

**OFFICER REPORT – DELEGATED**

<b>Application number: PA14/00012/NDP</b>	<b>Expiry date: 6 August 2014</b>
<b>Received on: 18 June 2014</b>	<b>Neighbour expiry date: NONE CONSULTED</b>
<b>UPRN: 999999999999</b>	<b>Consultation expiry date: 6 August 2014</b>
<b>Legal agreement: N</b>	<b>Site notice posted:</b>
<b>Departure: N</b>	<b>Site notice expiry:</b>
<b>Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?</b>	
<b>Is this decision contrary to local council recommendation?</b>	

<b>Applicant:</b>	<b>Corrie Thompson Porthleven Town Council</b>
<b>Site Address:</b>	<b>Porthleven Cornwall</b>
<b>Proposal:</b>	<b>Designation request for undertaking a Neighbourhood Development Plan for the Parish of Porthleven</b>
<b>Application Type:</b>	<b>Neighbourhood Development Plan</b>

**Executive Summary:**

In accordance with the Neighbourhood Planning (General) Regulations 2012 ("The Regulations") any Neighbourhood Plan being produced must be carried out within a Neighbourhood Area the extent of which must be submitted to, publically advertised and consulted on for prescribed period and approved by Cornwall Council.

Porthleven Town Council is working on the preparation of a Neighbourhood Plan for the entire parish area of Porthleven. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the West Britain between the 3<sup>rd</sup> July and the 14<sup>th</sup> August.

No objections were received to the advertisement of the Neighbourhood area and it is therefore recommended under regulation 6 that the Neighbourhood Area designation is confirmed and advertised as required by Regulation 7.

**Public representations:**

No public representations received at the time of writing.

**Consultee representations:**

**Highways Agency NONE**

**Environment Agency Environment Agency (11 July 2014)**  
 "Thank you for your consulting us on the above designation request."

**At this initial stage in the Neighbourhood Plan process we would like to take the opportunity to highlight the environmental constraints that are likely to need further consideration as the Plan develops.**

The River Cober and its associated floodplain run along the eastern boundary of the parish and the Porthleven Stream to its western edge. At present these areas are generally free from built development. In line with the National Planning Policy Framework we would seek new development to be directed to areas outside of these areas of flood risk Flood Zone 3 (High probability) and Flood Zone 2 (Medium probability). We recommend the NDP supports this sequential approach and that it protects these floodplains which also provide a good network of green infrastructure in the Parish.

In view of the coastal flood risk in and around the harbour area the Plan should reflect the future uses that would be appropriate here, for example restricted to the water compatible and less vulnerable uses. These uses should adopt strategies for dealing with regular flooding.

The parish boundary appears to bisect the Loe Pool which is designated as a Site of Special Scientific Interest (SSSI). The Plan should reflect the objectives of the Loe Pool Management Forum which is working to improve all aspects of the site.

With regard to the objectives of the Water Framework Directive both the River Cober and Porthleven Stream are currently classified as being at moderate status. The target is for these rivers to be at Good Ecological Status by 2027. We would require new development to not cause any further deterioration in status and wherever possible should contribute to improving these waterbodies.

We would welcome further consultation on the next stage of the Plan to identify any opportunities to deliver shared outcomes through the Plan.  
”

West Historic Environment Service            NONE

Principal Public Space Officer (OPEN Space) (1 July 2014)  
“No comment”

Affordable Housing (25 June 2014)  
“NOTE: Comments are confined only to the affordable housing implications of this proposal.

## **SUMMARY**

The affordable housing team SUPPORT the proposal to designate, and recommends that the objectives of any Neighbourhood Development Plan take into account the local need for affordable housing.

## **RELEVANT POLICY POSITION**

Neighbourhood Development Plans need to be consistent with national and strategic guidance, and with regard to affordable housing issues this is contained in the emerging Cornwall Local Plan and the consultation draft Cornwall Affordable Housing Supplementary Planning Document, both being consistent with the objectives of the National Planning Policy Framework. These documents define and explain affordable housing in some detail and should be referred to in the development of the Plan.

## **HOUSING NEED**

Affordable housing need evidenced through Homechoice indicates 197 persons currently registered with a local connection to the town, and therefore a moderately high level of need.

## **DELIVERY**

There are 183 Housing Association affordable homes in the parish.

A new development is currently on site and this will provide a further 36 affordable homes for rent and shared ownership sale.

The number of Homechoice applicants indicates that the current development will not meet all needs.

Should the Plan address the need to provide additional affordable housing, it is recommended that it also adequately inform aspects relevant to its successful delivery through any Neighbourhood Development Order, including:

- o Land ownership, availability, and cost
- o Tenure
- o Mix
- o Unit size / number of persons
- o Affordability
- o Delivery mechanisms and partners
- o Economic Viability
- o Funding requirement / availability
- o Phasing
- o Clusters
- o Ratio of flats
- o Larger family accommodation
- o Adapted accommodation
- o Quality Standards (HQI)
- o Self-build

Any proposals for affordable housing to be delivered through existing and traditional developer / Registered Provider partnerships should take account of the eligibility criterion and housing allocations procedures explained in the Councils adopted Homechoice policy.

The Plan may wish to consider the opportunities offered under the Governments' Community Right To Build initiative, which complements the Neighbourhood Development Plan process, and which allow communities to directly own, develop, and manage affordable housing for local people.  
”

Electoral Services NONE

Emma Hoare English Heritage (5 August 2014)

“Thank you for giving notice that Porthleven Town Council has applied to designate Porthleven as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012.

English Heritage has no objection to this proposal.

We would like to take the opportunity of the consultation to outline the range of support English Heritage is able to offer in relation to Neighbourhood Plans. It would be helpful if this response can be copied to the Parish Council for their information.

Research has clearly demonstrated that local people value their heritage and Neighbourhood Plans are a positive way to help communities care for and enjoy the historic environment.

English Heritage is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to

understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.

Information held by the Council and used in the preparation of your Core Strategy/Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centre or local environmental and amenity groups. English Heritage also publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking or further deepening historic characterisation studies.

English Heritage has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult English Heritage on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.

English Heritage will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and capacity.

English Heritage fully recognises that the neighbourhood planning process is a locally-led initiative and communities will shape their own neighbourhood plan as informed by the issues and opportunities they are most concerned about and relevant to the local area. As a national organisation we are able to draw upon our experiences of neighbourhood planning across the country and information on our website might be of initial assistance <http://www.english-heritage.org.uk/caring/get-involved/improving-your-neighbourhood/>. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning.

Should you wish to discuss any points within this letter, or if there are issues about this Neighbourhood Plan Area where the historic environment is likely to be of particular interest, please do not hesitate to contact me.”

**Constraints and designations:**

Not applicable.

**Relevant policies, SPGs and Government guidance:**

Not applicable for the designation process.

**Appraisal/key issues and conclusion:**

The main issues in determining this application are:

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
- Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
- Assessment of whether the extent of the Neighbourhood Area is appropriate.

No other application has previously been made covering all or part of this area and there are no existing designated Neighbourhood Areas covering, or close to the boundary of Porthleven Parish.

Porthleven Town Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.

The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Porthleven Town Council.

It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Development Plan.

**Recommendation:**

The Neighbourhood Area illustrated on Plan 1 is designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

**Conditions**

**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

**Plan 1 – Designation area of Porthleven Parish**

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's on-line planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>