

COMMENTS ON SAMDev CONSULTATION

24.06.14

PRE-SUBMISSION DRAFT FINAL PLAN CONSULTATION 17.03.14 – 28.04.14

SETTLEMENT SPECIFIC OBJECTION: ELLESMERE

Submitted on behalf of:

Pearce/Edward Family & Fletcher Homes (Shropshire) Ltd –

SITE ELL117a/b at Hawthorns, Ellesmere

&

David Wilson Homes Mercia –

SITE ELL004 at Teal Drive, Ellesmere

LES STEPHAN PLANNING LTD

9 Sweetlake Business Village Longden Road Shrewsbury SY3 9EW
www.lesstephanplanning.co.uk

1.0 BACKGROUND

- 1.1 Les Stephan Planning Ltd (LSP) submitted a generic objection to the SAMDev on 29 April 2014 on the basis that it is unsound and inconsistent with The National Planning Policy Framework (NPPF). This objection cited Ellesmere (para. 2.2.1) as an example of how Shropshire Council failed to base SAMDev housing allocations on an objective assessment of housing need and instead formulated the plan based on the wishes of Town and Parish Councils.
- 1.2 This follow-on objection makes specific reference to the unsoundness of the SAMDev in relation to the allocation of housing sites in Ellesmere.
- 1.3 Site ELL003 (The Wharf) was first mentioned within the SAMDev documentation at the 'Revised Preferred Options' consultation in July 2013, offering this as an alternative option to the 3 previously allocated housing sites.
- 1.4 **Prior to this, site ELL003 was disregarded by the Council as being unsuitable due to its location within Flood Zone 3. Additionally, it had not been actively promoted throughout the process.**
- 1.5 LSP requested a copy of the supporting information in Fwhich had been submitted to Shropshire Council to ascertain how this option had arisen. We were advised that this could not be made available to us until the next public consultation stage. Despite efforts to obtain this information from the acting agent, this request was ignored.
- 1.6 On the 17th February, having had sight of the proposed 'draft plan' being sent to Cabinet for approval, this Practice made a further request to the Planning Policy Team for the supporting information relating to site ELL003. This was not forthcoming and we were told to make a Freedom of Information (FOI) Act request.
- 1.7 This information was received by the FOI Team on the 28th March 2014.
- 1.8 Upon consideration of this information, we came to realise that the sequential test referred to throughout the documentation had not been sent. The Planning Policy Team had not provided this to the FOI Team to forward on.
- 1.9 We were advised, on the 12th May 2014, that the delay in getting the Sequential Test sent over to us was because a 'refined version' was being provided by the agent.
- 1.10 This report was finally received on the 13th May 2014; **6 weeks after the 'Pre-submission Final Draft Plan' consultation event had closed.**
- 1.11 Due to the delays in obtaining this information, a holding objection was submitted to Shropshire Council to advise them that a further critique would follow once our clients Drainage Consultants' had had time to digest and analyse the supporting information for site ELL003.

2.0 CONSIDERATION/CRITIQUE:

- 2.1 D. A Sluce & Partners has prepared a critique of the Flood Risk Assessment and Sequential Test prepared for site ELL003. This is attached to this document.
- 2.2 Further to this, we have the following comments to make regarding inaccurate comments made in the Sequential Test prepared by Nigel Thorne Planning Consultancy.
- 2.3 On a general note, it is concerning that the sequential test, which ultimately relates to the Flood Risk issues surrounding the site, has not been prepared by their Drainage Consultants.
- 2.4 None of the sites highlighted are marked with clear boundary extents, and are simply numbered on an aerial photograph. This is not an accurate or descriptive way in which to consider such a major development issue.
- 2.5 The sequential test argues that no other site available could offer the **range** of facilities that the 'Wharf Site' offers and that the proposed housing is **required to fund the link road**.
- 2.6 No contact has been made with any other landowners/promoters of the alternative sites. This would have allowed the agents for site ELL003, for example, to:
 - Establish full ownership extents;
 - Decipher whether there was appropriate land to provide some of the development proposed on the 'Wharf site' elsewhere in the town and;
 - Negotiate any funding towards the leisure facility through these sites rather than relying upon the provision of on-site dwellings.
- 2.7 Point 8 (b2) of the sequential test states that the other sites were not favoured by the local community. **This is incorrect.** The other sites (ELL117a/b, ELL004 and ELL008) were shown as preferred allocations in all SAMDev consultations up until the 'Pre-Submission Draft Final Plan 2014' and were supported by the community.
- 2.8 Para 19 of the sequential test refers to "significant public support for site ELL003 after the late consultation". Public responses have not been made public, so it is not apparent (other than a support letter from the Town Council) how the agents can confirm this view.
- 2.9 We are unable to respond to all of the sites that have been considered in the sequential test, as we do not have the necessary background knowledge. We are however acting on behalf of the landowners/developers of sites ELL117a/b and ELL004 and are fully competent to respond on their behalf.
- 2.10 D A Sluce & Partners makes some comments on the inaccuracies of the analysis of these sites, and we would comment as follows:

LL117a/b (depicted as 'Site 2')

- None of the site (now being considered as an application – 14/00822/OUT) is within flood zone 2 or 3. This statement is entirely inaccurate and again, underlines the point about the agents not providing accurate site boundaries in their assessment;
- Therefore, the sites are not “at a similar risk of flood risk” as is suggested;
- Visibility onto the B5068 is not limited, it is excellent providing more than is required by the Highways Authority;
- The Highways Authority has agreed that the Trimpley Street narrowing does not cause a constraint/problem for this development.

ELL004 (depicted as 'Site 4')

- For whatever reasons, the agent has chosen to make a point of the sites association with Swan Hill when in fact the site address has always been known as 'Teal Drive' – off an established residential estate;
- The development would not be highly prominent in the landscape as has been suggested. It is entirely enveloped by existing mature trees and is barely visible – even from the adjoining highway of Diksmuide Drive and Swan Mere Park. This is confirmed in the Council's Housing Site Assessment:-
 - *There are no medium or long-distant views into the site;*
 - *Tree & Hedgerows will be a minor constraint;*
 - *Medium/low landscape sensitivity;*
- The existing estate (Teal Drive) had been design specifically to take account of future development and would not result in a highway capacity issue. Grange Road is one of the major routes through Ellesmere and is capable of accommodating growth. Again, the Council's Housing Site Assessment stated:
 - *Access is acceptable from Teal Drive;*
- The land is not isolated from services/facilities. It is within easy walking distance of the town centre and again, this is also the view of the Council (Housing Site Assessment):
 - *Well located with good access links;*
 - *Scores well in terms of services and proximity to facilities;*

2.11 It is clear that the agents have had no real regard to the actual site constraints, or the professional opinion and assessments made by the Officer's at Shropshire Council, and have simply taken this as an opportunity to discredit these sites in favour of their own (ELL003).

2.12 The focus of the sequential test appears to be the agent justifying the site as the 'best option' purely on the basis that the other sites:

- a) Do not provide the **range** of facilities their site could offer;
- b) Do not have a canal side frontage;
- c) Are not large enough and;

d) Housing is required to fund the link road.

2.13 In response to this, we would argue that:

- a) It is accepted that the sites being promoted do not, and may not, be able to provide the range of services being offered by site ELL003. Nevertheless, no contact has been made with the developers/landowners to ascertain if any other land could be made available for such facilities. There are elements of the proposal that do not necessarily need to be accommodated adjacent to the canal;
- b) Not all of the proposed uses for site ELL003 require a canal side frontage;
- c) Again, no contact was made to ascertain the full ownership extents of the alternative sites. The landowners of sites ELL004 and ELL17a/b have additional land, adjoining their sites, within their ownership.
- d) This is discussed further below.

2.14 It is suggested that the proposed housing allocation is only required to help fund the link road and on this matter, we have a number of queries:

- There is no evidence that the agents have provided costings of the proposed link road and compared this against the development value of the site to calculate whether, and to what degree, housing is required? - The agent has simply opted to offer the entire town's housing allocation (250 dwellings) regardless of whether there is a proven need. This information was not provided to us as part of the FOI Act request.
- Why is it appropriate for the entire town's housing allocation to be placed on a single site when this is contrary to Central Government advice?
- The agents have not considered the potential for part-funding the cost of the link road through Community Infrastructure Levy (CIL) payments from other, previously allocated housing sites.

3.0 CONCLUSION

3.1 It is our view that no evidence has been provided to justify the provision of housing, the only residential allocation for Ellesmere which is one of the two Key Centres for North West Shropshire – to be placed in Flood Zone 3.

3.2 In our view, to place the entire proposed housing allocation for a Key Centre on one site, for an entire plan period, prejudices the deliverability of housing and risks holding the house building industry to ransom.

3.3 No assessment of the costs required for the link road has been provided/made publically available to justify the inclusion of the proposed housing site (ELL003).

- 3.4 Furthermore, there is also no justification for rejecting sites (ELL004, ELL008 & ELL017) which have already been assessed as suitable, deliverable, actively promoted by developers and **not** located in Flood Zone 3, in preference to a site which has untested deliverability and is supported by an inaccurate Sequential Test.