

Local Plan member working group

14 May 2014

1.0 Present

Cllr Malcolm Smith (Chair)
Cllr Hugh Harrison
Cllr Michael Slee
Cllr Michael Holliday
Cllr Grattan Bowen
Cllr David Huxley
Gwyn Clark
Paul Fellows
Angela Dixon

1.1 Apologies

Cllr Andrew Connell
Cllr Chris Harrison
Cllr Margaret Clark

1.2 Minutes of the last meeting

Agreed as a true record.

1.3 Questions/Feedback from last meeting

Cllr Grattan Bowen asked for clarification on the definition of Live Work Units and typing errors in paragraphs 1.7 and 1.11 of the last minutes.

Cllr Michael Slee asked whether the wording in Policy ENV5 – Wind Energy had been altered by Cameron before he left as requested. PF confirmed it had as far as it was possible and would bring it to the next meeting.

1.4 Latest Timetable and Staffing latest

Staffing

Gwyn Clark informed the meeting that interviews for the Local Plans Officer posts had taken place. One post was appointed to Kayleigh Lancaster (currently Planning Technician for Development Control) who is currently helping out with Policy work. The other post was appointed to Laura Chamberlain who has 6-7 years of relevant experience. Kayleigh would start in mid June and Laura in mid July. Rachel Lightfoot (private consultant) is currently working in the office 2-3 days per week and has a wealth of policy experience.

Timetable

PF confirmed that the Local Plan timetable is still on track despite the current staff shortages. The Plan itself is largely written with only the housing and employment sites to finalise and the Open Space work to pull together. The Key dates are:

- 17 June – Final report deadline for Committee

- 18 June – Member briefing
- 1 July – Committee decision (Executive)
- 14 July – Plan publicised and consultation begins for 10 weeks

Another meeting of the Local Plan working group will be required before 17 June to view the full Plan with allocations (this will be circulated to the group beforehand).

1.5 Consultation

PF briefed the meeting on the consultation process.

A Consultation Activity plan had been circulated internally. A Working Group, chaired by Ruth Atkinson, had been set up to decide how best to publicise the consultation as there was a low response last time.

Methods of publishing the Local Plan include:

- Parish Councils will receive an article for parish magazines and will receive a full copy of the Plan this time;
- An article will be produced in the 'Eye on Eden' newsletter;
- Press Briefing to take place with the Cumberland and Westmorland Herald and News and Star (25 June);
- EALC meeting (8 July);
- Food and Farming Festival (19 July);
- Drop-in events (in the four main towns and some villages allocated housing);
- Poster campaign (around towns, villages, shops);
- Local shows (although no stalls still available at Penrith Show, we could join another stand and hand out leaflets); Take a stall at Skelton Show;
- Market stall staffed by officers in town centre;
- Large overhead banner in town centre (if available).

PF asked the group for any other suggestions.

Cllr Grattan Bowen suggested posters be given to ward members to display where they felt most appropriate.

Cllr Michael Slee suggested the conference centre at the Leisure Centre, as an additional venue to the Methodist Church and Rugby Club, for a drop-in event (and posters).

Cllr Michael Holliday suggested a powerpoint presentation be shown at the drop-in events for people.

PF highlighted how useful the drop-in events had been for officers as it gave them chance to discuss in-depth local issues with people. The sessions ran from 4-7pm as it was felt this was a good 'catch all' time slot and people could drop by after work.

PF gave assurance that lessons had been learnt from last time. The consultation will be as widespread as possible and branded properly with the emphasis on selling the Local Plan as the 'future of Eden' which will hopefully generate more interest this time.

1.6 Local Plan – Structure and Policies

PF briefed members on the overall structure of the Local Plan and the four main parts:

Part 1 '**summary**' part – sets out why we are producing plan, background;

Part 2 '**context**' part – background and justification for the plan, looks at what makes Eden unique, and then sets out the vision and objectives;

Part 3 is the '**spatial**' part – includes four town plans for Penrith, Alston, Appleby and Kirkby Stephen, showing what land we expect to see delivered, and for what, then allocations for the rural areas.

Part 4 is '**planning application**' part – a suite of policies that we will use to assess the suitability of any planning applications.

The group discussed the implications of Neighbourhood Plans and Cllr Holliday asked how Neighbourhood Plans and Local Plans work together. PF explained how Neighbourhood Plans can be used by local communities, enabling them to have a role in shaping the future of the area in which they live, giving them greater ownership of the plans and policies that affect their local area. However, the policies of a Neighbourhood Plan do not override the policies and strategies of the Local Plan and cannot be used to limit or reduce housing numbers. Through their policies NPs can influence the type of housing and the rate at which it is delivered only. It was felt that most Neighbourhood Plans are low scale and their policies should fit in neatly with ours and it would be easier for communities to put in their Neighbourhood Plan after the Local Plan was in place. A question was raised about allocated housing sites and the planning application process. Housing allocated in a NP still needs to go through the planning application process and the only exception to this is a submission of a Neighbourhood Development Order in which the parish stipulate where they will allow development to be built in the future.

Following on from this a discussion took place on housing in smaller villages and the definition of 'small scale development appropriate to the settlement size'. PF informed members that the Local Plan cannot limit development size for villages. However, through the allocation of 200-300 sites spread over 20 villages, they should only receive enough for their needs. We need to talk to parishes and try to allocate where they feel housing should be built and help them bring forward housing in a controlled way. This may then alleviate concerns and the need for a Neighbourhood Plan. Consideration is still being given to housing in smaller villages, including using Local Occupancy clauses.

PF informed members that work is still ongoing to identify all landowners of the sites we have as they cannot be allocated without a willing landowner. Work is also ongoing on Open Space allocations in settlements. PF concluded saying that the Local Plan is in essence a guide to development in the district, looking at the pressures on Eden and what we need and where it is needed.

1.7 Policy EC2 – Protection of Employment Sites

This policy states:

Planning permission for non-employment uses on land allocated for employment use in this plan will not be permitted.

On non-allocated sites, where land is currently or last in employment use permission will be given for alternative uses if there is no strong economic case for the retention of the site as an employment use. This applies where

- 1. The loss of the site would not have an unacceptable impact on the quality and quantity of employment land and premises in the area; or*
- 2. The development would result in the removal of a non-conforming use from a residential area; or*
- 3. The benefits arising from the new use for the locality outweigh the dis-benefits caused by the loss of an employment site; or*
- 4. It can be shown that the continued use of the site for employment use is no longer viable.*

Members discussed the approach we take and what happens if someone submits an alternative use application for an existing employment site. For example, a village shop would need to have been on the market for 12 months and the applicant would need to provide evidence that the business is not viable. However this long wait could have a big impact on the individual. Evidence would need to demonstrate that it is disused and/or suitable for modern employment use. Clarification was sought on the meaning of a 'non conforming use' – it was felt that if it tidies up an unsightly area then we might give permission for another use. There is no evidence to suggest that we have shortage of employment land in the district and the National Planning Policy Framework (NPPF) says that we should not resist applications for employment use. Independent advice is available from the NPPF.

1.8 Policy COM1 – Principles for Services and Facilities

PF introduced this policy which is proposed in order to help retain facilities. It states that:

Proposals for the development of or extension to community services and facilities, including proposals that will assist in their retention, will be permitted where:

- 1. The scale and design is suited to the location*
- 2. It respects the local built environment, character and conservation interests*
- 3. It is compatible with residential amenity; and*

Appropriate parking and servicing arrangements can be made.

The use of buildings for multiple community functions will be encouraged and supported. Where permitted development rights do not apply, the change of use of rural facilities such as a shop, public house, doctor's surgery, dental surgery, school, bank,

church/chapel, village hall, allotments or other facility considered important to the community will only be permitted where it can be demonstrated that:

- 1. There is no longer a need for the facility or suitable and accessible alternatives exist, or*
- 2. That it is no longer economically viable to provide the facility*
- 3. That the site has been unsuccessfully marketed for sale in its current use.*

1.9 Policy EC7 – Town Centres

This Policy states that:

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of town and district centres:

- 1. Penrith – Main Market Town Centre*
- 2. Alston, Appleby, Kirkby Stephen – Market Town Centres*

Retail and other town centre development of a scale appropriate to these roles will be supported, provided that:

- 1. Proposed town centre uses are in accordance with the sequential test set out in the National Planning Policy Framework*
- 2. Where proposals lie within the primary retail area, the development assists in maintaining its existing retail function and does not lead to a concentration of uses which risk undermining the vitality and viability of town centres*
- 3. New shop fronts relate in scale, proportion, materials and decorative treatment of the façade of the building and its neighbours. In conservation areas changes to shop fronts will not be permitted if they fail to contribute to the preservation and enhancement of the area's character, appearance and setting*
- 4. The development respects the character of the environment of the centre, including its special architectural and historic interest*
- 5. Traffic generated by the development can be accommodated on the surrounding road network*

Within the primary shopping frontage areas shown on the Proposal Map and Town Plans proposals will only be permitted where it can be demonstrated that the change of use will not undermine the vitality and viability of the town centre, or where it can be demonstrated that retail is no longer a viable use.

Any proposal for retail development of more than 500 square metres (or 250 square metres where the proposal is within 400m of Appleby, Alston and Kirkby Stephen town centres) will be required to be subject to a retail impact assessment.

Our updated Retail Study details shopping patterns and additional needs for shopping, such as supermarkets, and analysis of convenience and comparison types (white goods) in the four market towns. The study shows that there is no evidence to show certain

types of retail premises, such as fast food outlets, impacts on other shopping types and therefore the Policy needs to remain flexible. However, the Policy can limit uses if it is considered that it undermines the viability of the centre. The Study also found that larger retailers, such as supermarkets, compete with each other and do not impact on smaller shopping units. The Policy can't plan against competition in the retail sector, the system can only regulate the use of land. There is a Retail Impact Assessment in place so if the threshold of a retail development is over a certain size, the applicant will need to put in an Assessment.

The Policy will allow more control in Conservation Areas. New buildings will need to have sympathy with their surroundings. There is currently guidance available on shop fronts (Shopfront and Advertisement Design Supplementary Planning Document). PF informed the group that the primary retail shopping areas will be mapped in the plan. Councillor Michael Slee emphasised that it is best not to generalise on employment policies for the towns as they are all quite different.

1.10 Policy ENV11 – The Historic Built Environment

PF introduced this Policy which states that:

New development near or close to a heritage asset (defined as listed buildings, scheduled ancient monuments, war memorials, historic parks and gardens, conservation areas and archaeological sites) will only be permitted if it does not detract from the character and setting of that asset.

Development in a conservation area will be required to preserve and enhance its special character and appearance. Proposals will only be supported where:

- 1. New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, height, design and through the use of traditional materials*
- 2. They do not lead to the loss of, or significant alteration to a traditional shop front, where the resultant development would be unsympathetic to the character of the existing building and street scene in which it is located*
- 3. Existing buildings that contribute to the character of the conservation area are protected*
- 4. In the case of demolition, there will be a general presumption in favour of retention of buildings which contribute to the character and appearance of the area, unless it can be demonstrated that removal would further contribute to the objectives of the conservation area, or that the structural condition of the building is such that the building is unsuitable for use. Where demolition is permitted any replacement buildings will need to be of a design that reflects the special characteristics of the area.*

There is a strong presumption in favour of the retention and preservation of listed buildings. Permission to fully or partially demolish listed buildings will not be granted unless it can be demonstrated that the structural condition of the building and costs of

maintenance and repairs are such that there is no prospect of the building being put into use, that efforts have been made to retain the building in its current use, and its removal would not result in the deterioration of the landscape/townscape.

This Policy is important for Eden as it has a rich heritage. The Policy is mainly focussed on Conservation Areas and officially designated heritage assets. However, buildings which are not designated but are considered to be important could be added to a local list of worthy heritage buildings. Eden does not have such a list at present but future policies would include buildings on this list too.

There will be a general design policy for all other areas which are not Conservation Areas. Also available is the Eden Design Guide, which has received funding of up to £15,000. The National Planning Policy Framework is also very specific on design aspects.

PF informed the group that Graham Darlington (Conservation Officer, South Lakeland and Eden) has checked all proposed housing and employment sites for impacts and had recommended which ones should not go ahead and which need further work on their design.

The group also asked about 'spot listing'. PF said English Heritage can implement a 'spot listing' status if there is a risk of a building being demolished until it can be officially listed.

1.11 Policy ENV

This Policy states:

The District Council will support high quality design which reflects local distinctiveness. All development proposals, and in particular proposals of 10 or more homes, will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making.

Proposals for major development will be assessed by the District Council using a traffic light system (red, amber and green) against the principles set out in twelve 'Building for Life' guidelines. It will be the responsibility of the developer to demonstrate how their proposals meet the principles.

New development will be required to demonstrate that it:

- 1. Shows a clear understanding of the form and character of the District's built and natural environment, complementing and enhancing the existing area;*
- 2. Protects and where possible enhances the District's distinctive rural landscape, natural environment and biodiversity;*
- 3. Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials;*
- 4. Optimises the potential use of the site and avoids overlooking;*

5. *Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers;*
6. *Uses locally sourced materials wherever practically possible;*
7. *Protects features and characteristics of local importance;*
8. *Provides adequate space for the storage, collection and recycling of waste;*
9. *Can be easily accessed and used by all, regardless of age and disability;*
10. *Incorporates appropriate crime prevention measures*

The development of public art, particularly as part of significant new developments will be supported.

PF explained the details of this policy to the group. The main focus is on the Building for Life Guidelines which will be used to assess large development. There will be a 'cut off' threshold of 10 or more dwellings and development proposals over this will need to adhere closely to guidance and submit high design standards. The design of housing estate layouts are covered by this policy

The group asked about accessible design in new buildings for people with disabilities. PF said this is currently already covered by Building Regulations.

1.12 Any other business

Cllr Michael Holliday enquired whether areas of Amenity Open Space will be detailed in the Plan as they were in the 1996 Eden Local Plan. PF confirmed that they would be mapped for the new Local Plan. We will also use the consultation period to ask people whether there are any areas they can suggest which are used but not formally open space. An important part of the Plan will be to determine whether settlements have enough open space for their population.

Cllr Hugh Harrison commented on the issue of large developers buying up land and holding onto it for long periods. PF assured the group that although large developers may buy land, they are target driven and therefore do not tend to hold onto the land for a long time. We can only allocate land in the Plan which will be put forward for development so this is not an issue for us.

PF gave a brief summary and asked members to email him with any questions they may have.

The next meeting will take place in 3 weeks time. Apologies for this meeting received from Michael Slee.

The meeting finished at 3.45pm.

