

Carlisle Local Plan - Proposed Submission Draft Consultation  
Response from Save Our Streets April 2015

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Please update me on progress of the Local Plan

Save Our Streets (SOS) is a community group working towards community involvement in the Rickergate area. It was originally set up to oppose the Carlisle Renaissance proposals (2006) for the area which would have resulted in the loss of a thriving community through the destruction of three streets of sound, residential properties and several small independent businesses. Carlisle Renaissance was a regeneration project for Carlisle which was set up in the aftermath of the Carlisle floods of 2005. Rickergate was badly flooded in 2005. The neighbourhood is within the Conservation Area and contains buildings of local and national historical interest.

Q1 This representation relates to Policies SP1 and SP4

Q2 I consider that the Local Plan is unsound

Q3 and Q4

I consider the following policies to be unsound

**Policy SP1 Sustainable Development**

This policy is not effective.

It is consistent with national planning policy. However it is suggested here that national policy while being sound in principle would be contradictory to these principles in practice. It should be possible to mitigate the effects of this contradiction at a local level, if not correct them.

I refer to the following paragraphs and sentences:

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
2. Specific policies in the Framework indicate that development should be restricted”

and

“3.4 The Carlisle District Local Plan is the first reference point for those involved in the determination of planning applications. The NPPF makes it clear that local planning documents should reflect the presumption in favour of sustainable development and Policy SP1 responds to this requirement”

Although these sentences are lifted straight out of the NPPF there is doubt that they will be effective.

While objections raised to the above were addressed by planning services response to the Stage 2 consultation, the underlying issues have still not been addressed. While there is clearly a need to deal with instances which may not be covered by policies in the Local Plan or where policies are out of date, there is still a presumption that development will be agreed to, whether it is truly “sustainable” or not. It will be easy for “sustainable” to be ignored. In practice the provisos could allow any amount of inappropriate development to slip through simply because the provisos are there and can be exploited.

Such concepts as sustainability are far from the concerns of applicants wanting to develop a site. They will probably also not be in the forefront of the minds of councillors on planning committees. While reference may be made to the Local Plan, the concerns will be almost exclusively with their particular site and aspirational issues such as sustainability will be overlooked. The comments of planning staff to Stage 2 responses (20231) need to be borne in mind here as they also recognise that sustainable development is aspirational rather than practical, as seen in the following extract demonstrates

“The Plan read as a whole ultimately determines what will or will not constitute sustainable development within the district of Carlisle, and as such it is not considered necessary or appropriate to explicitly refer to sustainability within each of the Plan’s policies”

However, the concept will be extremely important to groups of local people who wish to protest and oppose what they perceive to be inappropriate development.

Who decides what is “significant” and what are “benefits” and who does the “demonstrating”?

It would be very easy for developers with a lot of resources (paid professional consultants) to put behind an application, to unduly influence an outcome and to twist what is the meaning in the disputed sentences into something which would suit their needs rather than the needs of the District as a whole, individual communities within it or recognised concepts entrenched in the concept of sustainable development.

It would appear that the present government (this is written a few weeks before the general election) is of the opinion that development at all costs will help the country grow out of recession and has tried to remove what it considers to be obstacles in the smooth trajectory of new developments. This “let-out” clause is a prime example of how this is translating into practice. The Local Plan has a long life, beyond the concerns of political change in the national picture and should reflect this and not short term political changes.

The following projected scenario is one which residents and small business people in Rickergate need to bear in mind and should demonstrate how ineffective the addition of the clause could make the policy

The Rickergate area has been identified for retail expansion in the City Centre Development Framework (CCDF). A development application has been proposed that homes and a small business in Warwick St have been earmarked for demolition thus removing a part of our community. Should the Rickergate community choose to defend their homes and businesses against such a proposed large retail development, they would need to use the concept of sustainable development in opposing such an application. Rickergate would be representing the social dimension of a strong, vibrant and healthy community in opposition to that of the economic dimension as seen in the strong, responsive and competitive economy of the retail development. These dimensions should be of equal consideration (along with the third environmental dimension) but it would be very easy for the economic dimension to outweigh the social in this instance. A consultant has already “demonstrated” the economic benefits of retail development in Rickergate in the CCDF although there was no social or environmental input into this report from the consultants who wrote it. (The CCDF document is dealt with later in this response).

It is difficult to project effectiveness which can only really be proved in practice. There has been some limited opportunity to test the effectiveness of this policy. The proposed submission draft of the Local Plan was approved by a full council meeting on 10<sup>th</sup> February 2015. It was agreed that the proposed submission draft should be used to inform all subsequent planning applications (Minutes C.35/15, Resolved – no.6)

The recent approved application 14/089 dealing with a new retail development and multi-storey car park in Lowther Street, which was approved by reference to the proposed submission draft did not appear to be demonstrably different from any application which had been approved with reference to the Local Plan already in place. The tripartite concept of sustainability did not figure much in the consideration of the application. The social aspects of the concerns of those using the Church of Scotland and Chapel Street were not given the same rating as the economic concerns of the importance of retail and a car park. There was also little appreciation given to the environmental realities of demolition and reuse of materials, green construction and planting of green areas and trees to soften the landscape or the impact of the new build on the heritage aspects of Chapel St in the Conservation area. The retail and economic factors seemed to outweigh everything else. Although there was no question here of invoking the "let out" clause, it is interesting to see how little the concept of sustainable development was in use in the determination of this application and proves that it is ineffective.

This is an observation only and not necessarily a criticism of either the planning staff or the planning committee.

The "let out" clauses also rely on the councillors on planning committees have a full and detailed knowledge of the NPPF. While they may well have the wisdom and guidance of the professional planning staff behind them, I would not be confident that they have the depth of knowledge of this planning document to make suitable decisions, particularly if they are pressured from many different viewpoints.

#### **Policy SP4 – Carlisle City Centre and Caldew Riverside**

This Policy is not positively prepared as it has not been objectively assessed. It is based on the City Centre Development Framework (CCDF) which is poor evidence.

There is particular concern around the proposals for the area north of Lowther St including Rickergate, described in the CCDF. If implemented these would have a detrimental effect on the Rickergate community.

The CCDF was written by consultants GVA. As evidence, this document is flawed and is not a reliable basis on which to write a long term policy. The Framework was put out for consultation and the responses to this consultation indicate in detail where the flaws lie. Particular attention is drawn to the responses submitted by Cumbria County Council, the Environment Agency and Save Our Streets. It is therefore not necessary to further reiterate where the document is faulty.

In summary:

- An impartial and therefore probably inaccurate appraisal of the retail needs
- Failure to thoroughly consider areas other than Rickergate for development,
- Failure to address the issues of flooding
- Failure to address the issues of Conservation Areas
- Failure to address environmental issues of development
- Failure to thoroughly assess and consider all areas for development

This Policy therefore is not positively prepared as it has not been objectively assessed. GVA should not have been commissioned to write this as the consultancy had already written the Retail report.

GVA also failed to consult with residents and small businesses when writing the report, concentrating solely on the retail aspects and business community.

This Policy is not Justified. How can it be deemed to be the most appropriate strategy when the CCDF does not properly consider reasonable alternatives? Both options for the area north of Lowther Street are almost identical and both propose the demolition of Warwick Street. No other alternatives for the area have been explored. Alternatives to develop other areas for retail – eg Caldew Riverside and Citadel have also not been properly explored.

All avenues proposed by the report echo the proposals of Carlisle Renaissance and have not tackled the problem with any imagination or fresh thought.

This Policy is also not justified as the CCDF makes no recognition of the resident community, placing emphasis entirely on retail. Paragraph 3.41 in the Justification for this policy speaks of the desirability of a diverse mix of uses to ensure vitality and vibrancy, at all times of day and evening. Residents would positively contribute to this. Residential elements contribute greatly to increasing footfall in town centres after 5pm. Yet the CCDF advocates definitely reducing and probably nigh on destroying a strong residential community.

It is also possible that existing residents might be subject to planning blight if existing buildings cannot be used for the purposes designated in the plan, but will stand empty. This is not only undesirable for residents but also for a neighbourhood which has a high profile as it is located right next to the City centre.

There are also serious concerns around the placing of restrictions on development proposals which are not concerned with retail, for the area north of Lowther St including Rickergate. It is doubtful whether the Arts Centre in the Old Fire Station, located on Warwick Street, would have been approved if these restrictions had been in place in the present Plan, yet this promises to be a welcome addition to the city centre.

This Policy is also inconsistent with national policy as it is written with no reference to sustainable development and concentrates largely on the economic dimension with scant reference to social and environmental concerns. It is regrettable that GVA made no attempt to consult with the wider Carlisle community, let alone the immediately local community of Rickergate where people would lose their homes and livelihoods, thus taking into consideration the social dimension. It also makes no concession to the environmental dimension of development. Whole scale demolition of buildings and streets is more detrimental to the environment than reuse would be. The CCDF only makes passing reference to the Conservation Area and local heritage and only does so when reminded of the significance of this by the public's responses. It is little short of criminal to demolish an integral part of the Laing/Dalton complex of Fire/Police Stations and Magistrates Court and fireman's housing which would be the case with the CCDF proposals for warwick Street.

#### Q5 Changes to make the Local Plan sound Policy SP1

It would, regrettably, make the Plan inconsistent with national policy to entirely leave out the clauses in question though this would be the best possible solution. However, it should be possible for local authorities to strengthen the sustainable elements of the policy locally. This could be achieved by insertion of additional clauses in this policy to the effect that sustainability was more important than development. This would rely heavily on planning staff and councillors on planning committees to ensure that they had the right mindset and to oversee the translation of sustainable development into practical decisions. A possible solution would be introducing a local list of criteria for assessing the sustainability of individual planning applications. The list should be compiled with reference to local community and environmental groups. With this in place it would possibly be more likely for the spirit and principle of sustainability development to be retained as long as it did not become another box ticking exercise.

#### Policy SP4

The Council needs to re-commission a new CCDF document and then rewrite all the Local Plan policies which rely on the CCDF as background evidence. The Council would need to commission the rewrite from a different consultant – specifically one which has not been used for producing other reports, and would therefore correct the impartiality seen in the CCDF. It would be preferable if all earlier consultant's planning documents relating to the city centre were not passed on to the new consultant so that a fresh approach might be achieved. Criteria for selection should be based not solely on price but should include a presumption

that the report will be properly based on the concept of sustainable development and will thoroughly consider all aspects of the City Centre not just the economic ones. Imaginative solutions to city centre uses taking account of the effects of the recession, rise of internet shopping and the place of the city centre as a social rather than retail centre would be welcome. There should also be a commitment to talking to residents groups, local conservation groups and representatives of city centre users. SOS would be happy to take part. Further consultation on a first draft should be made as a corrective before rewriting the relevant Policies in the Local Plan.

This would also be a test of how the concept of sustainable development could be translated into reality in practical proposals for a specific locality.

Q7 SOS would like to participate at the hearing sessions

Q8 SOS represents the community of residents and small business people in Rickergate and as such feels that it is appropriate and relevant for the community to have as wide a representation as possible.

Issues here, especially those relating to the NPPF, are relevant to other community groups locally and nationally. There will be therefore hopefully be wider benefits if the issues are raised in a public forum.