

Carlisle Local Plan 2015-2030

Supplementary Submissions

On behalf of Frank Jackson

Ref: CA47

Please accept the follow as supplementing the representations already made on behalf of the above-named in respect of site ref: CA47 in direct response to those issues outlined in the document “matters and issues for examination” authored by Independent planning inspector, Claire Sherratt Dip.URP, MRTPI.

Matter 1-Legal requirements and procedural matters.

Question 4

The answer is “no” !

The starting point is the unequivocal terms of the NPPF document (see Practical Planning Guidance ID12-002) which refers to “sustainable development”).

It may be helpful to focus on the meaning of “sustainable development”.

One has to refer back to Bruntland and his 1987 report for the UN and to UN Resolution 42/187 which defines ‘sustainable development’ as:

“Meeting the needs of the present without compromising the ability of the future to meet their own needs”

The planning system must contribute to the achievement of sustainable development . Policies 18-129 of the NPPF refer and constitute the government's view of sustainable development in England and how the planning system should operate in practice .

I submit that it is within the judicial knowledge of this Enquiry that the current government is committed to building sufficient houses to meet the housing needs of a rapidly developing society especially in the affordable housing sector and under the assisted buying scheme or shared ownership. Either way, it is notorious that the country requires an ever increasing supply of affordable, sustainable housing.

There are three dimensions to sustainable development none of which should be taken in isolation:

- Economic
- Social
- Environmental

“Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities .” (Practical Planning Guidance).

Planners can contribute to building a strong, competitive and responsive economy by ensuring that sufficient land of the right type is available in the right places at the right time in order to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure.

In terms of social impact this can be achieved by supporting strong, vibrant and healthy communities by providing a supply of housing required to meet the needs of present and future generations by creating a high quality built environment with accessible social services that reflect a communities' needs and support its health and social well being.

Planers can contribute to protecting and enhancing the natural and historical environment by helping to improve biodiversity, the use of natural resources, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

This, by definition, means widening the choice of high quality homes.

Planning law requires that applications for planning permission must be delivered in accordance with the development plan unless material considerations dictate otherwise.

The NPPF does not alter the statutory status of the development plan in so far as decision making is concerned. Therefore, proposed development that accords with an up to date local plan should be approved.

Such local plans should meet ***“objectively assessed needs with sufficient flexibility to adapt to rapid change”***.

So for decision taking this means :

- Approving development proposals that accord with the development plan without delay.

- If the development plan is absent, silent or policies are out of date then permission should be granted unless adverse considerations impact on the situation.

- All local plans should follow the approach of a presumption in favour of sustainable development in order that development that is sustainable can be approved right away.

- All local plans should be based on and reflect the presumption in favour of sustainable development with clear policies that will guide how the presumption should be applied locally

With respect, the foregoing considerations are largely absent from the revised Local Plan for 2015-2030

Therefore, to achieve sustainable development , economic social and environmental gains should be sought jointly and simultaneously through the planning system which must play an **active** role in the process by granting development status to sustainable solutions . (please see Practical Planning Guidance).

The NPPF amplifies the definition of ‘sustainable development’ in a crucial declaration:

“ at the heart of the NPPF is a ‘presumption in favour of sustainable development’ which should be seen as the golden thread running through both the plan-making and decision-taking process”.

Given the rather arbitrary exclusion of site CA47 from the revised Local Plan, I submit that far from acting in a manner consistent with the golden thread analogy, Carlisle City Council has instead adopted an approach more in keeping with the metaphor of the Gordian Knot!

To quote Shakespeare from Henry V act 1 scene 1:

“turn him to any cause of policy and the Gordian knot he will loosen”

To achieve sustainable development it is my respectful submission that the author of the revised Local Plan has contravened the clear policy statement as enunciated in NPPF and has done nothing to achieve sustainable development in so far as had classification of site CA47 is concerned.

Far from it as the treatment of site CA47 is in stark contrast to the manner in which site CA36N was dealt with.

This is brought into stark relief when one considers the most bizarre and arbitrary decision to accord development status to site CA36N which, I would argue, suffers from exactly the same drawbacks and technical problems as site CA47 does. This strange anomaly cannot go unremarked and the respective sites cannot be separated or distinguished when one considers that the planning officer involved in both sites is one and the same person.

I would respectfully refer this independent Enquiry to a document dated 20th August 2010 entitled ‘Development Control Committee Main Schedule’.

Reference is made to 10/0508 site CA36N and the reasons to vote in favour of development.

I would direct the Independent Inspector's attention to the fact that, despite over 20 objections and the site's western boundary being within a flood zone 2 area (as is part of site CA47), the planning officer makes an extremely robust case indeed for grant whilst ignoring the obvious technical planning issues associated with the site.

It may be the planning officer is merely giving full effect to the statutory presumption in favour of sustainable development. If so, why not afford the same level of treatment to site CA47?

I submit CA47 offers more and better sustainable development than site CA36N in terms of a better mix of house types and affordable housing on a much larger scale. Such homes will be needed in the very near future.

The NPPF is clear in that for plan-making the granting of development status without delay is preferred !

I submit that by failing to accord deliverable status to site CA47 the Council has failed to produce a just, sound and legal Local Plan.

Given their entirely contiguous nature, identical features and topography, fairness and consistency dictate that the overriding presumption in favour of sustainable development should apply and that both sites be treated in the same manner.

Given the obvious disparity in treatment, it cannot be said that the relevant procedures and legal requirements have been satisfied and therefore the Local Plan may be open to legal challenge.

In addition, the revised draft Local Plan offends against some of the 12 core planning principles as contained in the NPPF (see para 17).

The main contraventions are :

- It is not genuinely plan-led
- There is no high degree of predictability
- It fails to seek out a positive vision for the future
- It fails to be creative in findings ways to enhance and improve the area

I stress, NPPF implores local authorities not to use the planning process simply as an exercise in scrutiny . The author of the revised local plan is being overly harsh in his classification of CA47.

The planning officer is not trying to be proactive or seek to support sustainable development whereas the nearest neighbour was afforded the “red carpet” standard in NPPF principles just 3 years previously.

CA47 should be dealt with *mutatis mutandi* with the site CS36N. Given the apparent unpredictability inherent in the two distinct classifications it would be extremely difficult to be certain of providing clear advice to any potential developer client.

Both the NPPF, and I submit the present government, wish to remove as much unpredictability as possible from the planning process which can only be to the benefit of all stakeholders.

The planning process is supposed to be open, transparent, consistent and above all flexible and proactive enough to measure up to the presumption in favour of sustainable development.

Following a recent site visit I uncovered 3 large manhole covers on site CA47 running from the boundary with site CA36N right down the western edge of site CA47 then dog-legging north east to a point just short of the Pow Beck burn into which all water run-off from site CA36N flows!

The decision to classify site CA47 as undeliverable on grounds of perceived “excessive flooding” is wrong in both fact and law as both sites benefit from the peculiar drainage arrangements for site CA36N.

In any event, this highlights the total unsoundness , illogicality and illegality of the proposed draft Local Plan in as much as it deals with the exclusion of site CA47.

The planning officer is obliged to act in a proactive manner consistent with the presumption in favour of sustainable development. If he had done so then he should have addressed the perceived flooding issue by assuming CA47 could have connected to the drains already *in situ*.

Matter 2- Housing

Question 1

The answer must also be “No”.

The revised draft Local Plan should take account of ‘market signals’.

No where in the body of the plan is there any reference to “price” or “housing affordability” or any other criteria around market signals.

This is a clear departure from the Council’s duty to set out a clear strategy for allocating sufficient land which is sustainable for development in the area taking account of the residential and business communities. (See NPPF para 17).

In doing so the Council has failed to seek out and secure high quality designed housing with a good standard of amenity for existing and future occupants of land and buildings.

There is an obligation to actually manage patterns of growth and make full use of public transport and focus significant development in locations which are or can be made sustainable .

Issue 3 The 5 X year housing land availability .

Questions 1-2 answer is no.

Question 3.

The Council should adopt an open and transparent policy towards bringing on housing need over the short term. Smaller developers/owners are better placed to address such short term needs in a more efficient and more cost

effective manner than say large or national builders. This can be achieved without the need for the “stepped approach” as suggested by the Council.

Questions 4-5. The answer is no

Question 6

The Council’s policy is not sufficiently flexible to bring alternative sites forward in the short term. One only has to look at the rather arbitrary and inexplicable treatment of site CA47 as evidence of how it was summarily discarded from development purposes .

GENERAL OBSERVATIONS

1) AFFORDABLE HOUSING

The 2014 SHMA recognises the need for affordable housing and recommends circa 295 dwellings per annum which equates to circa 5015 over a period of 15 years.

This equates to circa 52% of the overall housing need over that period which, with respect, hardly seems tenable far less economically viable. I fail to see how most, if not all, larger or national house-builders could justify a large enough tranche of their land banks to be devoted to such dwellings.

I refer to para. 47 of NPPF which entreats all local authorities to ensure that :

“Their local plan meets the full, objectively assessed, needs of the future market in affordable housing in the housing market area”

Compare these figures to those contained in the 2013/14 Annual Marketing Paper . Delivery of affordable houses was in fact just 438 in a 5 year period which equates to a mere 73 dwellings per annum!

By any measure , if such historically low numbers were to be repeated, I submit such numbers would be woefully inadequate and that the provision for affordable housing in the Carlisle Local Plan is simply unrealistic. I submit this should be revised in an upwardly direction only.

It is axiomatic in my submission that an increase in identifiable sites to cater for the increased need for affordable housing is urgently needed and should be factored into the revised Local Plan. Given the proximity to site CA36N I submit site CA47 is ideally suited to yield sufficient quality and sustainable affordable housing stock.

2) HOUSING IN GENERAL

In relation to general housing need Carlisle Council Policy envisages an annual requirement of circa 565 dwellings which equates to circa 8475 over a period of 15 years.

Once again, this represents yet another sizeable difference in numbers. If one considers the Housing Land Supply figures for 2013/14 which, over a 5 year period, envisaged 190 completions this equates to circa 375 dwellings **short** of the assessed needs.

There was a deficiency in house numbers in the ten year period up to 2013 of circa 827 or 82.7 dwellings per annum.

I submit therefore that a modest increase in available dwellings is warranted and would contribute to making the Local Plan “sound”. The alternative is a deficiency in available housing stock which, given the current government’s desire for increased housing across the board, would be most unfortunate as well as totally undesirable. I submit that bringing on much needed housing stock at short notice is not an easy task.

3) **PARTICULAR NEED**

In order for Carlisle Council to deliver on the strategic aims and objectives under the revised Local Plan and provide affordable, sustainable housing as well as growth over time, there must be a ready supply of suitable development sites in the right areas.

These sites must offer a variety and mix of house types and be sited in the correct locations .

“ the key to Carlisle’s ongoing success has been an increased supply of new, high quality affordable houses the delivery of which has been instrumental in attracting and retaining an economically viable workforce and in supporting thriving rural communities”

Whilst I wholeheartedly agree that this is a sound vision for the area as expounded by Carlisle Council the current revised Local Plan simply lacks

the degree of confidence needed to deliver housing in properly assessed numbers.

In this respect I submit the Local Plan is not sound as it will not be effective in delivering the required strategic numbers when you consider that there was a reputed need of circa 30,000 new dwellings between 2014 -2024 which equates to circa 3,000 per annum although this may be somewhat fanciful.

One area where the Council could derive assistance is by paying particular attention to those smaller niche sites more suited to quicker, more efficient delivery of dwellings from drawing board to turn-key entry than would be the case with larger or national builders.

Such smaller sites offer an immediate stimulus to the housing market in Carlisle and can be developed quicker to respond earlier and easier to **actual** demand for housing.

In terms of CA47 , this site is ideally suited to deliver a wider choice of quality housing that would be inclusive, sustainable and create a mixed community in an attractive area very close to Carlisle city centre.

The additional attraction is that the site is:

- a) entirely contiguous to an existing **recently** developed site of 30 affordable housing units.
- b) Close to the city centre

- c) Close to existing sewerage/water facilities etc
- d) Close to existing public transport links.
- e) Close to existing retail, educational, employment and transport links.

The site is not alone contiguous to an existing development but benefits by meeting all criteria especially “sustainability” under the National Planning Policy Framework (NPPF).

I submit that due to the contiguous nature of the site to CA36N there can be no technical or planning issues arising from deciding that the site is now “deliverable”. As such, site CA47 offers an immediate, deliverable and valuable contribution to much needed sites for development.

In support of the need to have such smaller sites available for housing, site CA47 benefits from being an integral part of the existing settlement of Etterby and further development in the area would complement the existing 30 unit affordable housing site by providing yet more affordable housing of circa 20/30 dwellings together with a proper mix of mainstream dwellings ranging from apartments through to detached houses.

In terms of HO1, this would deliver a wider choice of quality houses and create sustainable, inclusive and mixed community housing with little or no visible impact on existing facilities as the site is well served for access and egress to Stainton Road with excellent transport links to and from the city centre with ease of access to and from the M6 from the northern boundary of the site.

Carlisle city is a large conurbation and site CA47 is ideally suited to take up any shortfall in the Local Plan target of circa 665 dwellings per annum and would contribute to “growth” in this semi-rural area which is on the edge of the urban conurbation.

I submit that the policy under HO4 would be better realised from those sustainable benefits offered by developing site CA47 and by building on those benefits already provided in the area by the existing 30 unit affordable housing development.

Para 47 of NPPF states that local authorities must:

“ identify & update annually a supply of specific deliverable sites over 5 years worth of housing against requirements with a plus 5% period buffer and in cases of under delivery to increase this to a 20% buffer”

Site CA47 is ideally suited to meet the foregoing criteria in that it is :

- 4) Deliverable now.
- 5) A suitable location.
- 6) Can be delivered within 5 years .
- 7) Viable .
- 8) Can be classed as a “windfall” site

4) Transport

It is submitted that all such problems have been catered for in terms of the Road Safety Audit 2010 by Capita Symonds but that any difficulties arising can be addressed by a supplementary audit if so advised.

The area is very close to the Carlisle ring road and offers ease of access, egress and contact with main arterial roadways especially the M6.

To conclude, I would like to address what I have previously described as “hysterical” the characterisation of the site as being liable to “excessive flooding”.

In 2005 Carlisle experienced the worst flooding in over a century but nonetheless site CA47 remained and remains unscathed. A recent site inspection found that the whole of the site was in great condition as far as underfoot was concerned and vehicles driving over all parts of the site . The ground is sufficiently well drained at present that any excess water simply flows in to the Pow Beck burn at the northern end of the site. This has been the case for as long as anyone can recall.

I stress there has never been any actual flooding (excessive or otherwise), the ground is eminently suitable for development and there is absolutely no evidence (factual or anecdotal) that the site is liable to “extensive flooding”.

I respectfully place these supplementary representations together with those previously lodged before this independent planning Enquiry for consideration by the independent planning inspector Ms Claire Sherratt , Dip. URP, MRTPI.

Signed,

James Kelly, LLB, Dip. L.P.

Agent for the owner of site CA47