (to 2039) is considered a simple yet effective way of greening Brierley Hill. However, it is realised that new tree planting would need to be carried out in a structured and planned way so as for instance to create wildlife corridors and other open space networks as well as greening footpaths, cycleways and roads (as boulevards).

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<sup>12</sup> Forest Research i-Tree Canopy cover guide

14.5 We therefore consider it reasonable to have a target of 5000 new trees to be planted within the plan area over the plan period. This is as this figure approximately represents 1 tree for every resident currently under 20 years of age and living within the Brierley Hill Ward <sup>13</sup> (4000 people).

### **New entrance to Saltwells National Nature Reserve (NNR) and more tree planting along Pedmore Road**

14.6 Brierley Hill has a lack of green open space, yet nearby Saltwells NNR is one of the UK's largest urban nature reserves, covering 100 Ha (247 acres). Within an earlier chapter of this report, we have presented an option as to whether Saltwells Wood, which is the nearest part of Saltwells NNR to the Merry Hill Centre, should be incorporated into an amended plan boundary.

14.7 Currently the heavily trafficked Pedmore Road (A4036) restricts the movement of pedestrians between the Merry Hill Centre and Saltwells Wood. Despite having a long frontage to Pedmore Road, the pedestrian access into Saltwells Wood goes largely unnoticed. In order to give the site more of a presence along Pedmore Road, we suggest that a prominent entrance feature is created and a more apparent clear route established to encourage pedestrian movement between the NNR and the Merry Hill Centre. We think that this will help enable the NNR to be the main area of open space within the Strategic Centre, as a unique centre park with significant nature conservation and heritage assets.

14.8 Associated with this feature, there may also be scope to enhance the pedestrian crossing across Pedmore Road as well as providing more interesting and intensively landscaped areas on the western side (the Merry Hill side) of this highway.

### **Greening the High Street**

14.9 Dudley has been successful in securing funds via the High Streets Heritage Action Zones (HAZ) scheme which aims to find ways to champion and revive our historic high streets. Administered by Historic England and partnered with Dudley Council, projects are currently being developed particularly centred on improvements to the historic urban fabric of High Street.

14.10 The High Street itself is relatively devoid of vegetation and as such it has a rather harsh urban appearance. Opportunities exist therefore to build upon the regeneration potential of the HAZ by making improvements to the public realm here.

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<sup>13</sup> UK ONS – 2018 Estimate

14.11 Traffic along the High Street is two-way with laybys for parking on the western side. We consider that one parking space within each layby could be removed in order to provide an opportunity to plant a tree there. This could eventually create an attractive avenue of trees along the High Street. This would also be beneficial for air quality locally and for carbon capture. The other parking spaces would remain undisturbed and therefore the impact upon the High Street outlets would be minimal. Indeed, an attractive High Street has the potential to encourage more shoppers, and thereby increase the vitality of this part of the centre.

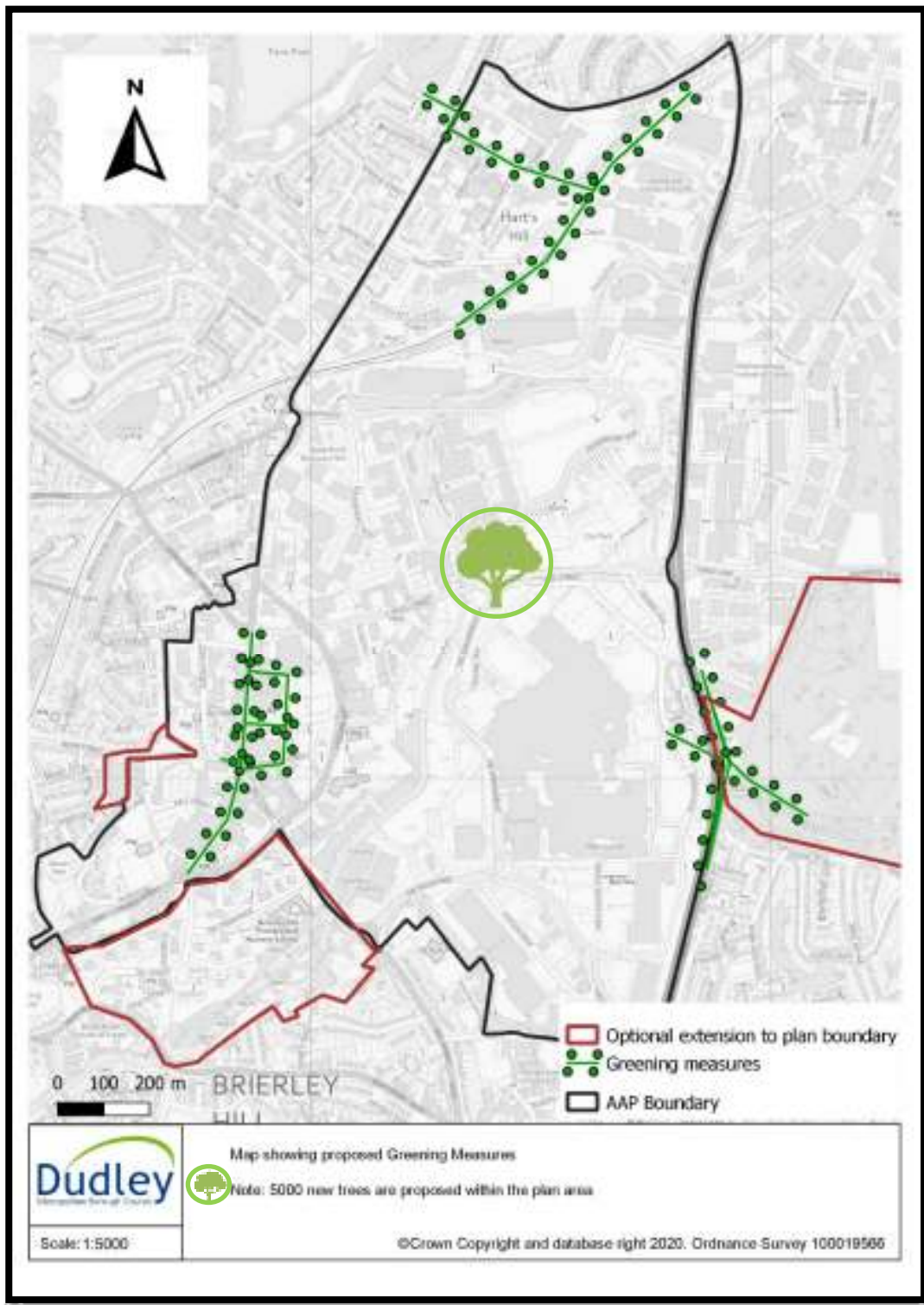
### **A Green Corridor to Fens Pool Special Area of Conservation**

14.12 Fens Pool SAC is located to the north-west of the plan boundary. There are no plans to incorporate this area into the plan area however opportunities exist to increase pedestrian access to it, including the potential for connectivity through Green Infrastructure, include wildlife corridors, between the two nationally/internationally recognised nature conservations sites: Fens Pool SAC and Saltwells NNR.

14.13 As previously mentioned within this report, the new Midland Metro stops are envisaged to act as catalysts for regeneration within Brierley Hill. In particular land around the Canal Street Stop offers the opportunity to create a new green pedestrian corridor from there to Fens Pool: from the station westwards, potentially utilising the redundant section of the Pensnett Canal arm, to Stourbridge Road, where a footpath leads into Fens Pool.

14.14 This route will not only provide more people with the ability to gain access readily to the SAC but would also utilise part of an existing, and hopefully increase the length of the, green corridor in the northern section of the plan area. New development sites within the proposed green corridor would be encouraged to set aside land to facilitate such a link and to contribute towards its creation.

## Map 16 - Location of potential greening measures



### QUESTION 13

Do you think we should include these measures and projects within the plan to enable Brierley Hill to become a greener place - are there any other locations within the plan area which you would think would benefit from being greened up?

## **15.0 SUMMARY AND CONCLUSIONS**

15.1 Within this report, we have presented what we consider to be the main issues likely to affect the future shape and planning of Brierley Hill Strategic Centre and posed a number of questions, seeking responses to help inform us of the way forward in enabling the most appropriate and sustainable form of future development for Brierley Hill up to 2039.

15.2 As a broad summary, we have presented place shaping options which we consider will:-

- significantly increase the number of people living in and around Brierley Hill
- enable Brierley Hill to become a greener place
- renew and regenerate Brierley Hill with new high-quality development which accords with good urban design principles, while also respecting local distinctiveness and character, and with imaginatively designed public spaces
- accommodate and fully realise the opportunities presented by the Midland Metro, and the Future High Streets and Heritage Action Zone projects
- ensure the delivery of sustainable forms of development including measures to help tackle and mitigate for climate change
- help diversify Brierley Hill High Street and The Merry Hill Centre to make them more than shopping destinations, and, as part of this objective,
- strengthen the centre's role as a place for the community, and for leisure activities

15.3 As stated in para 2.4 of this report, as part of the consultation on this Issues and Options Report, we are also consulting on the accompanying first stage Sustainability Appraisal (SA).

### **QUESTION 15**

**Have you any comments to make on the contents of the Sustainability Appraisal?**

### **QUESTION 16**

**Do you have any further comments on the contents of this report or planning issues in general within Brierley Hill which you think that this plan should address?**