

From: 
To: 
Cc: 
Subject: Fwd: LOCAL PLAN
Date: 20 February 2023 14:22:32

Dear Sirs,

I emailed you this morning with my comments but omitted my comments/views on "Soundness" I have now added these & therefore would you please disregard my previous email & accept this email. To support my comments please also consider the document that I sent earlier which demonstrates just one area of the city (ie Shalesmoor & West Bar) where further work on your appraisals need to be carried out. Using the full potential of this area will ensure SCC gets closer to the supply of housing over the 5 yr period.

Yours,

Gerald Duniec

Sirs,

I am the owner of 2 sites affected by the Local Plan. These are identified as SO3230/SU12 & SU43.

Both sites have been zoned for residential development. I have no objection to either being so identified but I do have several comments to make.

SU12

PLANNING APPRAISAL

This site is shown as one site suggesting one ownership & it is not. To do so oversimplifies reality & creates the perception of it already having been assembled for development; you compound this by clearly stating it is within one use & it clearly is not. There are 3 uses. The site is owned by three parties, SCC being one of them although there is no mention of this. The other 2 are me personally & my company. The LP shows the site as being available for development (estimated to be after the first 5 years of the plan) & as one site it currently is not unless SCC honour its agreement with me which since 2005 it has failed to do so.

You do not say with the document how to make such assessments regarding availability timescale & to do so is a fundamental flaw & this fails to demonstrate how you calculate there is sufficient land available for the city's housing needs.

In your Planning Appraisal you state that the site is a car park. That is not wholly correct & I cannot understand why you fail to state that a large section of the site is in fact owned by & run by SCC as a Dog Compound. The remainder is a Boat & Chandlery shop & is owned by SCC & let out on a commercial lease.

I am wanting to develop my site for residential purposes but your plan clearly shows my land together with land outside my ownership being included in one scheme. SCC have shown no willingness to engage with me as agreed in 2005 so unless this situation changes rapidly my site will be developed in isolation.

You state that the site has previously been identified as a residential site. You fail to mention (which surprises me) that my site has previously been specifically identified in adopted policy documents as being suitable for the development of a Tall Building. Your assessment of unit capacity ignore that adopted policy & I ask that your Draft LP states the previous policy for my site.

You mention that the site contains heritage assets. It does not. When the site was cleared all foundations were removed & further works were carried out by SCC when the site was affected by the IRR.

You state that part of the site is within Furnace Hill Conservation Area. The land I own is not & I believe that you should have shown my land separately as not to "tarnish" it with onerous statements that do not affect my land but does affect land owned by SCC.

For these reasons I believe & now ask that my site is shown as a separate entity which by itself can & will be developed in isolation. It is not acceptable that a Heritage Impact Assessment should be required for my land when it is not close or even adjacent to a Scheduled Monument.

You rightly state that the site has been previously assessed as a housing site. I believe this is wrong. My site has been identified as such. I am not aware of the SCC land having being previously assessed as such. I believe your statement is therefore (partly) incorrect.

The problem with you identifying this site as being one development opportunity is onerous in the extreme as in doing so all matters relating to the impact of a Scheduled Monument detrimentally impacts upon the viability of the development of my site. My site is capable of being developed in isolation & the way you have presented it suggests otherwise. I object strongly to the possibility of your proposal being adopted as Policy in respect of the site to be developed as one as this prevents me determining how I bring forward my site & takes away my ability to determine what I do & when.

Availability Assessment

You say it is likely to become available after first 5 years of the plan. You have not been in contact with me to discuss this & therefore I question whether you have spoken with Property Services to ascertain when the Dog Compound will be relocated allowing for the development of that section. My land will be brought forward for development in the near future & unless SCC honours its agreement with me then only my site will be developed but it will be within the first 5 years of the plan.

You say that the Estimated Housing Capacity is 216 homes. You do not say what type of housing but market forces dictate demand as does Financial Viability. If your assessment is based upon non family apartments then this assessment is totally inaccurate. I would mention that despite SCC wanting to see family units in the central area there is little or no demand for it & it is extremely dangerous to dictate the type of units needed without providing accurate empirical data to support the central area housing policy. Where is that evidence? In fact recent evidence demonstrates families wanting to be in the suburbs where they have a decent sized garden. To demand family units in

the central area is to deny families a home that they really want (in the suburbs) rather than them having a family home with little or no private outside space.

If only 216 units over the whole site, not just my section, is provided then the site is not being used to its full potential & this is patently wrong considering the Housing Crisis & the dire shortage of housing land. My site alone is capable of providing far more than 216 homes & I therefore strongly object to your estimate. It is clearly & demonstrably considerably wrong. Schemes have already been prepared showing far more than you estimate.

Conditions on Development

Open Space

As land owned by SCC (within the site) is immediately adjacent to the Grade 11 Furnace & if open space (OS) is to be created on the whole site then that space is best provided for next to the Furnace so as to fully utilise the area around the Furnace which currently is extremely run down & unkempt. Doing this will in fact provide a far more attractive OS which can be accessed by all as opposed to OS provided for the occupiers of the development.

You should state that PART of the site impacts on a Heritage Asset.

CONCLUSION

Whilst I can understand why you think of this site as one development site it is patently incorrect & in doing so you have detrimentally affected the financial viability of the development potential of my site. Cost implications only relevant to land outside my ownership, if left unchallenged, have a negative impact on my site & clearly distorts Reality. This is unacceptable.

I therefore ask that you engage with me to discuss how the matters I raise should be addressed in the LP.

I believe the LP plans are you have currently drawn shown the various site as a vast oversimplification of the reality of bringing forward sites for development. I suggest that when you draw a line around a potential site you also show within the boundary ALL of the individual land ownerships so that the Inspector can see for himself how likely it is that these sites can be assembled, especially when he takes into account the low numbers you propose for a lot of the sites.

SU43

PLANNING APPRAISAL

Unlike with SU10 you do mention that SCC own part of the site. I suggest consistency in how you report.

The site is not vacant nor is it overgrown. It is occupied by a company who would need to locate to facilitate development & of course SCC would need to do likewise. I am in a position to be able to do that so if SCC do decide to release the car park a scheme can be built with the first 5 years. If it refuses to do so then a scheme could go ahead but this would result in a large & tall total black wall facing a very busy road into the city centre.

To date SCC has shown little interest in selling the land & has previously stated it is not particularly interested in disposing of the land despite it being legally obliged to do so as it was supposed to release “residue” land remaining from CPO’d land following the building of the IRR. In fact there are several sites similarly blighted by SCC’s inaction.

AVAILABILITY ASSESSMENT

You state it is likely to become available within the first 5 years of the Plan but this contradicts the Heela schedule!

The Heela matrix says Achievability is merely “Possible” Why? I have plans for a scheme & SCC know this. Do you believe that SCC may not release their land - making 4 space car park.

Development on this site is highly achievable subject to the height to which the development may go. Your current assessment blights the site as it is not viable.

If we assume your density & number of units then the site cannot be developed due to financial unviability.

Are you aware, as others are at SCC that I have produced with my architect a Master Plan for this area? I am prepared to share this with you. Please let me know.

I would refer you to my comments in respect of my other site in respect of appropriate types of housing units for the site. Those same comments can be applied to this site.

SOUNDNESS

With the above in mind, I am aware that the National Planning Policy Framework establishes that the examination of Local Plans is undertaken to assess whether they have been prepared in accordance with legal and procedural requirements (e.g. the Duty to Cooperate), as well as whether they are sound. The Framework describes that Plans are ‘sound’ if they are:

- a. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c. Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d. Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant

d.

Due to the apparent confusion and inaccuracies associated with my own site, and my understanding that such an erroneous approach is replicated in your assessment of sites across the Central Area, it seems clear that there are serious fundamental questions as to the true availability and deliverability of the housing sites

(especially in the City Centre) that the Plan will rely on to provide for its (insufficient) provision for housing. This means that the Plan cannot be reasonably considered to be effective as it would not be deliverable over the plan period. Therefore it does not pass the tests of soundness and changes need to be made, as per my comments above, for the Plan to successfully progress towards Examination in Public.

Yours,
Gerald Duniec