

EDEN LOCAL PLAN EXAMINATION  
HEARINGS MAY 2017  
DRAFT AGENDA

Tuesday 2 May

Strategic Matters

**1. Policy LS1 Locational Strategy (provisional agenda item – subject to Inspector’s further review)**

*Is the FOAHN and consequent housing requirement being advanced fully justified?*

Yes, it is fully justified as stated in Eden District Council’s [EDC] Objectively Assessed Housing Need Revised Position Statement (February 2017) and which forms the basis of our Interim Consultation.

*Are the needs of self-builders adequately catered for?*

Yes. Although this is not specifically referred to in the emerging policy, Eden District has a high proportion of self-build and custom build developments of 1, 2 & 3 dwellings which come forward as windfall sites. In light of the heightened interest in this form of development, it is appropriate to consider an appropriate policy in the forthcoming review of the Local Plan.

**2. Policy LS2 Housing Targets and Distribution.**

*Are the targets that are being advanced consistent with the proposals in adopted Neighbourhood Plans?*

The only Neighbourhood Plan that has so far been adopted is the Upper Eden Neighbourhood Development Plan [UENDP] and the current proposals are consistent in respect of housing requirements. For example, Kirkby Stephen in the UENDP has an average potential of 24 dwellings p/a (336 over the 14 year plan life). In the Eden District Local Plan, Kirkby Stephen has an annual requirement of 19 dwellings p/a (348 dwellings over the plan period of 18 years).

*If not are the departures in proposed housing growth numbers justified?*

Whilst we acknowledge there is a slight variance between the housing figures contained UENDP & the Eden Local Plan, this is not significant. The housing target is justified in light of the recent uplift to the District’s overall housing figure (242 dwellings p/a).

Notwithstanding the above, the Planning and Compulsory Purchase Act 2004 (s38) indicates that where there is conflict between policies (in a Neighbourhood Plan and Local Plan), the conflict must be resolved in favour of the policy contained in the *most recent* plan. This means that where a Neighbourhood Plan is completed in advance of the Local Plan (as is the case with the UEDNP), there is a risk that the Local Plan could inadvertently undermine the earlier Neighbourhood Plan.

*Is the windfall allowance overall and in particular at Key Hubs, appropriate and fully justified?*

Yes, EDC has a strong record of windfall development on small sites of less than 4 units, these sites are most prevalent in the rural area, producing on average 32% of development across the past 13 years and reflects the analysis contained within the Windfall Topic Paper (ref: EL4.030L).

*Is the proportionate distribution of new housing between the different tiers in the settlement hierarchy founded upon a sound evidence base?*

This is based upon a sound evidence base identified under the Housing Distribution Topic Paper (October 2015) (ref: SD006) and progress through the September 2016 Hearings.

*Is the proposed distribution of housing growth between the three Market Towns fully justified?*

Yes, this is based upon a sound evidence base identified under the Housing Distribution Topic Paper (October 2015) (ref: SD006) and progress through the September Hearings.

## Site Allocations

### **1. Penrith**

*Maidenhill,*

*Should Maidenhill be designated as a smaller village/hamlet?*

No. EDC does not consider there to be a *coherent* group of 10 or more dwellings in Maidenhill to justify its designation as a smaller village/hamlet. The dwellings located at Maidenhill represent no more than a 'straggle' of development.

*Site E1 Carleton,*

*Access issues.*

This site benefits from a Reserved Matters planning permission (granted November 2017) (ref: 16/0811) with access to be taken from the eastern side of the site. The access arrangements were found to be satisfactory to County Highways.

*Site N2, White Ox Farm,*

*Noise considerations,*

*Impact on landscape character and consistency with the first objective for Penrith.*

The upper half of N2, as a combined site, is considered acceptable. The noise considerations, as demonstrated in the Penrith Housing Distribution and Sites paper (January 2017), submitted as part of the Interim Consultation, indicates that noise may be an issue on the lower half of the site. A current planning application on N2 will be considered on its merits and it may be the case that in consideration of the application the developability will be confirmed one way or the other.

*Site N3, Raiselands,*

*Noise considerations,*

*Impact on landscape character and consistency with the first objective for Penrith.*

This site benefits from full planning permission (ref: 14/0405) subject to the signing of a S.106 legal agreement.

Noise and impact on landscape character were considered as part of this application and although had material weight were not sufficient to warrant refusal by the Committee.

## **2. Appleby**

*Need for additional development sites?*

This came about in the Revised Position Statement on Objectively Assessed Housing Need (February 2017), forming part of the Interim Consultation, which required the uplift in the housing target from 200 dpa to 242 dpa. This uplift was distributed proportionately in accordance with the distribution strategy.

*Sites AP10 and AP11, Land to the south of the A66, central and east, Suitability of the sites for residential development in the context of noise and atmospheric pollution.*

The Appleby Housing Distribution and Sites paper (January 2017) included a noise assessment confirming the acceptability of the sites for residential development without undue constraint.

*Site AP17, Land to the south of the A66, west, Suitability of the site for residential development in the context of noise and atmospheric pollution.*

This is not considered acceptable as an allocated site for the reasons expressed in the Land Availability Assessment – Housing Sites (October 2015) (ref: EB020).

*Site AP18 Land at Battlebarrow, Availability and suitability of site for development.*

This is not considered acceptable as an allocated site for the reasons expressed in the Land Availability Assessment – Housing Sites (October 2015) (ref: EB020).

## **3. Culgaith**

*Does the Plan adequately provide for the proposed housing development at Culgaith?*

Yes. The existing development at Otter's Holt (93/0096) provides for the growth of Culgaith. However, the future growth locations are available to be brought forward, indeed LCU6 currently has the benefit of outline planning permission for 5 units (16/0787).

*Site at Station Road, Availability and suitability of site for development in the context of overall need at Culgaith.*

Bearing in mind the scale and prominence of this site, its allocation and possible development at an early stage (in preference to the 2 brownfield sites LCU1/3)

would overwhelm the village with new development contrary to the proposed distribution strategy. .

#### **4 Stainton**

##### *Need and justification for additional housing development?*

This came about in the Revised Position Statement on Objectively Assessed Housing Need (February 2017), forming part of the Interim Consultation, which required the uplift in the housing target from 200 dpa to 242 dpa. This uplift was distributed proportionately in accordance with the distribution strategy and in accordance with the Supply of Housing in the Key Hubs Discussion Paper (July 2016) (EL4.030Q).

##### *Sites LST 3,4,5,6.*

##### *Availability and suitability of sites for development in the context of overall need at Stainton.*

The residual housing requirement for Stainton (19 dwellings as set out in the Key Hubs – Housing Distribution and Sites Paper, January 2017) can be accommodated within LST9.

- Sites LST3, 5 & 6 are discounted for the reasons in the Land Availability Assessment (EB020).
- Site LST4 - already benefits from outline planning permission (ref: 14/0528)