

CORNWALL SITE ALLOCATIONS DPD

Mater 2: Penzance and Newlyn Spatial Strategy and Allocations on behalf of Bolitho Estates

1. MATTER 2 : PENZANCE AND NEWLYN SPATIAL STRATEGY AND ALLOCATIONS

This Position Statement prepared on behalf of Bolitho Estates addresses the following questions:

a) **Is the strategy for Penzance consistent with the LPSP?**

1.1. Pegasus considers that the strategy for Penzance is consistent with the LPSP.

d) **Will the site allocations achieve the vision and aims for Penzance as set out in paragraph 3.6 of the CSADPD, with particular regard to maintaining the character of different areas?**

1.1. Pegasus has objected to the proposed allocation at PZ- H8 for the reasons set out in our representations and referred to below.

1.2. Pegasus has promoted PZ-H7 through the SHLAA and in response to previous consultations on the Local Plan. In principle the proposed allocation of the site is supported, although it is considered that a higher number of dwellings could be accommodated on the site whilst still respecting the setting of the listed building of Poltair House.

1.3. An opportunities and constraints plan was prepared in July 2014 and submitted to the Council. The plan indicated that the potential development area of 2.5 hectares could accommodate approximately 100 dwellings. The plan took into account the Grade II listed building, the trees covered by Tree Preservation Order and illustrated a potential vehicular access from the B3312 and various links for pedestrian access using existing access points. The concept included areas of public open space, potential new planting to mitigate views from the listed building and recognised that the existing tree belts visually contained the site.

1.4. In order to refine the concept plan and further support the development of the site a heritage impact assessment was undertaken by Pegasus in November 2015 (submitted to the Council as Appendix 4 to our representations in August 2017). This assessment concluded that notwithstanding the considerable weight given to the protection of the setting of the Listed Building as required by the Planning (Listed Buildings and

Conservation Areas) Act 1990, and therefore the existing relationship between the Potential Development Site, there is scope for the addition of residential development within the Potential Development Site so long as it respects the setting of the hospital building in a sympathetic and considered manner (the Potential Development Site comprises 5.57 hectares gross), and in terms of developable area approximately 2 hectares could be brought forward for up to 80 dwellings (submitted as Appendix 5 to our representations in August 2017). This is a larger area than currently proposed in the SADPD which is only 1.3 hectares on land to the west of the site.

g) Are the individual allocated sites and proposed land uses suitable, having regard to planning and environmental constraints?

1.1. Pegasus has submitted representations in respect of Policy PZ-H8 land at Heamoor, these result from a longstanding engagement on the Cornwall Local Plan Strategic Policies and subsequently on the Cornwall Site Allocations DPD. Pegasus submitted representations to the Strategic Policies Local Plan and participated at the Examination in 2016 and supported the representations from the National Trust.

1.2. Pegasus submitted representations in response to the Pre-submission Plan consultation in August 2017 that in order for the plan to be found sound either Policy PZ-H8 (Heamoor) should be removed as an allocation from the plan and replaced with a reasonable alternative site allocation (or allocations), or the allocation should be reduced to a figure that is deliverable in a way that demonstrably meets the Local Plan Spatial Strategy objective to “protect, conserve and enhance” the historic landscape, with the shortfall being addressed elsewhere.

1.3. Despite the proposed amendments to the policy wording, the principal areas of potential harm to Trengwainton remain unresolved and consequently the impacts on the setting of the Grade II* Registered Park and Garden cannot be assessed.

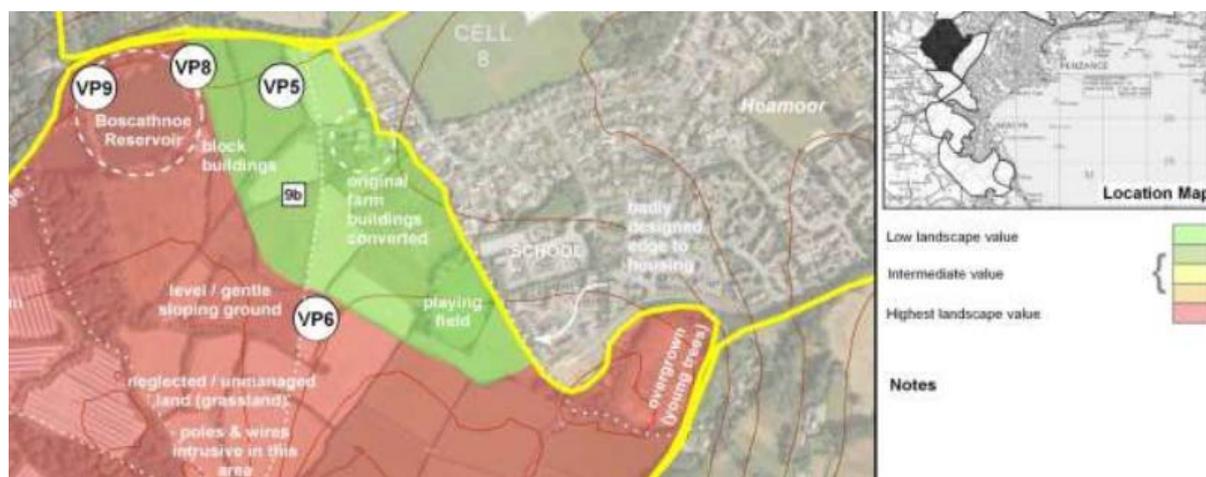
j) Does allocation PZ-H8 make effective provision for the preservation of the setting of Grade II* Listed Trengwainton, in accordance with national policy?

1.1. It is noted that a Draft Statement of Common Ground was produced in December 2017 between Cornwall Council and Historic England ref CC.S4.3 which recorded the original objections from Historic England in respect of

Policy PZ-H8. In the draft Statement of Common Ground Historic England suggested revised wording for Policy PZ- H8, criteria b), however, the Council in the proposed modifications, CC.S4.1 have has missed out the word “important” between “national” and heritage assets. The same paragraph also refers to Trenqwainton as “Grade II listed Trenqwainton Housing...” is should read “house.”

1.2. Irrespective of the comments above, Pegasus objects to the proposed allocation and supports the objections made by the National Trust. Uncertainties remain regarding the access road and Boscathnoe Lane, but also in terms of the developable site.

1.3. Pegasus supports the National Trust representations and also objects to the revised Policy PZ-H8 as development of the site includes significant areas of defined “high sensitivity” (See Examination Library ref D15.1.4 Appendix D Penzance Housing Evidence Report: Landscape Figure 9: Landscape Character Assessment Map (Cell 9) – dated on the map Dec 2010.



1.4. It is considered that it has not been demonstrated that the developable site area proposed is sufficient to address the unresolved areas of potential harm from a development allocation of the size of 350 dwellings, with the “standard density” proposed of 35 dwellings per hectare not being appropriate to this sensitive rural site, given that the Council’s own Heritage Impact Assessment (June 2017) states the need for a “strong emphasis on rural fit.”

1.5. The policy states in criteria a) that the site will deliver approximately 350 dwellings. It is considered that if the allocation is to remain in the Plan that given the sensitives of the site, the number of dwellings should be regarded as

an absolute maximum and consequently the wording should say “up to 350 dwellings”, however, this will depend on the detail and the masterplanning of the site. It should be noted that Ref D.3.5 states at page 9 that:

“The arrangements of the fields demonstrate a clearly rural but pastoral landscape, which is very characteristic of this area, and forms an important foreground to the longer views over Penzance and to Mounts Bay and the Mount beyond. This, its rural feel, the nature and topography of the landscape as well as its role as a separating zone between the asset and Penzance are all key factors that contribute overall to the characteristic landscape and the setting of the historic environment surrounding the land at Heamoor, but predominantly the asset of Trengwainton.”

1.6. Pegasus support the National Trust’s view about the assessment of the impact of the access road. It is clear that the main access is proposed from Roscadghill as the highway authority *“continue to advise that large numbers of residential vehicular movements along Boscathnoe Lane, past Mounts Bay school and via the crossroad with Madron Road would be inappropriate.”* (page 15 of Appendix 4)

1.7. The main vehicular access to the site is proposed from Roscadghill (page 15 of Appendix 4).

1.8. As indicated in our representations to the Pre-Submission version of the Plan in August 2017, the Council’ evidence base ref D3.7 Appendix 4 – HIA Supplementary Papers June 2017 and the assessment of the impact of development in Field M in Ref D3.5 January 2016 is fundamentally flawed as its conclusions are predicated on the current landscaping within, and adjacent to, Trengwainton providing permanent screening of the development and access road, where it states:

“It was noted from the general view from the terrace, that the existing mature trees, both within and surrounding the estate substantially frame the edges of the dominant view from the terrace, and which block the peripheral views over the land at Heamoor.” (p.20)

1.9. The inclusion of tree planting of the extent proposed in Policy PZ-H8 acknowledges that there is a significant impact which requires mitigation. Ref D3.5 page 11 states that *“Retention of the trees between the land at Heamoor and the asset at Trengwainton is critical to soften the foreground and the relationship between the land and asset.”* (my emphasis). However, as the National Trust has pointed out although the retention of this screening is

deemed to be critical, the Council has not considered its permanence or longevity, contrary to Historic England Guidance – “The Setting of Heritage Assets”, December 2017 paras 29 – 30.

1.10. It is noted that in response to some of the representations made Ref C.11 “Penzance & Newlyn summarised reps and officer responses”, that officers have indicated that “PZ-H8 will offer an opportunity to explore creating a new access for Heamoor Primary School, which would take traffic out of the centre of the village.” This would mean a new vehicular access to the primary school from the proposed Heamoor site. It is not clear how the allocation could facilitate a new access to the primary school, as the adjacent fields to the primary school are not included in the proposed allocation. The most eastern corner of the allocation appears as though it abuts the school boundary, but this is currently a copse of trees. The highway strategy therefore requires clarification.

1.11. The proposed modifications (Ref CC.S4.1) to Policy PZ-H8 are not clear in terms of access and highway requirements; for example criteria e) states that particular attention must be given to vehicular accesses which should be via Roscadghill Road (ref 4 of the plan) this refers to more than one access via Roscadghill Road. Criteria e) also refers to a bus route through the site should be considered, accessed on to Boscathnoe Lane using a bus gate. However, the next criteria f) refers to pedestrian links to both schools, then states that “*consideration should be given to providing the primary vehicular access for the schools from the site, which will alleviate traffic congestion within the exiting community.*” (my emphasis). Primary vehicular access for the schools will impact upon the landscape and would result in all vehicles having access to both schools.

1.12. This seems to conflict with the Council’s evidence Ref D3.7 HIA Supplementary Paper June 2017 at Appendix 4 Page 15 “*The Highway Authority continue to advise that large numbers of residential vehicular movements along Boscathnoe Lane, past Mounts Bay school and via the crossroad with Madron Road would be inappropriate..*”

1.13. As referred to in our representations it is unclear what the strategic highway “proposal” actually entails; the proposal is not justified and consequently is unsound.

1.14. Point d) stipulates that the *"Masterplanning of the site must use the evidence and mitigation measure"* (should read measures) set out in Stages 4 and 5 of the Historic Assessment for Site Allocations - Heamoor (June 2017 and appendices). Whilst I note the Council's response to our representations concerning the use of mitigation in criteria d), it is considered that in order for the policy to be consistent with the NPPF para 154:

"Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan."

1.15. The PPG Paragraph: 010 Reference ID: 12-010-20140306 Revision date: 06 03 2014 states:

"Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions)."

1.16. It is considered that given the significance of the location, if the policy is retained then the mitigation should be included in the policy rather than relying on another document outside the development plan, which has no status in terms of being able to enforce these issues that are to be addressed in the masterplan for the site.

1.17. It is noted that in the proposed modifications to criteria h) the reference to "parkland" has been deleted and the public open space is referred to as a predominantly grassed area. The proposed wording no longer supports lighting. Any play equipment and seating is to be sensitively located, using natural materials so that intrusion into the landscape and setting of the heritage assets is minimised. However, it is considered that this area will not have the appearance of a pastoral landscape as it will be a maintained, "manicured" area of public open space, this is considered to be inappropriate given that the land is presently agricultural and an important element of the view from the Grade 2* listed Park and Garden. It is considered that area 3 should remain as farm land and the open space provided elsewhere within the site.

1.18. It is concluded that the Council's allocation, although reduced to 350 dwellings from 435 dwellings (this is as result of fields near Rosecadghill being excluded from the allocation for PZ-H8 (Heamoor) as there was an objection

from the landowner of this area), is not a robustly evidenced figure of the sites capacity without causing unacceptable levels of harm to heritage assets and their setting. The outcome of the Historic Environment Assessment implies a potential for substantial harm to the historic environment, but suggests that this could be mitigated.

1.19. Therefore, it remains uncertain how far such a proposal would meet both the Local Plan Spatial Strategy objective to “protect, conserve and enhance” the historic landscape and heritage (Policy 2 [d]), and the specific strategy aim for Penzance & Newlyn to “respect the historic environment.”

1.20. The Council’s case appears to be reliant on their contention that “there are no suitable alternative sites to Heamoor.” Ref C.1 PZ-H8 Officer response and is based on the evidence which has culminated in the preparation of Penzance and Newlyn Housing Evidence report ref D15.1 dated April 2017. This report documents the evidence originally prepared to support the Cornwall Local Plan Strategic Policies and then subsequently to support the Site Allocations DPD. The selection of sites was in the main completed in 2015 prior to the Inspector’s report into the Examination of the Cornwall Local Plan Strategic Polices 23rd September 2016. The Inspector at para 112 of his report stated:

“I explored whether the scale of the apportionment at Penzance would unduly constrain the choices available to a future decision maker if they were to conclude that there would be harm (or even substantial harm) from any such allocation.”

1.21. He concluded in para 113 and 114:

In the light of the discussion at the hearing, I am satisfied that I should continue to give considerable weight to the evidence in the Council’s SHLAA of alternative sites and capacity to accommodate the apportionment at Penzance. There is a SHLAA capacity (which is a discounted figure from the maximum capacity) for about 450 dwellings around Penzance, in addition to the draft allocations made in the emerging SAP and a notional surplus of 100 dwellings when taking into account all sources of supply (MCC.HS.1, Appendix A). The SHLAA and the resulting discounted capacity is the fundamental evidence on which the deliverability of the apportionments to all the main towns is based and which has not been significantly criticised for the purposes of this Examination. Whilst the Council now considers that at Penzance most other SHLAA sites are not suitable, the detailed assessment of those alternatives is

essentially for the SAP and its subsequent Examination.” My emphasis.

“Given the above, I consider that there is sufficient evidence of flexibility to deliver the apportionment for Penzance so as not to unduly constrain a future decision maker. Furthermore, I also recognise that if there had to be a balancing of some harm to heritage assets against the delivery of the required housing that would be consistent with the policies in the Plan (as proposed to be changed) and with national policy. Accordingly, the apportionment for Penzance does not need to be reduced. Nevertheless, the need to retain some flexibility for the future decision maker is sufficient to preclude any increase in the apportionment, despite the high need for affordable housing.”

1.22. Pegasus on behalf of Bolitho Estate continues to strongly object to the proposed allocation.

1.23. Pegasus consider that either Policy PZ-H8 (Heamoor) allocation is removed from the plan altogether and replaced with a reasonable alternative site allocation (or allocations), or the number of dwellings and site area of the allocation is reduced to a figure that is deliverable in a way that demonstrably meets the Local Plan Spatial Strategy objective to “protect, conserve and enhance” the historic landscape, and make up the shortfall elsewhere.