

## **Elmbridge Local Plan submission: Stage 2 Hearings**

### *Representation on Matter 9: Site Allocations.*

#### **Reference site D6 (LAA Site Reference US462) Sundial House, Molesey Venture Site, Orchard Lane, East Molesey, KT8 0BN**

Submission by Katherine Le Clerc local resident.

*Issue 14: Are the proposed site allocations selected using an appropriate methodology based on a proportionate evidence base? Are they justified and effective? Will the allocations address the land use requirements across the Plan period?*

#### **Section 1: Have the individual site allocations been chosen according to a robust site selection methodology? (Q8.2)**

- 1.0 Site D6 has been allocated in the local plan for a net 61 dwellings which is net 95dph (Gross 120dph). The EBC Track Changed Site Allocation Table has amended the site allocation to net 56 dwellings (88 dph).
- 1.1 The allocation of site D6 and the capacity allocated to it has not been subject to robust analysis, is not justified by evidence available and is therefore unsound.
- 1.2 There has not been thorough analysis of the site constraints of site D6 and the capacity modified accordingly.**
- 1.2.1 The capacity of the site seems to have been based on the pre-application submissions of a developer rather than by a proper assessment of the appropriate density for the neighbourhood considering that the site is outside of a town or local centre and has significant known development constraints. This is not a sound and justifiable basis to identify site capacity without further analysis of the site constraints to confirm what is actually likely to be deliverable.
- 1.2.2 In the case of site D6 there are a significant number of constraints which will impact the number dwellings deliverable, and which were not included in the LAA. 3 site constraints have been identified in the LAA 2022 and 2023. These are: Flood Zone 2 and 3; M3 Contaminated Land Poly and Point; and green belt to the rear of site. The EBC response to the 2022 developer pre-applications highlighted additional constraints - but these have not been included in the LAA or local plan submission documents. These constraints are:
- Adjoining Flood Defences
  - Bank Top Width (20m)
  - Priority Habitat
  - SSSI Impact Risk Zone
- 1.2.3 The River Ember runs along the edge of the site, however the requirement for a buffer zone has not been detailed as a constraint.
- 1.2.4 Further constraints have been confirmed during the consultation for planning application 2022/3525 (submitted Nov 2022). This application is not yet determined. These constraints have not been included in the 2023 LAA or post submission documents and have not been reflected in the allocated capacity for the site and are detailed below.
- 1.2.5 There is strategic water and sewage infrastructure on or close to the site which potentially limits the developable land and viability of the site:

- (i) A water main crosses the rear third of the site. Thames Water, in their response to the planning application (5/12/2022), state; *“Thames Water do NOT permit the building over or construction within 5m of strategic water mains.”* In order to fully utilise the site, the water main would need to be relocated into the green belt land at the rear of the site. The viability report puts the estimated cost of this relocation at greater than £1M.
- (ii) A sewage pumping station is located within 20m of the site: Thames Water state: *“The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that any occupied premises should be located at least 20m away from the pumping station as highlighted as best practice in our Codes for Adoption.”* *“Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object.”*

1.2.6 Biodiversity constraints: whilst the site is not covered by any biodiversity designation, reports and comments on the application have identified an area of Priority Woodland Habitat adjacent to the site, mature trees on site which contribute to the local tree population and protected species on or around the site such as bats, kingfishers, and reptiles. The mature trees on site have not been highlighted as a constraint despite the recent planning application showing that to deliver 74 dwellings as proposed most of them will need to be removed.

### **1.3 The number of dwellings allocated to site D6 is excessively dense compared to character of the surrounding area.**

1.3.1 The capacity allocated to the site represents a significant intensification vs. the current site which has 16 dwellings. The dwellings per hectare is completely out of keeping with the surrounding area and major developments in the locality. As an example, the recent Imber Riverside development (2017/2083), also accessed from Orchard Lane, has a density of 35dph. A capacity of around 25 dwellings would be more in line with the surrounding area, so it is questionable whether even the updated allocated capacity of 56 dwellings is appropriate. My original Regulation 19 consultation additionally details how the number of dwellings allocated for the site is not in line with EBC evidence base. The original submission is included in appendix below.

1.3.2 The proposed planning application 2022/3525 has demonstrated that a density of this level can only be achieved with a development that is completely out of place with the prevailing character of the surrounding area. The proposal consists of 3 and 4 storey flats in an area which is predominately made up of 2 or 2.5 storey houses. The buildings are proposed to be nearly 40% higher than the surrounding build form. The EBC recommended levels of parking cannot be accommodated on site.

### **1.4 The site D6 is currently occupied.**

1.4.1 According to the NPPF to be considered deliverable sites for housing should be available now however as the site is occupied this is not the case.

### **1.5 There are issues with the viability of site D6 which may impact whether it is deliverable.**

1.5.1 As part of planning application 2022/3525 EBC commissioned a financial viability assessment. The executive summary of that assessment states the following:

*‘2.8 Based on the output of our appraisal, we advise that the scheme may generate a deficit against the BLV of approx. £3.7m when delivered on a 100% open market basis.*

*S2.9 Considering the output of the appraisals, we would advise that the Council consider the deliverability of the proposal. It would seem from the BNP submission that the viability assumptions that would lead to a deliverable scheme are not evident and therefore “transparent” as recommended by para 8 of the NPPG.’*

## **Section 2: The Environment Agency have specific concerns regarding 31 housing sites and 4 proposed employment sites which are located within flood zones 3 and 2. Are these sites deliverable? (Q8.4)**

- 2.1 Site D6 is one of the 31 sites which the Environment Agency have highlighted.
- 2.2 EBC sequential test has categorised D6 as having the highest risk for flooding (SFRA level 1). 100% of the site is in a Flood Zone. The site has areas of flood zones 1, 2 and 3b, 65% of the site is Flood zone 2.
- 2.3 26% of the site is within the design flood extent (1% AEP including central climate change allowance). Any increase in built footprint would need flood storage to be compensated on the site. This has not been reflected in the number of dwellings allocated to the site and will like impact the deliverability of 56 dwellings.
- 2.4 The Sequential Test states that on site D6 *“Self-contained basement dwellings and basement bedrooms are not permitted. All other basements, basement extensions and basement conversions should be avoided.”* However again this has not been reflected in the forecast of dwellings deliverable on the site. Planning application 2022/3525 is for 74 dwellings. The majority of the parking is proposed to be in an underground basement car park and even then, this can’t deliver the recommended parking levels on site.
- 2.5 The number of dwellings allocated to D6 is not consistent with the findings of the Final Sequential Test or national policy. D6 has been allocated for one of the highest densities of the sites put forward in the local plan. The proposed number of dwellings is 3.5 x higher than the current site. The density is higher than many other sites which have significantly lower flood risk classification. It is not clear how it can be justified or sound to direct increased dwellings and capacity to a site which is classified as high risk when development should be steered towards areas with the lowest risk.
- 2.6 EBC has not taken a sequential approach when reviewing site capacity across all the sites available in the LAA. There seems to be a lack of consistency and rationale for the number of dwellings/densities allocated to sites in relation to their flood risk. Higher density development hasn’t been steered to lowest flood risk sites. Development on high flood risk sites could potentially be avoided or minimised by increasing intensification on sites with a lower or zero flood risk.
- 2.7 EBC states that site D6 needs to be developed despite having the highest flood risk and SFRA rank 1 because all sites with a lower risk of flooding reasonably have been identified. However, this should be challenged as they could potentially avoid developing D6 (and other high risk sites) by increasing the number of dwellings on lower risk sites already in the plan.
- 2.8 Below is a table showing low flood risk sites where allocated density is significantly lower than D6 and could be intensified. This list is not exhaustive.

Site Ref	Site Name	SFRA Level	Hectares	Proposed Development Net Allocated Dwellings	Net Density (dph)	1-5 Years supply
D6	Sundial House, the Molesey Venture Site	1	0.64	61	95	Yes
ESH1	Esher Place, 30 Esher Place Avenue, Esher	8	2.8	22	8	yes
COS6	40 Fairmile Lane	9	0.19	13	68	yes
D1	Brook House, Portsmouth Road, Thames Ditton	9	0.39	30	77	yes
CL2	Garages to the rear of Foxwarren, Claygate	10	0.21	5	24	yes
ESH2	30 Copsem Lane, Esher	10	0.56	21	38	yes
D9	Torrington, 18 -20 St Mary's Road, Long Ditton	11	0.29	9	31	yes
ESH10	40 New Road Esher	8	0.3	6	20	
WEY36	1 -8 Dovecote Close, Weybridge	8	0.47	7	15	
COS20	Ambleside, 3 The Spinney, Queens Drive	8	0.43	8	19	
ESH19	Hawkshill Place, Portsmouth Road, Esher	8	0.61	12	20	
COS13	1, 3 and 5 Goldrings Road, Oxshott, Leatherhead	8	0.90	32	36	
COS12	Glenelm and 160 Anyard Road	8	0.40	34	85	
WEY37	Foxholes, Weybridge	8	4.1	78	19	
MOL8	7 Seymour Close / Land to rear of 103 - 113 Seymour Close	9	0.24	5	21	
WEY11	9 Cricket Way, Weybridge	9	0.35	5	14	
COS30	38 Copse Road, Cobham	9	0.30	7	23	
WEY28	179 Queens Road, Weybridge	9	0.41	9	22	
WEY34	Woodlawn, Hanger Hill and 2 Churchfields Avenue,	9	0.48	11	23	
MOL17	Water Works south of Hurst Road, West Molesey	9	0.31	14	45	
COS27	Ford Garage, 97 Portsmouth Road, Cobham	9	0.40	21	53	
COS33	BMW Cobham, 18 -22 Portsmouth Road, Cobham	9	0.47	27	57	
COS29	Protech House, Copse Road, Cobham	9	2.90	28	10	
D21	Nuffield Health car park, Simpson Way, Long Ditton	10	0.32	10	31	
D17	Nuffield Health Club, Simpson Way, Long Ditton	10	0.69	16	23	
COS35	78 Portsmouth Road, Cobham	10	0.60	30	50	
ESH22	15 Clare Hill, Esher	10	1.35	55	41	

2.9 The site allocations should be reviewed across sites to increase densities in under optimised sites. This would avoid development in a high risk flood site, while still delivering against housing need.

The allocation of this site could be made sound by

- (i) significantly reducing the number of dwellings allocated to this site to around 25 and only developing the lower flood risk areas of the site. This would take account of the flood risk and other constraints of the site and be in keeping with the built form of the surrounding area. The reduction of dwellings on this site could be compensated by reviewing and increasing dwellings on lower risk sites.
- (ii) removing the site from the plan entirely given the known constraints and ambiguity on deliverability.

### Appendix – Original Regulation 19 Consultation Submission

Chapter 9 of the Draft Elmbridge Local Plan 2037 identifies Sundial House, The Molesey Venture, Orchard Lane, East Molesey, KT8 0BN as a site allocation (site reference D6 / US462). Through this this regulation 19 consultation I would like to question the soundness of the allocation.

A focus of the Local Plan is to deliver sustainable development and promote development that helps towards tackling the climate crisis. To that end, it is recognised that the redevelopment of the site would make use of previously developed land. However, it should also be recognised that the site falls within flood zone 2 and placing this site into a more vulnerable residential use should itself be discourage, particularly at the densities being suggested in the Land Availability Assessment 2021, which would suggest a more intensive use of the land.

This is therefore likely to increase the potential for flood risk both on site and to the surrounding area, placing exiting residential properties at greater risk.

Indeed, the recommended density identified for this site in the Land Availability Assessment is 120 dph. This is not consistent with the policies in the Draft Local Plan and the findings of evidence based studies that were used to inform the plan. Draft Local Plan Policy HOU1, whilst requiring efficient use of land, it also states that *"...all new residential and mixed-use development to demonstrate that it represents the optimal use of land and density, positively responding to the location and the appearance of the surrounding area"*.

To that end, the Land Availability Assessment 2021 para 3.21 states that the council has provided an estimate for each site, based on a range of factors including:-

- Nature of the area
- A consideration of historic development yields achieved on comparable schemes within the locality.

However, the density proposed for site D6 US462 of 120 dph does not reflect the nature of the area or development yields in the locality and as a result is contrary to the Draft Local plan guidelines. Below is the evidence showing where the site density allocation is not consistent with the proposed draft plan and evidence based studies:-

- 1) The Elmbridge Urban Capacity Study 2018 has site US462 situated within the East Molesey District Centre catchment area. The proposed density for this site of 120 dph is double the top range of densities achieved on recent schemes in this catchment area. The Elmbridge Urban Capacity Study identified that densities achieved on recent schemes range from 21-60 dph. (Para 4.22, 4.23). The proposed density for the site is also significantly higher than the low and high density multipliers identified for town and district centre catchments of 30pdh – 70dph. (Para 4.34 Table 3).
- 2) In the Elmbridge Density Study 2019 the site falls within MOL10 Ember Lane Environs sub area. (Figure 15 Policy Layers for East and West Molesey). This sub area has a current density of 10.86 dph and is the lowest density sub area in East and West Molesey (Table 9 East and West Molesey Density Figures, para 4.57). The proposed density for the site is over 3 times the average densities permitted since Jul 2011 in MOL10 of 35.67 dph. (Table 10 Average Densities permitted since Jul 2011)
- 3) The Elmbridge Density Study 2019 identified the most sustainable locations in the area as MOL04 and MOL09 (para 4.62) and that the key gateway to the settlement around Hampton Court station could accommodate higher density development (para 4.66). The site US462 does not fall within either of these areas.
- 4) As site US462 is not identified in the above evidence bases studies as being most sustainable for higher density development the proposed density of 120 dph is not in line with strategic policy SS2 (Sustainable Place Making) point 1. The council will apply the presumption in favour of sustainable development, balancing the economic, social and environmental objectives and point 2(a)iii Enhancing the character and qualities of places and contribute positively to local distinctiveness, identity and history.
- 5) It is also not in line with policy HOU2 Optimisation of sites: this policy aims to develop higher density housing within or on the edge of town, district and local centres and sites adjacent to train stations. (HOU2 2.a) NPPF defines edge of town as 300m of a town centre boundary or 500m of a station. Based on the Retail Centres Boundary Review 2021 site US462 is an estimated 1000m from both the Bridge Road District Centre and East Molesey District Centre. It is an estimated 1100m from Thames Ditton Station and 1400m from Hampton Court Station and so would sit outside the areas suitable to higher density development.

In summary based on the evidence based reports and draft local plan policies the allocation of a density of 120 dph to site D6 US462 Sundial House, The Molesey Venture, Orchard Lane, East Molesey, KT8 0BN is unsound and should be amended to a more appropriate level before the draft local plan becomes adopted.