

# Eden Local Plan Examination Hearings May 2017

## Draft Agenda

Wednesday 3 May

Brough and Kirkby Stephen

Strategic Issues

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

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 2016 Hearings.

On the basis that it was agreed that the development rates for Alston could not sustain a 4% allocation, this was reduced to 3% with the 1% reallocated to Kirkby Stephen. It was considered that Kirkby Stephen was best placed to accommodate this 1% increase (43 houses) over the Plan period, due to the potential scale of land available for development within the town and the strength of its sustainability credentials.

Is the amount of housing growth now proposed in Upper Eden based on a credible evidence base that demonstrates that it is sustainable development?

This came about in the Objectively Assessed Housing Need Revised Position Statement (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.

The areas in Upper Eden that the Distribution Strategy directs housing towards are Kirkby Stephen (as a market town) and Brough (as a Key Hub) (Kirkby Stephen Housing Distribution and Sites paper and Key Hubs – Housing Distribution and Sites paper (January 2017) provided within the Interim Consultation). The remaining areas are accommodated within the villages and hamlets and rural areas identified within Policy LS1 – Locational Strategy.

Eden District Council believes the housing allocated to this area meets the three dimensions of sustainable development (as identified in the NPPF para 7) for the following reasons:

- **Economic role** – the Local Plan ensures that sufficient land is made available to support housing growth, settlements and services as demonstrated in the Objectively Assessed Housing Need Revised Position Statement (February 2017). The increase in housing numbers will seek to provide resilience to the economic functions of these settlements as identified in the NPPF (para 23 bullet 9) and the Housing Distribution Technical Paper (April 2014) (SD026).
- **Social role** – the provision of additional housing will assist in supporting a strong, vibrant and healthy community to meet the needs of present and future generations

- **Environmental role** – in focusing development on sustainable locations, this will contribute to protecting and enhancing the natural, built and historic environment.

Are the targets that are being advanced consistent with the proposals in the Upper Eden adopted Neighbourhood Plan?

The only Neighbourhood Plan that has so far been adopted is the Upper Eden Neighbourhood Development Plan [UEDNP] and the current proposals are consistent in respect of housing requirements. For example, Kirkby Stephen in the UEDNP has an average potential dwellings p/a of 24 (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 UEDNP & 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).

In any event, 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 there sufficient infrastructure to support the level of housing growth now proposed at Kirkby Stephen?

We have consulted with both United Utilities and Cumbria County Council throughout the preparation of the Local Plan and they have confirmed that either the infrastructure is available or can be brought online concurrently with the development process.

If not what evidence is there to demonstrate that infrastructure deficiencies will be rectified to a timescale that enables the Plan's proposals to be delivered to the required timescale?

At any time there may be a possible deficiency in infrastructure but this will be addressed during each new phase of development coming forward during the planning application process.

Is the assumed density of new housing development (25dph) appropriate in the context of anticipated measures that will be required to avert additional flooding?

Yes, flooding and storm events are a very real concern and will be addressed during the consideration of each new application coming forward and can be accommodated within this density.

The issue of estimating the development potential of sites is addressed in the LAA para 2.2.1 to 2.2.12 (EB020). In addition, the current Core Strategy has a minimum target requirement of 30 dph under CS8: Making Efficient Use of Land. However, lower densities may be considered where there is a need to preserve the character of the area (para 58 of NPPF requires the development to "optimise the potential of the site to accommodate development...". The assumed density of 25

dph may be appropriate, but there is no reason why a higher density could not be a target, particularly within the urban area.

In respect of the anticipated measures required to address flood events, we would be guided by both the Environment Agency and the lead Local Flood Authority in considering the technical issues of each particular application as it comes forward.

Is sufficient employment land now being proposed in Upper Eden?

The UENDP does not propose any employment land. The emerging Eden Local Plan proposes the allocation of 3.33 ha of employment land at Kirkby Stephen Business Park (Appendix 5 of the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017), which is currently under development. However, if it is the case that this land is built out at an early stage, this aspect would be the subject to an early review of the Local Plan.

## Site Allocations

### 1. Kirkby Stephen

Was the Council's original ranking of housing development sites robust?

Yes, as it dealt with the issues arising at the time that the Housing Sites Technical Paper (July 2014) (SD027) was prepared.

Were/are the Council's delivery assumptions correct?

The site allocations are considered both available and deliverable, with any additional sites coming forward as part of the Interim Consultation being re-checked for their availability and deliverability.

Are the Council's revisions to site development considerations correct?

The information contained within the Kirkby Stephen – Housing Distribution and Sites paper (January 2017) is regarded as the most up-to-date situation.

The above with particular reference to sites

a) Proposed for development in the submitted plan KS13, Faraday Road – the original ranking was correct, the delivery assumption is considered appropriate and the proposed revisions to KS13 is also appropriate as this site is capable of extensive accommodation. This site was also identified as a potential housing site in the Kirkby Stephen Town Plan (Final Draft – November 2013) and we concur with the Inspector's earlier suggestion during the September hearings of extending the site.

KS15, Croglam Lane – we originally considered this site to be acceptable but on receiving comments from the Highways Authority the site is limited to 5 dwellings only via a shared access. Currently, the owners' agent (Tom Woof) is investigating an alternative access through and onto South Road, but this cannot be confirmed acceptable or deliverable at this stage, so cannot be included.

KS17, East of Park Terrace – The site is well-ranked, available and deliverable and 24 units would appear a reasonable target as identified in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017).

KS18. Croglam Park – This application (16/0224) for 13 dwellings remains under consideration. The reduction in the number of dwellings from 37 to 13 represents the current application in the light of previously unknown site constraints.

b) Proposed in the draft modifications

Site KS11, North of Park Terrace – This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017).

Site KS24, Manor Court – Previously the site owner confirmed the site to be unavailable but, prior to the Interim Consultation, the site owner confirmed its availability and deliverability. This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017).

Site KS25, Nateby Road - This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017) both in terms of allocated and future growth development.

Is the Council justified in discounting sites:

KS3 and 20, Whitehouse Farm – The Council has not discounted KS3 in total as this is covered as a potential future growth site. However, the land to the rear of Whitehouse Farm (KS3a) has the benefit of planning permission and is currently under development (13/0737). The remaining part (KS3b and KS20) is the subject of an outline planning application currently being considered (ref: 17/0263).

KS9, The Crescent Nateby Road – The Council remains of the view that the site should remain discounted due to the reasons outlined in the Land Availability Assessment (EB020).

KS11, North of Park Terrace – This site has not been discounted. This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017).

KS22, Mellbecks – The Council remains of the view that the site should remain discounted due to the reasons outlined in the Land Availability Assessment (EB020), in addition to the reasons set out within the Kirkby Stephen Housing Distribution and Sites -January 2017 (previously refused on appeal).

KS26 Christian Head – The Council remains of the view that the site should remain discounted due to its size and overly constrained nature and its relationship with the adjoining care home facility and for the reasons advanced in the Kirkby Stephen Housing Distribution and Sites paper (January 2017).

KS5 Mountain Rescue site – This site should continue to be discounted for the reasons identified in the Housing Sites Technical Paper (SD027) and the reasons identified in the LAA (EB020).

Individual site considerations

Sites KS3 and 20, Whitehouse Farm,

Are there insurmountable ecological or drainage constraints?

There are no known ecological or drainage constraints. This site is inextricably linked in terms of form and potential to that of the previous development approved at White House Farm under planning application ref: 13/0737.

Site KS9, The Crescent, Nateby Road - The Council remains of the view that the site should remain discounted due to the reasons outlined in the Land Availability Assessment (EB020) and there are no known insurmountable ecological or drainage constraints.

Site KS11, North of Park Terrace - This site has not been discounted. This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017) and there are no known insurmountable ecological or drainage constraints.

Site KS13, Faraday Road,

To what extent should landscape considerations dictate the western extent of this site?

Landscape considerations do dictate the western extent of this site as the county wildlife site is excluded from development. The level nature of this site allows for the proposed extension to the rear.

Site KS15, Croglam Lane,

Does the site have an acceptable access? No. We originally considered this site to be acceptable but on receiving comments from the Highways Authority the site is limited to 5 dwellings only via a shared access. Currently, the owners' agent (Tom Woof) is investigating an alternative access through and onto South Road, but this cannot be confirmed acceptable or deliverable at this stage, so cannot be included.

Site KS17, East of Park Terrace - The site is well-ranked, available and deliverable and 24 units would appear a reasonable target as identified in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017). The site has the ability to accommodate access from Nateby Road.

Site KS22, Mellbecks - The Council remains of the view that the site should remain discounted due to the reasons outlined in the Land Availability Assessment (EB020), in addition to the reasons set out within the Kirkby Stephen Housing Distribution and Sites paper (January 2017) (previously refused on appeal).

Site KS24, Manor Court - Previously the site owner confirmed the site to be unavailable but prior to the interim consultation the site owner confirmed its availability and deliverability. This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017).

Site KS25, Nateby Road - This site is well-ranked and deliverable and is well able to provide part of the central core of development proposed in the Kirkby Stephen – Housing Distribution and Sites Paper (January 2017) both in terms of allocated and future growth development.

Site KS26 Christian Head - The Council remains of the view that the site should remain discounted due to its size and overly constrained nature and its relationship with the adjoining care home facility and for the reasons advanced in the Kirkby Stephen - Housing Distribution and Sites paper (January 2017).