

Matter 5: Other Housing Requirements

Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision for other housing requirements.

Relevant Policies: Policies H7PU; SP H8PU; SP H9PU; H10PU; H12PU

Housing Density and Mix (H7PU)

5.1 What is the evidence in relation to housing mix?

5.1.1 Evidence relating to housing mix is contained in the SHMA (EB4) (pages 153 onwards) and Housing Needs Survey (EB6). The evidence shows that Copeland has a fairly typical housing stock profile but a relatively high proportion of 3 bedroomed homes and relatively few 1 bedroom properties. The SHMA, paragraphs 9.50-9.51, identify the recommended housing mix for affordable home ownership and for market housing. The SHMA, paragraphs 9.53-9.56, identify a need for bungalows in the borough to meet the needs of an ageing population.

5.2 Does Policy H7PU provide sufficient guidance to developers in terms of housing mix?

5.2.1 Yes, the Policy directs developers to the latest evidence regarding housing need and mix. The policy will be supported by the Housing Technical Paper which provides additional guidance to developers in relation to this issue. The Draft Housing Technical Paper will be made available alongside this response to the Inspectors MIQs.

5.3 Is Policy H7PU justified, effective and consistent with national policy, particularly in terms of the approach to densities?

- 5.3.1 The policy is justified as it helps ensure developers provide the right types and sizes of housing to meet needs identified in the evidence supporting the Local Plan namely the SHMA (EB4 and EB5) and Housing Needs Survey (EB6).
- 5.3.2 The policy is effective as it directs developers to the SHMA (EB4 and EB5) which will be periodically updated whilst also having an element of flexibility to allow developers to produce their own evidence to support an alternative housing mix where they can demonstrate that the latest SHMA and HLS is out of date.
- 5.3.3 The policy is consistent with national policy, specifically paragraph 68 of the NPPF which states: *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.”*

Specialist and Older Persons Housing (H12PU)

5.4 What is the evidence in relation to the need for specialist and older persons housing in the Borough?

5.4.1 Figure 7.2 in the 2021 SHMA update (EB5) identifies specialist and older persons housing needs in the Borough.

Figure 7.12: Specialist Housing Need using adjusted SHOP@Review Assumptions, 2021-38 – Copeland

| | | Housing demand per 1,000 75+ | Current supply | Current demand | Current shortfall/surplus (-ve) | Additional demand to 2038 | Shortfall/surplus by 2038 |
|------------------------------|------------|------------------------------|----------------|----------------|---------------------------------|---------------------------|---------------------------|
| Housing with support | Market | 39 | 39 | 279 | 240 | 115 | 354 |
| | Affordable | 94 | 398 | 665 | 267 | 274 | 541 |
| Total (housing with support) | | 133 | 437 | 943 | 506 | 389 | 895 |
| Housing with care | Market | 21 | 0 | 147 | 147 | 61 | 208 |
| | Affordable | 27 | 60 | 192 | 132 | 79 | 212 |
| Total (housing with care) | | 48 | 60 | 340 | 280 | 140 | 419 |
| Residential care bedspaces | | 43 | 443 | 302 | -141 | 124 | -17 |
| Nursing care bedspaces | | 48 | 146 | 340 | 194 | 140 | 333 |
| Total bedspaces | | 90 | 589 | 641 | 52 | 264 | 317 |

Source: Derived from Demographic Projections and Housing LIN/EAC

5.4.2 Paragraph 7.34 of the SHMA states that: *“It can be seen by 2038 there is an estimated need for 1,314 additional dwellings with support or care. In addition, there is a need for 317 additional nursing and residential care bedspaces. Typically for bedspaces it is conventional to convert to dwellings using a standard multiplier (1.80 bedspaces per dwelling for older persons accommodation) and this would therefore equate to around 176 dwellings. In total, the older persons analysis therefore points towards a need for around 1,490 units over the 2021-38 period (about 88 per annum).”*

5.4.3 As well as the above types of housing, the SHMA also identifies a need for student and key worker housing (SHMA 2019 (EB4 section 12) and SHMA update (EB5 para 2.47 and 2.48).

5.4.4 The Housing Needs Assessment (EB6) identifies the types of specialist housing which is in most demand from those surveyed. It also summarises the findings from Cumbria County Council’s Extra Care and Supported Living Strategy¹

5.5 Does Policy H12PU provide sufficient guidance to developers in terms of specialist and older persons housing?

5.5.1 Yes, the Policy sets out the key criteria that such developments should consider when drawing up proposals for specialist and older persons housing. It also guides developers to the key evidence relating to these types of housing i.e. the SHMA and Housing Needs Study.

5.6 Is Policy H12PU justified, effective and consistent with national policy?

5.6.1 The policy is justified as evidence identifies a need for specialist and older persons housing (SHMA (EB4) and HNS (EB6)). This includes a need for student and key worker homes.

5.6.2 The policy is effective as it states which evidence documents developers should consider when drawing up their proposals and lists specific criteria they will need to meet.

5.6.3 The policy is consistent with national policy, specifically paragraph 62 of the NPPF which states *“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who*

¹ <https://cumbria.gov.uk/elibrary/Content/Internet/327/6214/42849133548.PDF>

require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Affordable Housing (SP H8PU)

5.7 What is the evidence in terms of affordable housing need and what does it show?

- 5.7.1 The SHMA 2019 (EB4 section 6) and 2021 update (EB5) provides evidence of affordable housing need in the borough, although it identifies that in general, house prices in the borough are very low compared to other areas. This is supported by the Housing Needs Assessment (EB6).
- 5.7.2 Despite relatively low house prices, Copeland does see relatively high levels of earned income, particularly for people working in the borough (rather than living in the borough); this is likely to be linked to jobs at Sellafield. As a result, price:income affordability ratios show the borough to be the most affordable place in the country – as of 2020 the workplace-based affordability ratio stood at 2.62. Overall, the picture is one of a low value area with values that have been fairly stable which points to a relatively low level of market demand at the present time.
- 5.7.3 The SHMA Update (EB5) identifies a net deficit of 99 affordable dwellings per annum across the borough over the plan period, some of this need (14 dwellings) falls within the Lake District National Park. The SHMA and HNS (EB6) show that the greatest affordable needs are in Whitehaven and Whitehaven Rural sub-areas. Both documents show that many residents have difficulties raising deposits to allow them to purchase a home therefore affordable rental products may be more suitable than affordable homes for ownership.
- 5.7.4 The SHMA Update (EB5) considered the Affordable Housing Policy in the Local Plan Preferred Options Draft. Paragraph 5.108 states that: *“this report recommends that the Council looks at the overall affordable target as a 10% figure does look to be very low in the context of need and also typical custom and practice nationally (although it is recognised that Copeland is a lower value area). The Council should investigate if it is possible to increase this figure to say 20% or 25%.”*
- 5.7.5 The SHMA also recommends that a lower threshold is used in the least affordable part of the borough (Whitehaven Rural sub-area) and supports a threshold of 5 units (Figs 5.4 and 5.6).
- 5.7.6 The SHMA (EB4), as supported by the HNA (EB6), recommends a tenure split on new housing developments that focusses on affordable or social rental products rather than affordable home ownership options. It recommends a tenure split of 60% affordable or social rented with 40% discounted market sales housing, starter homes or other affordable home ownership routes. It also highlights a need to provide First Homes as part of the home ownership offer.

5.8 What are the past trends in affordable housing in terms of completions and forms of delivery? How is this likely to change in the future?

- 5.8.1 Monitoring data shows the number of affordable housing completions in the borough between 2014 and 2021. Affordable housing in the borough is mainly managed by the Registered Provider Home Group.

| | Approvals | Affordable Dwellings Approved | Percentage Affordable dwellings | Completions | Affordable Dwellings completed | Percentage affordable completions |
|---------|-----------|-------------------------------|---------------------------------|-------------|--------------------------------|-----------------------------------|
| 2014/15 | 215 | 10 | 4.7% | 135 | 27 | 20.1% |
| 2015/16 | 332 | 26 | 7.8% | 124 | 0 | 0% |
| 2016/17 | 537 | 26 | 4.8% | 154 | 4 | 2.6% |
| 2017/18 | 477 | 2 | 0.4% | 132 | 0 | 0% |
| 2018/19 | 443 | 54 | 12.1% | 117 | 0 | 0% |
| 2019/20 | 284 | 0 | 0% | 152 | 4 | 2.6% |
| 2020/21 | 299 | 17 | 5.6% | 98 | 22 | 22% |

- 5.8.2 The data shows that approvals have consistently been lower than the 15-25% target contained in the Core Strategy, particularly in the 2017-18 period when the Council was unable to demonstrate a 5 year supply of deliverable housing sites. One reason for the low number of affordable approvals and completions is likely to be that provision is subject to viability and local market variation.
- 5.8.3 Completion data shows what has actually been delivered on the ground, with approved plans often lapsing or being altered following approval.
- 5.8.4 Seventeen affordable homes were approved in the 2020-21 monitoring period. This amounts to 5.6% of all approved housing. In terms of affordable completions, there were 22 across the monitoring period, which amounts to 22% of all housing completions.
- 5.8.5 The number of affordable houses delivered is likely to increase following the adoption of the Local Plan as Policy H8 will have full weight in decision making. The figures will also be affected by the development at Queens Park in Millom. Approval was granted in 2020 (4/19/2244/0F1) for the demolition of 58 houses and replacement with 66 affordable homes. The demolition work has been completed with replacement dwellings likely to be completed within the next 5 years.

5.9 Is the site size threshold for seeking affordable housing in Policy SP H8PU justified and consistent with national policy? Is the lower threshold of 5 units within the Whitehaven Rural sub-area supported by evidence and justified?

- 5.9.1 Yes, the policy aligns with paragraph 64 of the NPPF which states:
- “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”*
- 5.9.2 The NPPF (same paragraph) allows for exceptions in designated rural areas and states that in such cases, policies may set out a lower threshold of 5 units or less.
- 5.9.3 Policy H8 includes a lower threshold of 5 units in the Whitehaven Rural sub-area as the SHMA (EB4) and HNS (EB6) identify that this is the least affordable of the housing sub-areas in the borough. In this area house prices are the most expensive and a high percentage of newly forming households are unable to buy (See SHMA figure 3.3.7 and SHMA Update

figures 5.4 and 5.6). In this sub-area sites are also likely to be smaller and having a lower threshold would ensure affordable housing is still delivered.

5.10 What is the evidence in relation to the viability of delivering affordable housing as part of market housing schemes? What does it show and does it justify the 10% requirement set out in Policy SP H8PU?

15.10.1 The impact of Policy H8 on viability has been assessed in the Council’s Viability Study (EB6). The Study provides a detailed viability assessment for all sites allocated for housing within the Copeland Local Plan (unless they were subject of a current or recent planning application). The Study highlights that, for the majority of allocations that are not limited by particular material economic circumstances (e.g. contaminated land), the 10% affordable housing provision will not inhibit delivery on viability ground.

15.10.2 It should be noted that the Policy requires developers ensure that *at least* 10% of the homes they provide are affordable. This allows for a greater number of affordable homes to be delivered where viability allows.

15.10.3 Appendix 15 of the Viability Study indicates that 10 of the housing allocations are likely to have surplus GDV (headroom) after 10% affordable housing has been provided and in such cases a greater percentage of affordable housing could be sought; this will be discussed further with developers at planning application stage as any surplus may also be required to provide other types of infrastructure such as improvements to sports provision².

15.10.4 Policy H8 includes clauses which ensure that the requirement for affordable housing does not jeopardise delivery and lower levels of affordable housing will be accepted in exceptional circumstances. The Council however is suggesting a Main Modification (MALP121) that allows, where a lower level is accepted, for the review of contributions to be carried out (e.g. at commencement stage) to ensure that a higher, policy compliant, percentage can be provided where viability has improved since approval³.

5.11 What is the basis for the tenure split set out in Policy SP H8PU? Is this justified?

5.11.1 The SHMA (EB4), SHMA Update (EB5) and HNS (EB6) support a tenure split that is directed more heavily towards the affordable rent sector. This is because “*analysis does suggest that there are many households in Copeland who are being excluded from the owner-occupied sector (as evidenced by reductions in owners with a mortgage and increases in the size of the private rented sector). This suggests that a key issue in the Borough is about access to capital (e.g. for deposits, stamp duty, legal costs) as well as potentially mortgage restrictions (e.g. where employment is temporary) rather than simply the cost of housing to buy.*” (Para 31 SHMA Update).

5.12 Is there evidence to support the approach to not require 10% of homes within major developments to be made available for affordable home ownership as required by paragraph 65 of the Framework?

5.12.1 Yes, see response to Q5.11 above. Paragraph 65 of the NPPF allows Councils to deviate away from requiring 10% of homes to be made available for affordable home ownership where

² The exact levels of contributions required towards sports provision will be determined following the completion of the Council’s Playing Pitch Strategy in 2023. This and other evidence may be used to produce a Contributions Supplementary Planning Document in future years.

³ E.g. Where the Local Plan Viability Study identifies a surplus GDV is likely

such a requirement would significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The Council feels that this would be the case here with a major barrier to home ownership in the borough being access to capital.

5.13 Is the policy sufficiently flexible in relation to viability and the potential for off-site provision?

5.13.1 Yes, the policy states that off site provision or a financial contribution in lieu of affordable housing would be considered where this is justified and helps create mixed and balanced communities. This aligns with paragraph 63 of the NPPF. It also states that a lower proportion of affordable housing or an alternative tenure split would be considered in certain cases.

5.14 Are suggested Main Modifications MA LP117-MA LP121 required in the interests of soundness?

5.14.1 No, not explicitly. The NPPF does not contain a requirement for First Homes to be delivered as part of affordable housing schemes. The modification is however required in order to align the policy with Government guidance on the issue, namely paragraph 70-012-20210524⁴ of the NPPG.

5.15 In overall terms, is Policy SP H8PU justified, effective and consistent with national policy?

5.15.1 The policy is justified as it is required to increase the number of affordable homes across the borough to meet needs identified within the SHMA (EB4) and HNS (EB6).

5.15.2 The policy is effective as it clearly states what is expected from developers in terms of the amount of affordable housing and tenure but is flexible enough to allow for variations where necessary in the interests of viability.

5.15.3 It is consistent with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 34: *“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”*
- Paragraph 62: *“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing...”*
- Paragraph 65: *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³¹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development: a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be*

⁴ <https://www.gov.uk/guidance/first-homes#plan--and-decision-making>

developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

Gypsies, Travellers and Travelling Showpeople (SP H9PU; H10PU)

5.16 What is the evidence in terms of the need for additional provision? Was the methodology for the assessment appropriate and robust?

5.16.1 The Cumbria Gypsy and Traveller Accommodation Assessment (EB10), produced in January 2022 provides the evidence for the need for gypsy and traveller pitches in the borough and wider county. Section 3 of the document sets out the methodology used for the assessment which follows guidance contained in the Planning Policy for Traveller Sites (2015)⁵, Housing and Planning Act (2016)⁶ and NPPF (2021)⁷. The methodology was agreed by all Cumbrian councils and has been tested in numerous Local Plan examinations and Development Management appeals (please see list contained within EB10). Given this, and the statement made by the GTAA consultants (CBC02) the Council feels it is appropriate.

5.17 How were the needs of unknown households and transit provision considered?

5.17.1 The needs of unknown households were identified through a combination of desk-based research, stakeholder interviews and engagement with members of the Travelling Community living on all identified sites and yards in Cumbria and elsewhere. The consultants also considered whether there were unauthorised encampments within the borough (none were identified in Copeland)

5.17.2 The GTAA (EB10), Paragraph 3.8, sets out the documentation that was reviewed as part of the desktop review and paragraph 3.9 sets out who the consultants producing the Study engaged with; this included Council Officers from across Cumbria and further afield in neighbouring districts and representatives from Cumbria Police who may have been aware of unauthorised encampments and unknown households across the county. Details of the telephone and socially distanced in person interviews that were held are contained in paragraphs 3.11-3.22 of the GTAA.

5.18 Do the criteria set out at Policy H10PU provide an effective basis for the consideration of sites for gypsies, travellers and travelling showpeople?

5.18.1 Yes, the policy lists the criteria which would be considered when determining an application for a gypsy, traveller and travelling showpeople site. This is an effective basis for considering such uses and when used alongside other more generic policies in the Local Plan, will ensure that negative effects are reduced and/or mitigated.

5.19 How was the site proposed for allocation (GTW5) in Policy SP H9PU as per the suggested change set out in the Addendum selected? Which other sites were considered?

⁵ <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

⁶ <https://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>

⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- 5.19.1 The methodology used for selecting site GTW5 is set out in the “Potential Gypsy and Traveller Site Assessment” document, January 2022 (EB11). Calls for sites for all uses, including gypsy and traveller sites, were carried out during the consultations on the Issues and Options and Preferred Options drafts of the Local Plan, and a specific call for gypsy and traveller sites took place in April/May 2021. As no sites were put forward the Council considered all of its landholdings and 11 sites across the borough were considered to be available before the GTAA was completed and the level of need was known.
- 5.19.2 The 11 sites were assessed in terms of their suitability but only 2 were considered to be potentially suitable; sites GTW3 and GTW5. The Assessment document (EB11) lists the reasons why the other sites considered were ruled out. Both sites GTW3 and GTW5 were then subject to HRA⁸ and IA⁹ assessment and a round of public consultation. The results of the consultation and assessment identified that site GTW5 was the least constrained and most deliverable site for this purpose.

5.20 Does the proposed site allocation (GTW5) meet the need for Gypsies, Travellers and Travelling Showpeople in full and provide a five-year supply of sites?

- 5.20.1 Yes, a need has been identified for 12 gypsy and traveller pitches in the GTAA (EB10). The site is of sufficient size to accommodate this number of pitches and provide space for landscaping, open space, access etc. As the Council is the landowner, the exact boundary could be extended to allow for additional space for screening if required.
- 5.20.2 No need for travelling showpeople has been identified.

5.21 What is the current status of the site? What are the potential adverse impacts of developing the site? Is the site available, deliverable and achievable?

- 5.21.1 The site is vacant and owned by Copeland Borough Council; there are no extant planning permissions on the site. In terms of adverse effects, development would result in the loss of a protected open space identified in the Council’s Open Space Assessment 2020 (EB28) which supports the Local Plan. In order to comply with Policy N11 replacement open space must be provided within the same settlement; this must be of the same or better quality.
- 5.21.2 The Site Access Assessment¹⁰ notes that any development would increase the number of vehicle movements, although not significantly. The impact on air quality and residential amenity in terms of noise and disturbance is therefore likely to be negligible.
- 5.21.3 The site ecology assessment notes that there is potential habitat on site for breeding birds, bats, badger, reptiles and red squirrel. Further ecological assessment would therefore be required as part of any future planning application and mitigation may be necessary. The ecology assessment (along with the assessments carried out on all other allocated sites) have not been made publicly available as they contain sensitive information which might result in damage to habitats and species.

⁸ <https://www.copeland.gov.uk/attachments/hra-h9-gt-july-22>

⁹ <https://www.copeland.gov.uk/attachments/addendum-integrated-assessment>

¹⁰ <https://www.copeland.gov.uk/attachments/copeland-local-plan-site-access-assessments>

5.21.4 The site has an historic landfill use and ground investigations will be required as part of any future planning application to ensure no adverse impacts on future site occupiers e.g. in terms of landfill gas.

5.21.5 The landowner has indicated that the site is available, it is deliverable as it offers a suitable location for the development and meets the definition of deliverable set out in the NPPF Glossary and development is achievable with a realistic prospect that it can be delivered within 5 years; there are no constraints that would prevent delivery within this timeframe.

5.22 In overall terms, are Policies SP H9PU and Policy H10PU justified, effective and consistent with national policy?

5.22.1 Policies H9 and H10 are justified as they are needed to ensure the Council meets its duties in relation to providing a 5 year supply of deliverable sites for gypsies and travellers. Having an identified, allocated site also reduces the likelihood of unauthorised encampments.

5.22.2 The policies are effective as they clearly direct gypsy and traveller development to specific sites, in the case of H9 an identified site and in the case of H10 sites that only meet certain listed criteria.

5.22.3 The policies are consistent with national policy, namely the Government's Planning Policy for Traveller Sites¹¹ and the following paragraphs in the NPPF:

- Paragraph 62: *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to...travellers...”*

¹¹ <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>