

Examination in Public
Matter 6 Hearing Statement

Cornwall Site Allocations DPD

Boyer

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1. INTRODUCTION

- 1.1 Boyer is instructed by Westcountry Land to submit a Position Statement in respect of Matter 6: 'Falmouth and Penryn Spatial Strategy and Allocations.' This Statement should be read in conjunction with our Matter 1 Position Statement and our representations to the Regulation 19 consultation (Rep ID 212a/212b).
- 1.2 In summary, we do not support the Site Allocations Development Plan Document (SADPD) as currently drafted, for the following reasons.
- The SADPD fails to sufficiently consider wider accommodation needs, specifically for student accommodation and specialist accommodation for the elderly population. The consequence of which is that the Spatial Strategy of the LPSP and its objective to address accommodation needs over the Plan period is being frustrated by the SADPD.
 - The Falmouth and Penryn Spatial Strategy is not based on a robust and up to date assessment of land supply, resulting in a shortfall in overall provision against the minimum requirements.
 - Sites relied upon in the SADPD including specific allocations, are not supported by sufficient evidence to demonstrate their ability to deliver housing as projected.
 - The site selection process has not considered sites on a fair and equitable basis.
 - The inclusion of Green Buffers is not based on any robust evidence, has not been subject to the SA/SEA process and is not appropriate or necessary in planning terms.
- 1.3 In light of this it is considered that Main Modifications to the SADPD are necessary to ensure its soundness and this should include the following:
- The deletion of reference to Green Buffers
 - The re-introduction of land at Menehay as an appropriate, sustainable and deliverable allocation, necessary to ensure the numerical requirements for Falmouth and Penryn can be satisfied.

2. MATTER 6 (A)

Is the Strategy for Falmouth and Penryn consistent with the LPSP?

- 2.1 In broad terms, some components of the strategy for Falmouth and Penryn are considered to be consistent with the adopted Local Plan, in that the spatial objectives for the LPSP and the SADPD broadly align. Moreover, with respect to the LPSP apportionment of housing throughout the Plan area at the Community Network Areas (CNA), the SADPD is consistent with this quantitative requirement.
- 2.2 The NPPF requires Local Plans to meet objectively assessed needs and we note that the LPSP requirement (52,500) is a **minimum** requirement. However, the SADPD (para 7.7) refers to the “targets”, implying that the housing apportionment represents a ceiling that cannot be breached. This is not the case, and it is noted that the Falmouth and Penryn Housing Evidence Report (May 2017) (**D10.1**) states:
- “It is important to note that additional growth, over and above 2,800 dwellings, is not prohibited and may be planned for via a Neighbourhood Development Plan and/or through the normal planning application process.”*
- 2.3 To ensure consistency with the LPSP, reference to the housing requirements for the Falmouth & Penryn CNA as “targets” should be removed. The continued reference to “targets” may act as a policy constraint on the consideration of wider opportunities for development, particularly where such opportunities would provide for sustainable patterns of development in a manner that is consistent with the Strategy for this CNA.
- 2.4 The NPPF (para 50) also requires local planning authorities to plan for the needs of different groups in the community, including older people. In this regard Policy 2a of the LPSP identifies key targets, which include the provision of 2,550 bed spaces in communal establishments for older persons, including nursing and specialist accommodation.
- 2.5 However, the SADPD does not seek to allocate any sites to meet this specific requirement. The SADPD (para 7.7) refers to “targets” relating to dwellings, bedspaces for student accommodation and employment floorspace. There is no reference to the provision of communal establishments for older persons.
- 2.6 The Council’s approach to meeting this requirement is to defer this to a separate Supplementary Planning Document (SPD). Through which the Council’s aim is to focus delivery of sites to within the existing urban areas. Urban capacity sites are a finite resource and therefore we question how it can be logical to plan to address this recognised need outside the scope of the SADPD.
- 2.7 Separating the delivery of housing sites from the accommodation needs of the older population prevents the SADPD from being effective in terms addressing accommodation needs.

- 2.8 Preparing the SADPD in isolation of wider accommodation needs means that the suitability of sites have only be considered on the basis of their suitability to provide market housing. This prejudices the delivery of sites for specialist accommodation and will ultimate frustrate the ability to address this need.
- 2.9 With regards to student accommodation, the SADPD (7.41 – 7.45) recognises that there has been a significant increase in homes in multiple occupancy (HMO's) which is primarily due to the growth in student numbers at the universities (para 7.41). It then goes on to note that the universities have ambitions to expand and plan to accommodate a further 2,500 students within the next 6-8 years (para 7.42).
- 2.10 The SADPD proposes to allocate sites that would be capable of providing circa 2,700 additional bedspaces. Such an approach does little to address existing need, which is clearly identified in the LPSP. Supporting text to Policy 2a recognises the tensions between the needs of the student population and those of local households and requires that: *“in order to help address this imbalance and provide for existing and future need, the provision of specialised student accommodation in appropriate sustainable locations will be supported”*. (Our emphasis). The failure to plan for existing and future student accommodation needs will not address the objectives in the LPSP.
- 2.11 Taken together, the failure of the SADPD to make adequate provision for student accommodation and the failure to identify sites/land to deliver specialist accommodation for the elderly population, or even quantify this need within the CNA, cast significant doubt as to whether the strategy for Falmouth and Penryn can be considered to be consistent with the LPSP. The consequences of failing to provide for such accommodation needs, means that the overall quantum of development from sites proposed to be allocated will be insufficient and subject to competing pressures to respond to different types of need.
- 2.12 Sites currently allocated for housing, such as Falmouth Road (FP-H4), previously identified as a suitable location for student accommodation, may be subject to alternative use pressures, such that the ability to deliver housing will be undermined. This is demonstrated by the promoters of the site through the representations to the Regulation 19 consultation, where they specifically state that the site is now being promoted for student accommodation.
- 2.13 Further examples of the competing pressures on available sites include land at 'Rosslyn, 110 Kimberly Park Road, Falmouth' which is projected to deliver 33 dwellings, yet the site has since been granted planning permission for 117 student bedspaces.
- 2.14 These examples demonstrate that the market will respond to need for student accommodation, which puts the strategy for Falmouth, and specifically its housing allocations, at risk.
- 2.15 When considered alongside the requirements for specialist accommodation for elderly, and the objective to provide for this within existing urban areas, the strategy cannot be considered to be effective as it fails to plan positively for all accommodation needs.

3. MATTER 6 (B)

Is the existing housing land supply situation based on robust, up to date evidence?

- 3.1 It is considered that the housing land supply situation is **not** based on a robust assessment as it is reliant upon sites, including commitments and proposed allocations, which will not deliver as projected in the associated housing trajectory.
- 3.2 Examination document **CC.S4.4** provides details in respect of the housing position as at 01/04/17, as set out below:

	SADPD	Westcountry Land
Local Plan Target	2,800	
Completions @ 01/04/2017	916	
Permissions (commitments)		
Small Sites (Less than 10 dwellings)	125	125
Large Sites (10 or more dwellings)	872	797
Urban SHLAA Sites	34	0
Windfall	216	216
Allocations	856	471
Total	3,019	2,525

- 3.3 We set out below examples to demonstrate that the housing land supply position is not robust, with the corresponding deductions to the overall supply considered necessary in light of these examples, set out in the table above.

Urban SHLAA Sites: (34 Dwellings Net)

- 3.4 **Hawkins Motors and adjacent Land, Penryn (Carrick_145).** The site is in active use as a car sales outlet with adjacent land recently developed to provide car valeting services. Access to the adjacent land is through the outdoor car sales area. The May 2017 Housing Evidence Report (**D10.1**) only states that the site has “*possible potential for housing*”. There is no evidence to demonstrate that there is a willing landowner and given the active use on the site, the site is not available now. The site specific circumstances would not support residential development at this location.

- 3.5 **Four Winds Hotel (OTH 3):** It should be noted that the site has recently been subject to a Pre-Application request (PA17/01265/PREAPP) in respect of proposals to develop the site for specialist elderly care, comprising up to 87 bed spaces. The pre-application response provided by the Council confirms that the redevelopment of this site to provide extra care accommodation *“is supported in principle.”*
- 3.6 It is evident that neither site is available or being actively promoted for market housing. As such there is no reasonable prospect of the sites contributing the supply of housing. **-34 dwellings.**

Large Site Permissions (872 dwellings)

- 3.7 **Falmouth Live/Work Eco Park, Bickland Water Road, Falmouth (42 Dwellings):** The site is identified at Appendix 2 (**Doc E6.2**) as delivering 42 units over the Plan period. However, the site has failed to deliver, with the original planning permission (FE02/0746/10M) extended by a further planning permission (PA13/07913). Since this time the site now benefits from planning permission (19th July 2017) for the *“construction of a mixed use retail and office building, detached two storey decked car park and associated landscape works.”* The site is now promoted to the market for this use.
- 3.8 Evidently this site is not available and should be deleted from the housing trajectory, **-42 dwellings.**
- 3.9 **Rosslyn, 110 Kimberly Park Road, Falmouth (33 dwellings).** The site has planning permission to develop a retirement scheme for 33 apartments, granted on the 14th July 2015. However, the site was granted planning permission at appeal (20th December 2017) for 117 managed student bedspaces.
- 3.10 Given the nature of this recent planning permission it is not appropriate for this site to form part of the overall supply for housing. **-33 dwellings.**

Proposed Allocations

- 3.11 **Falmouth Road (FP-H4) (210 dwellings):** As set out in our Regulation 19 Representations it is considered that this site is subject to significant deliverability constraints that justifies its removal from the overall housing land supply.
- 3.12 Examination Document **CC.S4.4** includes notes on the delivery trajectory and states *“The owner, Sainsbury’s, have secured a development partner to bring forward a scheme.”* However, representation to the Regulation 19 consultation submitted on behalf of Sainsbury’s by WYG (Rep ID 76b) states:
- “We object to the proposed allocation for the Falmouth Road site for residential development for 210 dwellings. The site is more suited to a mixed-used development...”*
- 3.13 The Representations made by WYG clearly state that a specialist developer in delivering student accommodation has been appointed with a view to bringing forward a mixed use scheme, including the provision of circa 400 bed space student accommodation.

- 3.14 As set out in our Regulation 19 Representations, the site is being marketed for Student Accommodation and in light of the comments made on behalf of the site owner (Sainsbury's), the Council's reliance upon this site as an allocation for market housing, i.e. 210 dwellings, cannot be adequately justified.
- 3.15 Accordingly it is considered that the Falmouth Road allocation cannot be relied upon to deliver housing as projected in the housing trajectory. - **210 dwellings.**
- 3.16 **Falmouth North (FP-H2) (300 dwellings):** The site is in a sustainable location for housing, however the site selection process has not considered the viability and deliverability of the site. The site is divided by the rail line and is reliant upon a road crossing, yet the SADPD is not supported by any evidence to demonstrate the feasibility of providing this critical infrastructure, taking into account the significant changes in topography. As set out in our Regulation 19 Representations, the land values that can be achieved, set against the significant construction costs associated with the bridge crossing (circa £7m) is likely to render the development of the entire site unviable. The SADPD is not supported by any specific evidence to demonstrate that this is not the case.
- 3.17 The western land parcel is relatively level and benefits from good vehicular access, therefore it has the potential to deliver housing without being subject to the constraints associated with the eastern land parcel. For reasons set out in our Regulation 19 Representations, it is considered that the eastern parcel of allocation is not deliverable. As such 150 units is considered the maximum number of homes that can be delivered within the Plan period. - **150 dwellings**
- 3.18 **Kernick (FP-M1) (100 dwellings):** EiP Document **CC.S4.4** refers to a pre-application request (PA14/01134/PREAPP) for 100 dwellings. Since this time a planning application has been submitted for 75 dwellings (LPA ref: PA17/01003) and is currently awaiting determination. Whilst this site can deliver, the total quantum should be reduced to reflect the current live planning application. -**25 dwellings.**
- 3.19 The information set out above demonstrates the flaws in the housing land supply assessment in respect of Falmouth & Penryn. This necessitates a review of the sites identified in the housing trajectory, including proposed allocations. Specifically Falmouth North (FP-H2) and Falmouth Road (FP-H4).
- 3.20 In respect of Falmouth North, given that this site was only included at the Regulation 19 stage, in direct response to the recommendation of Members of the PAC, as an alternative to Land at Menehay, which was previously proposed to be allocated, the logical and reasonable approach would be re-introduce the Menehay site, through Main Modifications to the SADPD.

- 3.21 Moreover, given the concerns regarding the failure of the SADPD to adequately address the specialist accommodation needs of the elderly and the needs for student bedspaces, this will compound the pressures on identified sites and result in competing pressures for such sites to accommodate different residential uses. This adds further justification for the SADPD to include additional sites for development, as part of comprehensive strategy to address identified need for market, student and elderly accommodation, within a single DPD.

4. MATTER 6 (C)

Is the approach to the selection of sites for allocation consistent with the Strategy, including with respect to the use of previously developed (brownfield) and greenfield (agricultural) land?

- 4.1 The SADPD (para 7.15) acknowledges that urban capacity is very limited due to the constrained nature of the towns and that as a result greenfield sites, through a series of urban extensions are needed to meet the housing requirements. This acknowledgement is welcomed as it accepts in principle, the role of suitably located greenfield sites, to meet the growth requirements at Falmouth and Penryn.
- 4.2 The extent of land (brownfield and greenfield) required should be informed by a strategy that responds appropriately to the accommodation needs for market housing, student accommodation and specialist accommodation for the elderly. Competing pressures for different types of accommodation will inevitably result in sites proposed for housing being promoted for alternative uses. Examples of which we have referred to previously. Urban capacity is a finite resource and will necessitate the release of addition greenfield sites to ensure the SADPD responds positively to address the accommodation needs of all groups.

5. MATTER 6: (E)

Are the Green Buffers (south of Penryn and east of Falmouth) appropriate with respect to the strategy and necessary in planning terms?

- 5.1 The inclusion of “green buffers” as defined by Figure FP1 are not considered to be appropriate as they are not supported by any credible evidence.
- 5.2 Green Buffers were introduced at the Regulation 19 Stage and in the case of land to the west of Falmouth, only included in response to the recommendations of Members at the February 2017 PAC meeting. If such spatial policies were necessary, we question why such designations were not identified in earlier iterations of the SADPD.
- 5.3 Green Buffers amount to a policy tool that is intended to restrict development, set within the wider objective of protecting the separate identities of settlements. Yet, there is no specific policy within either the adopted LPSP or proposed in the SADPD.
- 5.4 In response to our Regulation 19 Representations, which questioned the appropriateness of the Green Buffers, the Council’s position is that:
- “The buffer areas as shown on the GI Strategy map link to the aim expressed within objective 3 under para 7.6. and are viewed as important in retaining the separate identities of Falmouth and Penryn. However for clarity more detail on the reasoning and justification for the buffer areas could be included in the GI section from para 7.71 and we would be willing to support this as a minor modification to the text”.*
- 5.5 Objective 3, as referred above relates to the Town Framework (April 2017) (**D10.5**) which states: **“The Natural Environment:** *Respect and enhance the natural environment, including maintaining and enhancing areas of Green Infrastructure, which contribute towards and protect the local identity of the towns and surrounding rural settlements.”*
- 5.6 Such an objective (as opposed to policy) is consistent with the LPSP Policy 2 (Spatial Strategy), which sets out a series of objectives which new development must adhere to and this includes: *1) respecting and enhancing quality of place, more specifically 1b) Considering the impact of development upon the biodiversity, beauty and diversity of landscape, seascape, character and setting of settlements, wealth of natural resources, agricultural, historical and recreational value of Cornwall.”*
- 5.7 The protection of settlements is therefore already established within the LPSP and moreover, the LPSP did not designate specific areas on the Policies Map to achieve this stated objective. Therefore, Green Buffers are not necessary in planning terms as Policy 2 of the LPSP requires development to respect the character and setting of settlements.
- 5.8 The SADPD does not include any specific policy upon which the Green Buffer designations can be implemented. Simply identifying these areas on the CNA Strategy Map is a contrived attempt to impose a restrictive policy to protect areas from development, thereby avoiding the need to subject any specific policy to appropriate scrutiny.

- 5.9 Such designations should be based on a robust evidence base and critically, as a spatial policy, should be subject to the full SA/SEA process, whereby they are appraised against wider SA objectives and reasonable alternatives, in order to understand the extent to which such designations may result in negative or positive effects on the overarching strategic objectives.
- 5.10 Green Buffers should be justified, based on an appropriate and robust evidence. This should identify land that performs an important role in protecting the setting and separate identity of settlements and to avoid coalescence. Informed by assessments that consider land-uses, settlement character, landscape character, environmental and historic designation and public routes providing views in and out of the countryside and an understanding of the vulnerability of settlements to coalescence. This should also include the extent of existing development and separation distances between urban areas and outlying settlements.
- 5.11 Further, there has been no assessment to consider whether existing Development Plan policies would achieve the same objective. We have already referred to Policy 2 (Spatial Strategy) of the LPSP in this regard. None of which has been undertaken to support the inclusion of Green Buffers in the Falmouth and Penryn CNA.
- 5.12 This lack of any value-based assessment and/or review of existing policies supports our assertion that Green Buffers are not appropriate and should be deleted.
- 5.13 Our Regulation 19 Representations (Section 5) explains that the draft version of the Reg 19 consultation **did not** include a Green Buffer to the west of Falmouth, between Falmouth and Budock Water. It was only in response to the recommendations of the Planning Policy Advisory Committee that *“a green buffer be established between Falmouth and Budock Water”* that the buffer to the west of Falmouth was introduced. This demonstrates further the lack of any credible evidential basis upon which the proposed Green Buffer designations can be justified.

6. MATTER 6: (F)

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

- 6.1 We have set out in our response to Question b) and our Reg 19 Representations that specific allocations proposed in the SADPD, Falmouth North (FP-H2) and Falmouth Road (FP-H4) cannot be relied upon to deliver the quantum of development proposed.

7. MATTER 6: (G)

Is there robust evidence that the allocated sites and infrastructure will be delivered at a sufficient rate and to a suitable timescale to ensure that the minimum numerical requirements of the Town Strategy and of the adopted LPSP will be met, including with reference to the five year housing land supply required by national policy?

- 7.1 The SADPD is not supported by any specific evidence to identify the infrastructure necessary to support the proposed growth at Falmouth and Penryn. Specifically, in the context of Falmouth North (FP-H2), this allocation is advanced without a full understanding of the costs of the infrastructure necessary to deliver the full quantum, i.e. the road crossing over the rail line.
- 7.2 The NPPF (paragraph 73) requires careful attention to viability and costs in plan-making and decision taking. Plans should be deliverable and in order to ensure viability this should consider the costs of any requirements likely to be applied to development, including infrastructure. Where it is the case that significant infrastructure costs will limit the extent to which proposed allocations are able to meet their affordable housing requirements consistent with the LPSP, this must question whether the proposed strategy and specific allocation can be justified.