

**Carlisle District Local Plan:
Proposed Submission Draft –
February 2015**

**Response by Smiths Gore on behalf
of The Executors of Mrs M Coulson**

Date: April 2015

Carlisle District Local Plan Proposed Submission Draft (February 2015)

Response prepared by Smiths Gore on behalf of The Executors of Mrs M Coulson

Introduction

We are responding to the Carlisle City Council Local Plan Proposed Submission Draft consultation on behalf of our client, The Executors of Mrs M Coulson, who own land at Cumwhinton.

This is the final representation stage for the Local Plan before it is submitted to the Secretary of State for independent examination by a Planning Inspector. The Inspector will consider the comments received alongside the submitted Local Plan to consider whether the Local Plan is capable of being adopted. Representations may be to either support or object on the grounds of whether the Local Plan is 'legally compliant' and 'sound'. As such, please see below our comments relating to the Local Plan Proposed Submission Draft consultation and the changes we consider necessary before it can be considered suitable for submission to the Secretary of State for Examination as to whether it is 'sound' for adoption.

Duty to Cooperate

It is considered that the Council has complied with the Duty to Cooperate and as such we have no further comments on this matter.

Policy SP1 'Sustainable Development'

We support the inclusion of Policy SP1 as it follows the requirements set out by the Planning Inspectorate and the overall aim of the National Planning Policy Framework (NPPF). It is vital that the Plan is prepared positively and that development needs are met during the plan period.

The NPPF seeks that development proposals which accord with the development plan should be approved without delay, unless material considerations indicate otherwise. Based upon a 'Plan Positively' agenda, policies must not contain too many restrictive and unduly onerous conditions which may result in unviable and, ultimately, undeliverable development sites. We reiterate the importance of this in several other policies set out below. However, we consider Policy SP1 to be 'sound' in principle.

Policy SP2 'Strategic Growth and Distribution'

Before we can consider the entire policy sound, we note that the annual housing figure over the plan period has dropped from 665 dwellings per annum to 565 dwellings per annum; a 100 unit per annum reduction (1,500 over the plan period). Whilst we note that the policy does state 'at least 565 net new homes' (which we support), the reduction in housing numbers does raise concern. We do note, however, that there is a windfall allowance of 100 dwellings per annum across the plan period (1,500 units) and as such, the Local Plan target could be exceeded. It is therefore assumed that the 100 unit reduction is balanced by the inclusion of the 100 dwelling per annum windfall allowance. If including a windfall allowance, cognisance should be had to The Framework at paragraph 48 which states that – "Local Planning Authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply". If the Council is confident that they have sufficient evidence to support the policy then we would consider it to be sound, albeit that this should be demonstrated within the evidence base for the Local Plan and made clear in the subsequent plan. In addition, we would appreciate confirmation from the Council as to the relationship between the 100 unit reduction and the windfall allowance before we can fully support Policy SP2.

We also note within the supporting text of Policy SP2, at paragraph 3.15 and 3.16 that a review of the housing element of the strategy would be instigated if evidence used to determine the housing requirements change. We fully support the proposal to review the evidence base and delivery rates to ensure that the Council is meeting the housing needs and demands identified throughout the district. However, to ensure that this is being monitored correctly, it is considered that greater detail should be included within section 11 (pages 209 – 211 of the consultation document) and Appendix 2 of the consultation document to ensure that the housing provision is being monitored regularly and the trigger is clear with regard to reviewing the Housing Delivery Strategy aspects of the Local Plan (e.g. how often will the housing trajectory be monitored and what degree of deviation from the housing trajectory would need to occur for the review to take place?).

Subject to further clarification regarding the reduction in housing numbers and the monitoring process we may be in a position to support the policy in its entirety and find it 'sound'.

Policy SP6 'Securing Good Design'

As it is considered to be in accordance with Core Principle 7 of the NPPF, we support Policy SP6 as good design is essential to ensure that development complements and enhances the existing environment whilst utilising a site to help address development needs and demands. As set out in the NPPG, achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. As such, we find this policy 'sound'.

It is vital, however, that schemes remain deliverable and that the Council does not place too many onerous requirements on a scheme when assessing a proposal for development.

Policy HO1 'Housing Strategy and Delivery'

It is vital that the Local Plan housing strategy meets the housing needs of both the City of Carlisle and its more rural areas.

The housing target should be exactly that; a target rather than a capped figure. This will ensure that the policy is in accordance with the NPPF and NPPG and the need to boost significantly housing development throughout the district.

With regard to housing types, although it is important to plan for a wide range of housing mix throughout the district to ensure that all needs are catered for, it can be unviable to dictate housing mix on smaller development sites and potentially lead to a site becoming undeliverable. Therefore, large scale developments being promoted within the next plan period should utilise the evidence provided by the SHMA, ensuring a mix of housing is being provided, - although should not be dictated by it - whilst allowing small housing sites to come forward independently as these sites can easily become unviable if too many onerous requirements and planning obligations are placed up on them.

Land north of the B6263 at St John's Hall (CUMW 2)

Our client has landholdings across the District with particular concentration around the settlement of Cumwhinton.

In particular, our client has a site within the centre of the village which we consider to be wholly suitable for high quality, sensitively designed new housing development. The site, situated north of the B6263 at St John's Hall, was identified in the Preferred Options Consultation – Stage 2 as a housing site (CUMW 2), although note that the site has been removed as an allocation in the Proposed Submission Draft.

We fully support the allocation of this site on the basis that smaller rural villages play an integral part in servicing the local community and it is vital the provision is made for their growth over the forthcoming plan period to ensure their continued contribution to their local communities.

Cumwhinton is an attractive rural village located approximately 3.5km south east of Carlisle and 2km from the larger village of Wetheral. The settlement is considered wholly capable of accommodating future growth that will support existing services in the village and other neighbouring settlements and rural communities. Existing services and facilities within the village include a primary school, village hall, post office, church and public house. The settlement has good public transport services and is located on the B6263, which connects the village with Carlisle and junction 42 of the M6 motorway, located approximately 1km west.

Extending to 0.6 hectares, the site is currently used for agricultural grazing and is within sole ownership of our client. The land is surrounded by open countryside to the north, also within the ownership of our client, and residential development to the south, east and west.

The site is located in the heart of the village and high quality new development will continue the existing frontage along the B6263. It is well contained in the centre of the village by existing residential development to the south, east and west. It is considered that residential development of the site will help to 'boost significantly the supply of housing' within the area in a sustainable location, in addition to supporting existing services and facilities within the village (which includes a primary school, public house, village hall, small post office and shop and regular bus service to Carlisle) and neighbouring settlements.

Furthermore, paragraph 55 of the NPPF seeks to promote housing development in rural areas where it will enhance and maintain the vitality of rural communities. It goes on to give an example of how one village may support and sustain the services in a village nearby. Situated in close proximity to the villages of Wetheral, Great Coreby and Cotehill, development in Cumwhinton will support the services in all these settlements in addition to relieving housing pressures in Carlisle.

The site is relatively flat in topography and is considered to be of low ecological value. A traditional agricultural barn, also within the ownership of our client, sits in the south western corner of the site.

Direct access to the site can be achieved off the B6263; however, our client also owns the access serving the traditional barn.

Additionally, it is our understanding that the future development of the site for residential development is supported by the Parish Council.

We therefore continue to fully support the allocation of Site CUMW 2 (as identified in the Preferred Options Consultation – Stage 2) for residential development. We therefore respectfully request that the Council consider the further information provided within this submission, with a view to reallocate the site for residential development.

We would welcome discussions with the relevant planning officers to discuss this further in due course.

Policy HO2 'Windfall Housing Development'

We support this policy, in principle, in respect of small scale housing sites as it provides the flexibility required to address the housing need and demand throughout the district, including the necessary growth required to meet need and demand in the more rural settlements.

As set out in the National Planning Policy Guidance (NPPG), it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the NPPF, in the core planning principles regarding 'supporting a prosperous rural economy' and 'housing'.

Housing development on non-allocated land will help provide a wider choice of housing for a greater number of communities. As such, we find Policy HO2 'sound'.

Policy HO4 'Affordable Housing'

We do not contest that affordable housing is an important element of the Local Plan and that there is a need which the Council will aim to meet during the Plan period. However, it is vital for a Local Planning Authority to give consideration to the cumulative impact of policies such as design standards, affordable housing, infrastructure requirements (CIL) and sustainability measures, among others.

The Viability Testing Local Plans (June 2012) paper seeks that Local Plans provide a high level assurance that the policies within the plan are set in a way that is compatible with economic viability of the development required within the plan. It is pleasing to note that the Council has made reference to this guidance within the justification text associated with Policy HO4. Furthermore, the Council should avoid opportunities to impede on the delivery of development and its associated viability. Reference should also be made to the RICS Guidance Note 'Financial Viability in Planning' (August 2012); recommended good practice guide.

Consideration is also necessary in terms of the treatment of threshold land values - the value at which a typical willing landowner is likely to release land for development added to landowner expectations. The Framework at paragraph 173 requires Local Planning Authorities to take account of the level of 'competitive return' to a willing landowner and all additional costs. If not addressed there is a risk of a low level of housing land release and an unsound plan which is unable to meet its housing targets over the plan period.

What is clear is that ensuring the viability of housing sites is critical to housing delivery over the plan period. The opportunity to negotiate the numbers of affordable units with the Council, in respect of the viability of sites coming forward, is crucial to take account of site specifics and we support that there is this opportunity included within the Policy. Viability is a critical concern for all sites in the current economic climate. In particular though, viability is often marginal for smaller sites and, set against other requirements of the plan (open space provision, etc.) a blanket affordable housing requirement is likely to be an obstruction to delivery on sites of a smaller scale.

Furthermore, we support the reference with regard to thresholds which replicate the guidance given in the NPPG regarding affordable housing thresholds of 10 or fewer units.

This policy should be underpinned by reference to viability testing on a site-by-site basis. The Council should avoid a situation where policy stifles the delivery of housing in the more rural areas and on smaller sites. Notwithstanding the above, we consider Policy HO4 to be 'sound'.

Policy H05 'Rural Exception Sites'

We have previously questioned the viability of retaining the element of the policy which refers to 100% affordable housing sites. In the past, Local Planning Authorities have relied too heavily on affordable housing being delivered on 'exception sites' and this has led to an undersupply as limited rural exception sites have been brought forward. Our experience of this tells us that the value of the site does not often present a competitive return to the landowner, as identified in the NPPF and referred to earlier in this response.

A reduction in HCA grant funding means that new ways to bring forward affordable housing needs to be explored. We therefore fully support the element of the Policy where it states that a proportion of market housing can be introduced into such schemes to ensure their viability and deliverability. This is also in accordance with the NPPF as paragraph 54 states that "Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs".

However, it is important to note that this will still remain a limited way to provide affordable housing through the Local Plan as landowners will need to make an acceptable return from the sale of their land. Without market value properties, it is assumed that landowners will be reluctant to release land for development for "exception" sites if it does not meet expectations. Reference should be made to the Local Housing Delivery Group (Viability Testing Local Plans, June 2012) document and paragraphs 173 and 174 of the NPPF.

Furthermore, we do have concerns that, following the removal of development limits in the smaller towns and villages there will be confusion as to what constitutes sustainable market housing development as set out in paragraph 55 of the NPPF and those sites which should be considered suitable for rural exception sites. Further clarification on this matter is welcomed.

Policy IP SW8 'Planning Obligations'

We note that the introduction of a Community Infrastructure Levy (CIL) is currently still under review, however, flexibility is required with regard to developer contributions to ensure that a scheme remains viable following potential Section 106 agreements and / or CIL requirements. The Council must assess each scheme on its individual merits to ensure development can and will take place.

Whilst we fully recognise the need for the provision of developer contributions, it is essential that the policy goes further to ensure that Carlisle City Council will seek to 'strike a balance' between the level of contribution to ensure sustainable development and the realities of economic viability. Reference should be made to the Local Housing Delivery Group (Viability Testing Local Plans, June 2012) document and paragraphs 173 and 174 of the NPPF.

As stated in the NPPG, obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Please refer to The Community Infrastructure Levy Regulations (2010) for further detail.

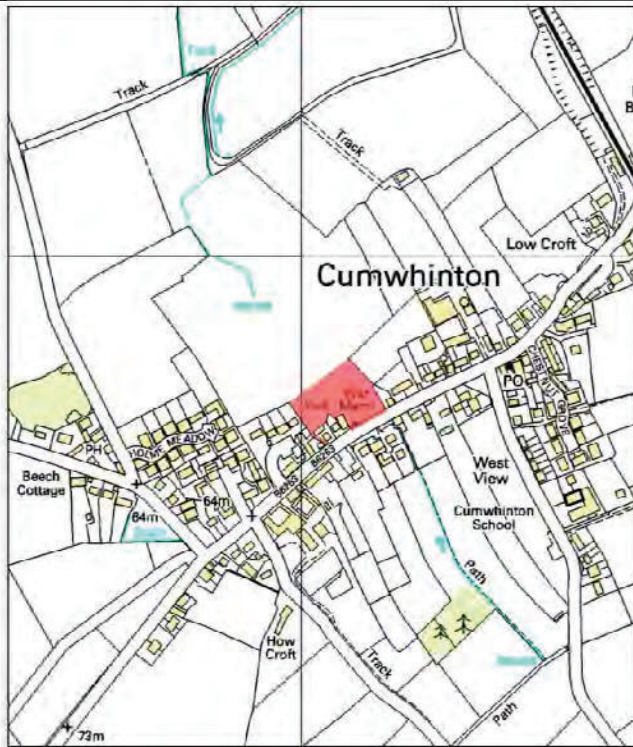
Policy IP SW8 must affirm that the Council will ensure that the addition of developer contributions and / or CIL will not put the overall development across the District at risk due to viability.

Conclusion

It is considered that there is land within our clients' landholding which would provide suitable, deliverable sites for development, particularly for residential use, during this Plan period. We suggest our clients land (Site CUMW 2 - as identified in the Preferred Options Consultation – Stage 2) should be reassessed and allocated for housing development during this plan period.



Our client would like to work closely and in partnership with the Council to support and help deliver sustainable growth in Carlisle district, particularly Cumwhinton. As such, we would be pleased if these comments were taken into account during the preparation of the Local Plan and would ask that we are kept informed of all future consultations during the Plan process.

CUMW2 – Land north of St John’s Hall, B6263 Cumwhinton**Size:** 0.6ha**Indicative Yield:** 20

Summary: this site lies centrally within the village and is accessed from the B6263 which is the main route through. The landscape setting of Cumwhinton at this point is that of gently rising farmland to the north, which provides an attractive setting to the village. The lower land that forms this site can be developed without compromising the overall landscape setting. The village which has a primary school, pub, village hall and small post office and shop. There is also an hourly bus service to Carlisle, and quick access to junction 42 of the M6. It is therefore considered to be a sustainable location for development.

CUMW3 – Land adjacent to Beech Cottage, Cumwhinton**Size:** 0.6ha**Indicative Yield:** 15

Summary: this site has the benefit of planning permission, subject to the signing of a section 106 agreement. The principle of development on this site is therefore acceptable, as set out in planning application report 12/0856.