

**Planning Appeal Statement of Case – Land at Tarn Bank, Braystones,
Beckermeth Cumbria**

Proposal: Modification of S106 agreement relating to affordable housing



Planning Application Reference 4/22/2241/DOC

Mr Peter Lockhart

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1.0 Introduction

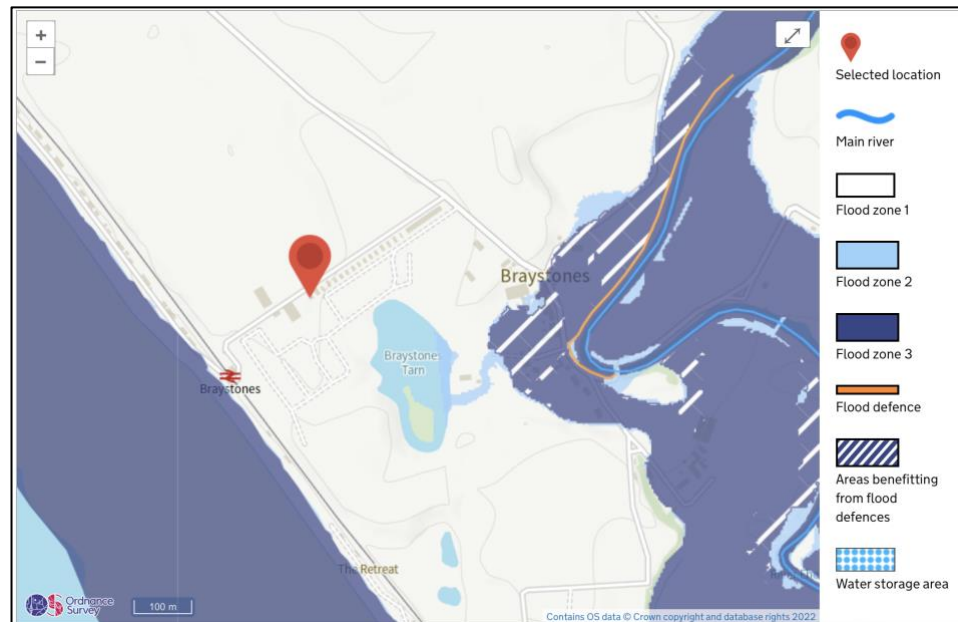
- 1.1 This statement has been prepared in support of a planning appeal for the modification of a Section 106 agreement relating to affordable housing on land at Tarn Bank, Braystones, Beckermets.
- 1.2 The purpose of this statement is to set out the planning case in support of the development of the site, and it should be read in conjunction with the report submitted.
- 1.3 Section 2 of this Statement will set out the site's context, Section 3 covers the application submission, Section 4 relates to the planning history of the site and surroundings, Section 5 will set out the planning policy context against which the application must be considered and undertakes a planning assessment of the proposed development and section 6 will draw together the conclusions.

2.0 The Site

- 2.1 The application related to an area of residential curtilage land extending to 0.34 hectares in Braystones. The development adjoins agricultural land and the dwelling Greenhill to the north, the Tarnside Caravan Park to the west, agricultural land and the dwelling Drummors to the south and the C4020 to the east.
- 2.2 The site is currently curtilage land, with a residential planning permission. The topography of the land is generally flat to nearer to the road frontage but fall slightly to the south. It is contained by hedgerows and post and wire fences to all sides. It is within close distance of the village centre of Braystones.
- 2.3 It is located close to the Beckermets settlement boundary (0.7 miles away). It is therefore close to the local amenities of Beckermets consisting of the Primary School, pubs, church and shop.
- 2.4 The A595 which runs through Copeland can be joined 1.5 miles from the site and provides easy access to both Sellafield and Whitehaven and continues north towards Egremont and Carlisle, and Sellafield to the south. The A595 links to the A66, 16 miles north of the site which connects to Penrith and Junction 40 of the M6 to the east.
- 2.5 There is no Conservation Area within Braystones village, and there are no Tree Preservation Order's on or directly adjacent to the site.
- 2.6 There are no Listed Building's on the site. The nearest Listed Building is 700m to the southeast of the site, which is the Diamond Jubilee Tower. This however is not impacted in any way by the site due to the distance between the two, as detailed on the Copeland GIS map below.



- 2.7 The site is located in an area that the Environment Agency Flood Map for Planning has noted as Flood Zone 1, and as such have a low probability of flooding.



3.0 The Proposed Development

- 3.1 The submission is an application to remove a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3.2 Planning Application 4/14/2242/0 was granted for the erection of 7 dwellings, 2 open market and 5 affordable homes, subject to a Section 106 agreement.
- 3.3 Originally, the application sought to remove all affordable housing units from the proposed development by removing reference to them in the Section 106 agreement.

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3.4 Following a meeting with the Planning Officers at Copeland Borough Council during the course of the application, the applicant determined to amend the submission to seek to vary the Section 106 document to remove reference to five affordable housing units, with only a single affordable unit to remain as part of the development.

3.3 A commencement on the development has been made.

4.0 Planning history

4.1 The planning history for the application site is detailed below:

- 4/04/2516/0 - Outline application to demolish Tarnbank and divide the site into 3 plots – withdrawn
- 4/09/2375/0 - Reserved matters application for the erection of six dwellings & demolition of Tarnbank, with associated access & parking facilities – Approved
- 4/13/2487/0 - Revised application for the erection of 3 no. Affordable homes including garages, with amended access arrangements and plot layout for 2 no. Dwellings - withdrawn
- 4/90/0932/0 – 5 No. Dwellings – Withdrawn
- 4/08/2318/0 - Outline application for the demolition of existing dwelling and erection of 11 dwellings - Refused
- 4/05/2219/0 - Outline Application For Six Dwellings After Demolishing Tarnbank – Approved
- 4/09/2276/0 - Outline application for the demolition of existing dwelling & erection of eleven dwellings - Approved
- 4/12/2526/0R1 - Reserved matters application for 3 no. Affordable dwellings; access road; 2 garages; visitor parking & demolition of tarn bank (phase 1 following outline approval)
- 4/14/2242/0 - Erection of five affordable dwellings with two open market dwellings, site layout and amended access arrangements - Approved
- 4/18/2515/0B1 - Variation of condition 2 of planning permission 4/14/2242/0f1 (erection of five affordable dwellings & two open market dwellings, site layout) – Approved
- 4/89/1034/0 – 3 Dwellings - Approved

5.0 Planning Policy and its application to the proposed development

5.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The Local Development Plan consists of policies within the Core Strategy and Development Management Policies DPD (December 2013). The policies in the following paragraphs are considered relevant to the proposed development.

5.3 **Policy SS3** requires housing development proposals to demonstrate how the proposal helps to deliver a range and choice of good quality and affordable homes for everyone. This is

assessed by how well a proposal meets the identified needs and aspirations of the Borough's individual Housing Market Areas as set out in the Strategic Housing Market Assessment (SHMA). The aim of the policy is therefore to: -

- Create a more balanced mix of housing types and tenure within that market area, in line with the evidence provided in the SHMA
- Include a proportion of affordable housing which makes the maximum contribution (consistent with maintaining the viability of the development) to meeting identified needs in that market area

5.4 Paragraph 5.4.5 states: *'The approach to meeting needs for affordable housing will be based on the conclusions of the SHMA. This indicates a need for 153 affordable dwellings per annum. However, assuming that the market is unlikely to provide enough dwellings for that need to be met via planning obligations, it recommends that a quota of 15-25% be sought, subject to development viability and local market variation across the Borough. Viability evidence indicates that at least twenty per cent should be achievable in higher value areas (mostly in rural Mid and South Copeland); thus the Council will seek provision at the higher end of the recommended range in rural areas identified by the viability study as high value, and on green field sites. In urban areas and on brownfield sites, lower levels of provision are more likely to be accepted. The evidence indicates that a split of 60% for rent, 40% equity share would be appropriate. It is proposed to adopt targets reflecting these characteristics, to be set out in more detail in the Site Allocations and Policies Plan or a further Local Development Document.'*

5.5 Both of the above paragraphs of text from the Copeland Local Plan recognise that affordable housing contribution should be consistent with maintaining the viability of a development.

5.6 This viability assessment makes consideration of a development scheme for 7 dwellings. It concludes that of the 7 dwellings proposed the 5 affordable designated units are not financially viable to construct. At the current proposed threshold, a developer's profit of -4.93% arises, on the construction of one affordable unit this developer profit increases to 5.63%.

5.7 A minimum developer's profit of 18-25% would be anticipated, as a result the viability appraisal determines that no designation for affordable dwellings should apply. The applicant has however concluded to retain a single affordable dwelling in the scheme at the request of the Local Planning Authority.

6.0 Conclusion

6.1 The development as approved with 2 open market properties and 5 affordable properties is not viable.

6.2 The submission is accompanied by a financial viability appraisal which confirms that a reasonable profit cannot be made from the development by including the affordable properties as approved by Copeland Borough Council.

6.3 The owner will however still include a single affordable property on the site development.

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- 6.4 It is contended therefore that the proposed submission is acceptable and is in accordance with local planning policy, and therefore the appeal should be allowed.

Simon Blacker MRTPI