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Re: Site RN7 on Map 28, South Lakeland Local Development Framework Land Allocations Consultation on Emerging Site Options

Introduction

On 24 January 2011 the residents of Mealbank received notification from the Skelsmergh & Scalthwaiterigg Parish Council that the field adjoining the bridleway through the hamlet had been proposed as potential housing land as part of the South Lakeland District Council (SLDC) land allocation consultation, and that a Sustainability Appraisal to this end had been carried out by the SLDC (11). This Appraisal notes that 'there has been no consultation feedback about the site other than by the landowner who has suggested it as a suitable site for housing' (11, p.3). I hereby offer such feedback as part of the SLDC's formal consultation process. The essence of the feedback is that I do not wish the proposed site to be allocated for housing. My reasons for this are given in the context of the current status of the South Lakeland Local Development Framework (henceforth LDF) with particular reference to housing development policy in rural areas; the LDF materials consulted and referred to by number in what follows are listed in the Bibliography at the end of the present document. The reasons are, in overview:

1. That development of the field in question would substantially compromise the historic and rural character of Mealbank.

2. That alternative, demonstrably more sustainable, sites which do not compromise the historic and rural character of Mealbank exist closely adjacent to it in Kendal.

3. That the need for development on this site specifically has not been demonstrated.

These reasons recapitulate those listed in the *Land Allocations Interim Consultation Statement* (10, p.11 ff) as ones frequently raised by communities in the course of consultation on land allocation thus far, and I recognise that they have already been taken into account in designing both the principles and the methodology on which sustainability appraisal process for land allocation are based (9,10). I also recognise that sustainability appraisals attempt to mitigate objections to allocation of proposed sites, but maintain that the mitigations given in the Sustainability Appraisal for Mealbank are insufficient to overcome the reasons for our objections. The remainder of this document develops my arguments for this in detail.

1. **The effect of prospective housing development on the historic character of Mealbank**

The LDF documentation, and the *Core Strategy* document in particular (4), make a social and economic case for expansion of the provision of housing in South Lakeland. This documentation frequently refers to the principle that the effect of such provision on the existing natural and historic character of South Lakeland should be minimized (4, pp.1-12) or, in the *Core Strategy*'s own words, should be 'sympathetic to the local environment' (4, p.7). To this end it proposes a hierarchical structure of Key and Local Service Centres in which most of the additional housing will be concentrated, with only a small proportion envisioned in villages and hamlets (4, pp.16-18; 22). The

key passage in the *Core Strategy* for housing development in villages and hamlets is as follows 42, p. 22):

'For the remaining rural areas, a limited amount of development will occur, supporting the social and economic viability of the communities living and working there, in line with the spatial strategy, whilst minimising the impact on the countryside. A small allowance (approximately 11% of the overall amount) is set aside for this purpose across the whole area, but each proposal must be considered on its individual merits (and in light of other policies within this strategy). No settlement boundaries will be delineated outside the Service Centres. New small-scale infilling and rounding off development will be permitted outside the service centres. In considering proposals, the Council will have regard to the following definitions:
- Infilling – building taking place on a vacant plot in an otherwise built-up street frontage.
- Rounding off – the completion of an incomplete group of buildings on land which is already partially developed, in such a way that will either complete the local road pattern or finally define and complete the boundaries of the group. Such rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way'.

In my view, this passage rules out the proposed allocation. Figure 1 is an excerpt from the Skelsmergh map at the *Maps of Development Sites under Consideration* page of SLDC's website.
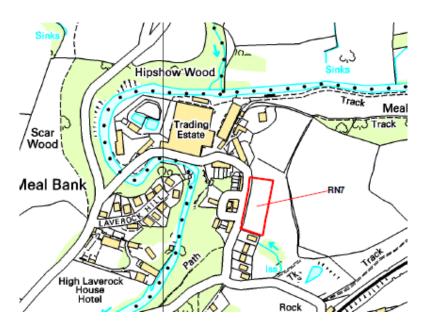

Figure 1: Proposed development site at Mealbank (from :

http://www.southlakeland.gov.uk/services/environment-and-planning/planning/local-development-framework/allocations-of-land-dpd/important-note/maps-of-sites-under-considerat.aspx

Though the Mealbank Sustainability Appraisal claims that the proposed development 'constitutes infill and rounding off' (11, p.6), the map shows that, on any reasonable interpretation of 'infilling', it cannot be regarded as such. The map also shows that it would constitute rounding off by completing the local bridleway pattern. This would, however, contravene the condition that 'such rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way' relative to the SLDC's stated aim of preserving the historic character of South Lakeland. Some quotations from the *Core Strategy* articulating this aim are:

- 'The rich built heritage of the area has a significant cultural value that requires protecting and enhancing' (4, p.8)

- 'Where significant greenfield development is required' it must be done 'in a manner sensitive to the landscape setting of settlements and their relationship with the surrounding countryside' (4, p.10)

- New developments must 'respect and be sympathetic to the character of the locality, enhance the existing built environment, and create "a sense of place"' (4, p.12)

Similar sentiments appear in other LDF and LDF-related documents. The *Land Allocations Development Plan Document* (9), for example, lists among the principles underlying sustainability appraisals 'To preserve and enhance landscape quality and character' and 'To improve the quality of the built environment'.

Mealbank is an example of a Victorian industrial hamlet. Except for a few modern houses on the periphery, the original built environment has been preserved largely intact, and modernisation of the existing dwellings has been carried out in a way that is sympathetic to their historic character. Development of the proposed site would change and distort Mealbank in the following undesirable ways:

- The *Core Strategy* says that 'new small-scale infilling and rounding off development will be permitted outside the service centres in order to satisfy local need across the numerous smaller villages and hamlets scattered across the district' (4, p.18). The Mealbank Sustainability Appraisal suggests 12 dwellings as the development potential of the proposed site (11, pp.3, 6). Excluding Laverock Hill, which is topographically distinct from the historic part of the hamlet, Mealbank consists of 35 households, and the projected new housing would constitute a 12 / 35 = 34% expansion of the hamlet. This level of increase cannot reasonably described as 'small-scale', and would self-evidently compromise both the 'character of the locality' and its current 'sense of place'. *The South Lakeland Housing and Employment Land Search Strategy* (6, p.27) explicitly notes that 'any new development should not overshadow or overwhelm the character of the existing core unless the design incorporates potential improvements of acceptable style and scale', but the Sustainability Appraisal does not and in our view cannot make a 34% increase in the size of the hamlet acceptable.

- The proposed site is an open field wooded at one end. This is a major factor in giving Mealbank its rural character, and building on it would fundamentally alter that. The Sustainability Appraisal recognises the above-quoted *Core Strategy* position on green-field development, noting that 'care must be taken to avoid any negative impact on landscape character' (11, p.6), and suggests that 'structural landscaping may be needed along the north and west boundary' (11, p.6). In our view, 12 buildings on the site cannot help but have a 'negative impact' which no 'structural landscaping' can disguise. The site is, moreover, wholly situated on a pronounced gradient, not a 'gradually rising sloping aspect' as claimed in the Sustainability Appraisal (11, p.4); our historical researches have shown that it used to be called 'Brant Field', where 'brant' is a dialect word for 'steep'. Any buildings on it would loom over several existing Victorian ones. Terracing the site would, of course, remedy this, but would inevitably be extensive and therefore environmentally and visually insensitive.

- The Sustainability Appraisal cites a requirement for 'possible mitigation measures to address local and wider highways impacts' (11, p.6). In connection with this, at the Skelsmergh & Scalthwaiterigg Parish Council meeting of 7 February 2011 Cllr Peter Thornton, the SLDC Housing and Development Portfolio Holder, noted that the substantial expansion of housing in Mealbank which the Sustainability Appraisal envisions would entail elements of planning gain that would fundamentally alter the character of the hamlet. These include (i) disestablishment of the existing bridleway through the hamlet and its adoption as a roadway together with

widening and resurfacing to accommodate the increased traffic which housing development would generate, (ii) installation of more extensive street lighting, and (iii) possible removal of a hedge adjacent to the bridleway which, as our research indicates, has existed from at least the early 19th century. Such consequences of development are identified as undesirable in the *South Lakeland Housing and Employment Land Search Strategy* (6, p.28).

For the above reasons, I feel that the rounding off proposed in the Sustainability Appraisal and the developments consequent on it would have a negative impact on the character, history, biodiversity and rural nature of Mealbank, or, in the words of the *Core Strategy*, would 'change or distort the character or tradition of the group or the settlement…in an undesirable way'. It would, moreover, run counter to the *Skelsmergh & Scalthwaiterigg Community Plan*'s position on development in the two parishes:

- 'There is almost unanimity that we live in a beautiful place and that we want to keep it so. We value the traditional farmed landscape, and the underlying natural features together with the wildlife that inhabit them'. (12, p.7)

- 'The Parish Council will defend the natural environment and will encourage actions which help to conserve and enhance the appearance of the area'. (12, p.7)

- 'Part of the purpose of this plan is to emphasise how much the history and geography of the area contributes to the distinctiveness of the two parishes and to their attractiveness as places to live'. (12, p.4)

- 'The Community Plan reveals a strong desire in the parishes that they should remain distinctive and retain their rural character'. (12, p.13)

2. **Alternative sites**

Alternative sites which do n**o**t compromise the historic character of Mealbank exist closely adjacent to it. The Sustainability Appraisal assesses Mealbank in terms of its suitability for housing development on a range of criteria (11, p.12). On some of these (access to a village hall, open space, and a primary school, the effect on biodiversity and air quality, take-up of greenfield land) the proposal scores negatively, and on others (access to a shop, secondary school, health services, education & training, jobs, transport, culture, leisure, flood risk) positively. I will not focus on the negatively-scored criteria because they speak for themselves, but will instead point out that Mealbank scores positively on all but flood risk on account of its proximity to Kendal, not because there are any local facilities; apart from a post-box there are no facilities within the hamlet. The *Skelsmergh & Scalthwaiterigg Community Plan* underscores this with the observations that 'the infrastructure of the parishes is in keeping with their rural nature' (12, p.13) and that 'there are no significant public transport services, no schools and no amenities such as shops or pubs' (12, p.13). As reference to the *Maps of Development Sites under Consideration* page of SLDC's website readily demonstrates, there are sites within the Kendal Service Centre area which score equally or more highly on all the appraisal criteria precisely because they are in, not just near, Kendal.

- I have already argued that Mealbank has a distinctive historic and rural character which its redisents value. Why compromise that character when there are more suitable, sustainable development sites nearby?

- There is an environmental aspect to the proposed development. Given the current poor state of public transport and footpath access to Kendal, additional housing in Mealbank would necessitate car journeys that could be avoided if such housing were located in Kendal itself. Such additional car use would, moreover, contradict SLDC policy with respect to the effect of

housing development on local transport. Relevant passages from the *Core Strategy* (4, pp.114-16) are:

    i.   'A key objective for planning is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling. This is particularly important… in order to support attempts to encourage people who do have access to a car to use it less or stop using it'.

    ii. 'Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location'.

3. **The need for housing in Mealbank**

The *Core Strategy* says that 'new small-scale infilling and rounding off development will be permitted outside the service centres in order to satisfy local need across the numerous smaller villages and hamlets scattered across the district' (4, p.18), and again, with reference to non-service-centre settlements: 'Development in these areas will be limited to infill and rounding off, with the emphasis on meeting particular needs' (4,19; see also p.21). The crucial term here is 'need'. I take the view that 'need' refers to some existing and well-defined social or economic reason why housing is required on a given site, and distinguish it from 'desire', that is, the simple wish to live in or to provide housing in some particular place where it is not currently available. The need, in this sense, for housing on the Mealbank site has to be demonstrated.

I will consider the need for open-market and affordable housing in Mealbank separately.

- Open-market housing

    The case for open-market housing outside the service centres in the SLDC documentation is confined to the general principles quoted immediately above. The Skelsmergh and Scalthwaiterigg Parish Council does make such a case, however, by arguing that housing capacity should be expanded where necessary to meet local need. Its *Community Plan* (12) asserts the principle that 'a rural community must respond to the need for housing for local families and that there must be provision at all levels in the housing market', and thus 'welcomes new residential development appropriate and proportionate to the rural nature of the parish'.

    i. There may be local need somewhere in the two parishes, but I am unaware of any open-market housing need local to Mealbank. For the *Community Plan*'s housing principles to be relevant in the present case, such need would have to be demonstrated.

    ii. The *Community Plan* includes an *Appendix* that sets out housing and planning guidelines explicitly intended 'as an input to the SLDC Local Development Framework'. This again 'welcomes new residential development appropriate and proportionate to the nature of the parishes', citing Mealbank schoolhouse as a recent example. The schoolhouse is a conversion and augmentation of an existing structure, and, far from objecting to such development, I strongly support it when carried out in a way that is sensitive to the local environment; like the Parish Council, I am 'sympathetic to appropriate redevelopment and changes of use on 'brown-field' sites to permanent residential use, and will encourage such developments in strong preference to developments which attract temporary or transient inhabitants'. What I object to is substantial new build on the proposed Mealbank site, and the justification for my objection overlaps with the conditions that the *Community Plan* imposes on housing development in the parishes: 'a strong desire in the parishes that they should remain distinctive and retain their rural character', that 'any development should not significantly change the distinctive rural and sparsely-populated nature of the parishes', and that new residential development should be 'appropriate and proportionate to the nature of the

parishes'. A 34% increase in the size of Mealbank with new build on a green-field site meets none of these conditions.

- Affordable housing

There is a very strong emphasis on provision of affordable housing throughout the LDF documentation, and a policy that 35% of all new housing development in South Lakeland be affordable (for example 4, p.75 ff). The *Community Plan* supports this, citing a parish survey in which 61% of respondents 'thought that more affordable housing was required'. The LDF documentation makes a strong case for affordable housing, and I have no wish to dispute that case, but I do dispute the need for such housing on the proposed site.

i. 4 of the 12 houses on the site would have to be affordable to meet SLDC and Parish Council policy. What was said above about the suitability of open-market housing applies equally to them, however: no matter how desirable in principle, that particular site is the wrong place in practice.

ii. The result of the Parish Council survey was 61% in favour of affordable housing in the two parishes, with a 58% response rate. The demonstrable proportion of the Skelsmergh & Scalthwaiterigg community in favour of affordable housing is thus 0.61 x 0.58 = 35%, a significant but not overwhelming endorsement, and indeed not even a majority.

iii. The survey calls for affordable housing specifically, not housing development in general. In other words, if the mandate is for anything, then it is for affordable housing. In *Core Strategy* terms this would make the proposed site an 'exception site' comprising 100% affordable housing (4, p.82). The *Core Strategy* imposes strong conditions on exception sites, however, among them that (a) the housing 'should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family connection or employment connection', (b) 'there is clear and robust evidence of housing need', (c) 'the scheme is of a scale and style appropriate to its immediate surroundings', and (d) 'there is clear evidence of local support for the scheme'. The onus is on anyone proposing the site in question as an exception site to demonstrate conformity with these conditions, but, based on my local knowledge, the prospects for this don't look promising.

iv. Even if, despite the foregoing arguments (i) – (iii), a need for affordable housing on the proposed site could be established in principle, the indications are that it would not be feasible in practice. Consultation both with a building surveyor and with an experienced architect has confirmed my suspicion that the nature of the site would make it uneconomic to develop for affordable housing. I have already mentioned that it is situated fully on a pronounced gradient and that there would have to be consequent infrastructure enhancements to roadway access and street lighting. Significant expenditure would be involved in the necessary 'terracing' of the site to establish accessible road and pathways, retaining substructures, and tanking structures for dwellings. The existing un-metalled village bridleway would require upgrading to adoptable standards, if achievable, requiring not only complete re-structuring to full depth, but widening and therefore affecting adjoining retaining boundary walls, trees and hedges. In addition, the consultants pointed out inevitable water supply, surface water, and foul drainage issues, also noted in the Sustainability Appraisal, and was of the opinion that this degree of infrastructure 'enhancement' work and abnormal site development cost would only be economic if high-value rather than affordable homes were built on the site. This opinion was corroborated by Cllr Thornton, who, at the previously-mentioned Skelsmergh & Scalthwaiterigg Parish Council meeting of 7 February 2011, suggested that the infrastructural costs associated with the development could be defrayed by allowing the developer to

construct high-value houses on the site and the requisite quota of affordable ones elsewhere; the implicit assumption is that the site in question is unsuitable for affordable housing.

Conclusion

As already noted, the Parish Council's *Community Plan* (12) includes an *Appendix* on housing and planning policy which is explicitly intended 'as a framework whereby the Parish Council will seek to guide and influence all residential development within the Parish. These guidelines are intended as an input to the SLDC Local Development Framework'. In conjunction with a large majority of other Mealbank residents, I have submitted a version of this letter to the Parish Council in the hope and expectation that it will take careful note of the foregoing arguments against the proposal in question, and will support us in its input to the SLDC land allocation consultation exercise, given the currently increasing emphasis on localism at all levels of government and administration from Westminster through to Parish Councils.

i.   Proposed central government legislation on devolution of political and administrative responsibility, the *Localism Bill*, emphasizes the role of communities in local decision-making (13). In particular, it notes that 'neighbourhood planning will allow people to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses, and shops should go…Provided a neighbourhood development plan is in line with national planning policy, with the strategic vision for the wider area set by the local authority, and with other legal requirements, local people will be able to vote on it in a referendum. If the plan is approved by a majority, then the local authority will bring it into force' (13, p.11). I have constructed my arguments against the proposed allocation within the SLDC LDF in order to meet these provisos.

ii. The LDF documentation listed in the bibliography and the SLDC website all emphasize community consultation as part of its evidence base, and the *Sustainability Appraisal Report: Land Allocations Interim Consultation Statement* (10) goes into great detail on consultations undertaken thus far. Moreover, Cllr Thornton has publicly and explicitly said that housing will not be forced on Mealbank if the community does not want it. The following quotations are representative of several comments made by him at the previously-mentioned Parish Council meeting of 7 February 2011:

- 'This is not a site that we're going to fight in the ditches to maintain. If nobody wants it we'll drop it. There's no point the council pushing housing on you'.

- 'Areas like Mealbank, Skelsmergh, Scalthwaiterigg, we're not going to push houses onto areas that don't want it, like this'.

My message to the SLDC is that I do not want the historic character and rural nature of Mealbank to be destroyed, and I therefore ask SLDC to rule the proposed site out of consideration for the Local

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