



**Redevelopment to Provide a Mix of Uses Comprising
Bespoke Purpose Built Student Accommodation, Medical
Centre (D1), A1 and other A uses, Associated Welfare
Facilities, Parking, and, Public Realm Improvements, on
Brownfield Land to the South of Kernick Road, Penryn,
Cornwall.**

Planning Statement

Prepared for Irregular Cornwall Ltd

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1 Executive Summary

- McMurdo Land Planning and Development Ltd submits this planning statement on behalf of Irregular Cornwall Ltd to accompany the planning application for a development comprising bespoke purpose built student accommodation (PBSA), a medical centre (D1), A1 and other A uses, welfare facilities, parking, and, public realm improvements, on brownfield land to the south of Kernick Road, Penryn, Cornwall.
- The clearly identifiable need for PBSA to serve the rapidly expanding Universities is a material planning consideration weighing heavily in favour of granting planning permission.
- There is a clear identifiable need for a larger, improved medical centre to serve Penryn.
- The proposal is supported by national and local planning policy objectives, which promote sustainable development and the delivery on brownfield land of alternative housing to meet identified demand as part of mixed use development.
- The proposed development is shown in the context of a proposed Masterplan for this transitional area of Penryn.
- Irregular Cornwall Ltd are the only party with a large, brownfield site in its full control, committed and financially set up to deliver much needed student beds and supplementary facilities in the short to medium terms.
- Currently the site supports only 2.5 jobs creating negligible positive economic impacts. The proposals would support 160 jobs and around £5.3 Million Gross Value Added to the local economy. The Masterplan area as proposed would support 679 jobs creating £39 Million Gross Value Added (GVA) to the local economy.
- The site is sustainably located within ½ mile of the Campus it would serve, less than a mile from the town centre, and, accessible to a range of transport modes including walking, running and cycling. It is well connected to public transport services and several bus stops are in close proximity.
- Given the national and local spatial policy positions, other materials factors including dire need, and the technical information submitted in support of the application, planning permission should be granted.

2 Introduction

2.1 McMurdo Land Planning and Development Ltd submits this planning statement on behalf of Irregular Cornwall Ltd to accompany the planning application for a development comprising bespoke purpose built student accommodation (PBSA), a medical centre (D1), A1 and other A uses, welfare facilities, parking, and, public realm improvements, on brownfield land to the south of Kernick Road, Penryn, Cornwall.

2.2 The proposed development would regenerate brownfield land and provide:

- 264 student beds housed in bespoke purpose built student accommodation (PBSA) to be delivered in time for the 2018 academic year;
- 1,600 sq ft ancillary facilities (café/bar and gym);
- 23,000 sq ft medical centre housing a doctors and pharmacy;
- 11,000 sq ft of retail space;
- parking;
- green infrastructure and public realm improvements,

all replacing substandard 18,000 sq ft of retail wholesale floorspace, 5,000 sq ft of storage and 346 sq ft of office space on the vacant Homeshed site¹; and, 10,000 sq ft of industrial/retail wholesale floorspace on Annear Road.²

2.3 The application is supported by a number of technical reports, including on, design, highways, arboriculture, ground conditions, ecology, noise, economic impacts, and, flood risk and drainage, all of which individually and together show that there are no technical reasons to withhold planning permission.

2.4 The development is shown in the context of a proposed Masterplan for this transitional area of Penryn. The Masterplan is part of the application suite of documents and illustrates that the proposal would be the first phase of a comprehensive brownfield mixed use development (all of the land is controlled by the applicants and associated companies) to deliver:

- up to 780 purpose built student accommodation bed spaces and private rented sector (PRS³) housing aimed at housing students and retaining young postgraduates in the locality;
- 1,600 sq ft ancillary student facilities (café/bar and gym);
- 23,000 sq ft medical centre housing a doctors and pharmacy;
- 30,000 sq ft of offices including incubation and grow on spaces and light industrial spaces.

¹ Homeshed is closed. It went into administration in 2016. -

² There are only 17 jobs on the application site creating minor positive economic impacts. The application would create 160 jobs and around £5.5 - Million Gross Value Added to the local economy. -

³ The PRS sector is predicted to grow by 25% by 2025. -

- 29,000 sq ft of retail space;
- parking; and,
- high quality public realm and green infrastructure.

2.6 The Masterplan concept will be promoted through the policy routes by making representations on the relevant consultation documents. Amongst other things the consultation responses will say:

- The Masterplan area currently supports only 2.5 jobs⁴ with negligible economic impacts for Falmouth and Penryn, far less Cornwall and the south west.
- The Masterplan area as proposed would support 679 jobs creating £39 Million Gross Value Added (GVA) to the local economy.
- The emerging spatial policy for Falmouth and Penryn is not sustainable in that it is wrongly and deliberately geared to the release of greenfield land when there are better brownfield options available (like this one);
- The emerging policy ignores the Council's own evidence base and in particular the Landscape Assessment (which shows in effect that greenfield development to the north of Penryn would lead to unacceptable landscape impacts) and the Employment Evidence Report (which mirrors the Landscape Assessment in terms of where to guide development, is out of date and fails to consider the potential for increases in floorspace, jobs gained, or economic performance that could be achieved by the redevelopment of existing brownfield "employment" land).
- The emerging policy fails to deal head on with the most pressing issue for Falmouth and Penryn which is the delivery of PBSA.
- Only one of the strategic mixed use sites identified in the emerging policy for Falmouth and Penryn as capable of delivering PBSA is potentially viable and deliverable (Parkengue).
- The Masterplan should be allocated as a strategic regenerative mixed use development in the policy because it would create significant, economic, social and environmental gains in line with overarching national and adopted local policy aims.

2.7 Irregular Cornwall Ltd has been established specifically to quickly deliver much needed cost effective student beds close to the campus in-line with the Universities requirements for delivery in 2018 and local aspirations to move students from the towns of Falmouth and Penryn. The company is funded by a number of sources including a party with vast experience of working with other Universities around the Country including Kings College, London.

2.8 Following pre-application discussions in 2016, Cornwall Council Officers issued a formal letter setting out their without prejudice comments on the Proposed Development. The Council's letter concludes that: "The principle of redeveloping this site for a mixed-use scheme comprising student accommodation... is deserving of qualified support at this time".

⁴ The total potential, assuming the stock is sound (though it isn't), is 98 jobs.

3 Site and Surroundings

- 3.1 Less than a mile from the town centre, which lies to the west, and ½ mile from the Penryn Campus which lies just to the north, this level brownfield site of around an Hectare is in the urban area of Penryn, in an area of transition, to the south of Kernick Road.
- 3.2 Clearly the area to the south of Kernick Road is changing rapidly; visually as development takes place and via planning permissions granted by the Council yet to be implemented. Amplifying: the large Asda superstore lies to the south west of and links into the site; the residential areas of the listed Walled Garden, Kernick Park and Terlowen Drive lie to the south east of the site; the Council has granted planning permission for mixed use development including residential, and is considering a further planning application for residential development, on land to the south of the site.
- 3.4 Accessible to a range of transport modes the site is well connected to public transport services. Several bus stops are in close proximity to the site providing opportunities for sustainable local movement and connections to Penryn Station, under a mile away, and the Penzance – Paddington mainline and regional and national destinations beyond.

4 Planning History

4.1 The most relevant planning history is shown in the table below.

Ref	Proposal	Decision
C1/PA01/1824/08/M	Subdivision of Britannia Yard into 3 units and creation of 1 new unit plus associated parking and landscaping. Creation of 4 new units at 3 Annear Road	Approved
C1/PA01/0880/09/B	Change of use from B1, B2 & B8 to A1, B1, B2 & B8	Approved

5 Context

The Need for PBSA

- 5.1 The clearly identifiable need for PBSA to serve the rapidly expanding Universities is a material planning consideration weighing heavily in favour of granting planning permission. Whilst need often leads to the solidifying of planning policy, unfortunately this has not happened in Cornwall.
- 5.2 Expanding, and put simply, the emerging policy thus far has dramatically failed to meet the need it must satisfy because the Council has refused applications for PBSA on sites the emerging policy previously allocated for such purposes and has now earmarked 3 undeliverable and unviable (except, perhaps, Parkengue) strategic mixed use sites, all of which fails to get near to dealing with what is a crucial issue for Falmouth and Penryn.
- 5.3 As a backcloth, the Combined University for Cornwall (CUC)⁵ was formed in 2000 with the main and laudable economic aim to generate prosperity via higher education provision in Cornwall. Its formation led to significant investment in the Penryn campus. This investment improved the infrastructure on the campus. The improved infrastructure meant the number of courses available to students shot up. In turn, the number of students attending the campus shot up too.
- 5.4 Evidently, the CUC has been very successful in achieving its main economic aim. However, the attainment of this goal has created a multitude of social problems because the exponential rise in student numbers has by far exceeded purpose built student accommodation provision levels. In turn this has led to a substantial increase in the number of Houses in Multiple Occupation (HMO) in Falmouth and Penryn over the last 10 years.
- 5.5 Too many HMOs has led to:
- the loss of “normal” stock housing to HMOs;
 - upward price pressure on the local housing market;
 - on-street parking issues;
 - some anti-social behaviour;
 - negative impacts on the overall character and appearance of the towns.
- 5.6 To respond, the Council issued Article 4 Directions in Spring 2017 which effectively removed permitted development rights for the conversion of houses to HMOs. This move, though perhaps well intended, will either exacerbate the problem and/or slow down economic growth in the absence of a robust chain of PBSA supply.

⁵ CUC is a group of higher education providers. Its aim is to generate prosperity via higher education provision. It's led by University of Exeter a UK top 10 and Russel Group University which many students aspire to attend, and Plymouth University. (Falmouth University has withdrawn).

- 5.7 Despite social issues and the imposition of Article 4 Directions, this year the Council voted to increase the number of students enrolled on courses from 5,000 to 7,500 in the face of public opposition. However, from the Universities own information, we can see that this exercise means little in reality because the number of students enrolled on courses across the two campuses in 2016/17 is over 7,000 students (Penryn is around 5,400; Wood Lane is around 1,600). The Universities anticipate that the growth they've seen will continue in the coming years and the information provided by them anticipates that student numbers will grow from 6,300 in 2015/16 to 8,100 in 2019, and continue well into the future at a similar rate all meaning that it is not beyond the realms of possibility that the total number of students that would need accommodation in 2025 would be well in excess of 10,000.
- 5.8 Turning to existing provision for the current C 7,000 students:
- there are 2 serviced halls of residences that are owned and run by the Universities providing C 1,800 bed-spaces;
 - there are 8 other student residences within Falmouth, Penryn and Mabe which are owned and operated by the private sector, providing C 900 bed spaces;
 - there are C 4,300 students in HMOs or other student lettings.
- 5.9 The foregoing means that if the emerging policy is to be successful, the requirement for PBSA is more than 10,000 bed spaces. There are no PBSA bed spaces currently under construction in the area. Several applications for PBSA in the towns have been refused recently. The one major extant planning permission for PBSA (CUC for 1,049 on campus) is not viable and cannot be built and the Treliever allocation is neither viable nor deliverable.
- 5.10 There is a clear demonstrable need for PBSA in close proximity to the Penryn Campus and, at the moment, the Council is failing to meet the identified need either in its decision taking or via policy generation.

The Need for a Medical Centre in Penryn

- 5.11 As acknowledged in the emerging policy documents and other relevant papers, there is a clear identifiable need for a larger, improved medical centre mainly to serve Penryn but also the Universities. Following discussions with the Doctors in the existing Penryn surgery (who support our application) our proposals have evolved to accommodate current and future health needs.

Employment Designation Condition and Viability

- 5.16 The application site currently supports 2.5 jobs in buildings which are in a poor state of repair and beyond viable refurbishment⁶. The Masterplan area currently supports only 20 jobs in buildings which are in a poor state of repair and beyond viable refurbishment. The application site and Masterplan area currently create C£1 Million GVA. The proposals would support 160 jobs and create C£5.3 Million GVA. The Masterplan would support 679 jobs and generate C£39 Million GVA.⁷

⁶ The emerging policy acknowledges that public sector intervention would be required to upgrade the buildings to make them suitable for use.

⁷ We address why this aspect complies with national and adopted local plan policy elsewhere.

6 Proposed Development

Proposed Development

6.1 The proposed development would provide:

- 264 student beds housed in bespoke purpose built student accommodation;
- 1,600 sq ft ancillary facilities (café/bar and gym);
- 23,000 sq ft Medical Centre housing a doctors and pharmacy;
- 11,000 sq ft of retail space;
- parking;
- green infrastructure and public realm improvements.

Masterplan

6.2 The development is shown in the context of a proposed Masterplan for this transitional area of Penryn. The Masterplan is part of the application suite of documents and illustrates that the proposal would be the first phase of a comprehensive brownfield mixed use development with:

- up to 780 purpose built student accommodation and private rented sector housing aimed at housing students and retaining young postgraduates in the economy;
- 1,600 sq ft ancillary student facilities (café/bar and gym);
- 23,000 sq ft Medical Centre housing a doctors and pharmacy;
- 30,000 sq ft of offices including incubation and grow on spaces and light industrial spaces.
- 29,000 sq ft of retail space;
- parking;
- quality public realm and green infrastructure.

6.3 The application is a full planning application shown in the context of a concept Masterplan.

7 Consultation

Local Views

- 7.1 Local views on the Universities expansion and existing and proposed student accommodation, are publicised and well known. In short they are:
- The Universities should not be allowed to expand;
 - PBSA is needed;
 - PBSA should be located away from the town;
 - PBSA should be close to Penryn Campus;
 - PBSA should release HMO's;
 - There should be no more HMO's;
 - Penryn needs an improved medical centre to support the town and the Universities.
- 7.2 The emerging policy has tried to accommodate public opinion but it has failed for reasons highlighted above.
- 7.3 This development proposal has taken into consideration the public and stakeholder comments (which are fresh) arising through the Council's policy development engagement.

Pre-application consultation

- 7.4 Following pre-application discussions
- Cornwall Council Officers issued a formal letter setting out their without prejudice comments on the Proposed Development. The Council's letter concludes that: "The principle of redeveloping this site for a mixed-use scheme comprising student accommodation... is deserving of qualified support at this time".
 - The University has issued a letter of support for our scheme.
 - The landowner of the proposed Treliever strategic allocation has issued a letter of support for our scheme. The letter also says that their greenfield land will not come forward for development which seriously undermines the emerging policy solution to the identified, now critical, need for PBSA.
 - Penryn Surgery supports our scheme.

8 Planning Policy

The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 For the purposes of Section 38(6) the Development Plan is the Cornwall Local Plan adopted in 2016. But there are other important documents which together should guide decision taking and they are.
- National Planning Policy Framework (NPPF or Framework);
 - National Planning Practice Guidance (NPPG) (relevant documents);
 - Cornwall Site Allocations Development Plan Document (DPD) (2016 and 2017);
 - Falmouth and Penryn Town Framework (2016 and 2017);
 - Falmouth and Penryn Landscape Assessment and Employment Evidence Report; and,
 - Documentation which highlights the overriding and demonstrable ‘need’ for the development.

The Cornwall Local Plan

- 8.3 Especially bearing in mind that the work behind the Employment Evidence Report (which the Council is relying on as it tries to generate effective allocation policy) is out of date, for this application it’s important to note that due to concerns over the soundness of the Local Plan the Inspector provided “Preliminary Findings” in 2015 which said on potential employment land allocations amongst other things:
- “NPPF paragraph 161 is clear that economic assessments should include both quantitative and qualitative needs and the suitability of land to meet identified needs.”
 - “For some CNAs the commitments greatly exceed the level of B class space apportioned to them. There is no evidence that these commitments are in locations which are...attractive..[to the markets].”
- 8.4 The Inspectors final report amplified these concerns and said on potential employment land amongst other things:
- The local plan “leaves considerable further work to determine the type and scale of new employment allocations”;
 - “the policy [needs to] set out a checklist of what needs to be done...taking into account not just quantitative scale of sites available to meet floorspace targets, but also the viability/attractiveness of sites for investment”;
 - “[I am]...concerned that changes put forward by the Council...set out a very restrictive approach to the protection of all types of employment sites....[which is]...unjustified”;

- “[Simply] safeguarding strategic employment sites and buildings...[for particular uses]..would be too inflexible..[because] a variety of...[uses]..may be appropriate.”

8.5 The Local Plan objectives that are most relevant here are:

- Objective 1: Remove unnecessary barriers to jobs, business and investment through a positive policy framework with a focus on sustaining a range of local businesses.
- Objective 3:provide opportunities to improve existing facilities for better economic performance.
- Objective 4: Meet housing need by providing for new homes over the plan period that provide everyone in the community with the opportunity of living in an appropriate home, supported by local community facilities.
- Objective 5: Allow people and communities to provide for jobs and deliver homes locally to meet needs.
- Objective 7: Meet a wide range of local needs including housing and for community, cultural, social, retail, health, education.

8.6 The Local Plan policies which are relevant here include:

- Policy 1: “Presumption in Favour of Sustainable Development” which reflects the NPPF and states that sustainable development should lead to economic, social and environmental gains.
- Policy 2: “Spatial Strategy” which advises that in “generating and sustaining economic activity: Proposals will be welcome that improve conditions for business and investment in Cornwall, in particular by: a. Supporting key regeneration activities; b. Providing homes and jobs in a proportional manner;...; e. Maximising the economic growth and benefits of education, skills development, research, and the colleges and Combined Universities in Cornwall; f. Supporting employment schemes in..towns...giving particular emphasis to quality, permanent, work opportunities that break seasonal labour cycles;...h. Supporting the provision of work hubs.”
- Policy 5: “Business and Tourism” which states that [“employment”]... “land and buildings should only be considered for alternative uses where this does not result in the loss of economic performance of the site or location, i.e. through the redevelopment for a mix of uses...Proposals that would result in the loss of business space must:...ii. result in the provision of better quality employment space allowing for mixed use; or iii. be necessary to meet a clear need for community facilities... Site Allocations Development Plan Documents and Neighbourhood Plans should...safeguard appropriate existing land, necessary for the delivery of the economic strategies for Cornwall...These allocations should be based on an assessment that considers the ability of the quantity, nature and quality of existing space.”
- Policy 6: “Housing Mix” which advises that: “the provision of specialised student accommodation in appropriate and sustainable locations, in addition to meeting the needs of the local resident population, will be supported. In Falmouth and Penryn towns, and Mabe in particular, whilst there are limited opportunities, every effort should be made to deliver good

quality, managed accommodation within the towns and in locations close to the university. Such provision will help to reduce the reliance on existing housing stock in the community for use by students... New Housing Proposals should respond to the requirements of a changing population and of particular groups in the community, by increasing the supply of accessible and specialist housing....able to meet people’s needs...based on locally derived evidence of need and demand.”

- Policy 21: “Best use of Land and Existing Buildings” reflects a cornerstone of sustainable development and places considerable emphasis on encouraging higher density brownfield redevelopment close to existing and planned for physical, social and community and green infrastructure.
- Policy 27: “Transport and Accessibility” which advises that development should be sustainably located and incorporate a mix of uses which would minimise the need to travel by car.

8.7 The second part of the Local Plan sets out strategies and allocations. On Falmouth and Penryn, it says, “In delivering the housing target for Falmouth and Penryn, priority should be given to the utilisation of brownfield and urban sites;... In delivering the housing growth for the towns, focus should be given to delivering an appropriate mix of housing to address local housing need, and the need for student accommodation. Whilst there are limited opportunities, every effort should be made to deliver good quality, managed accommodation within the towns that provides an element of the required accommodation, and an appropriate mix of housing types. Such provision will help to reduce the reliance on existing housing stock in the community for use by students...The towns of Falmouth and Penryn are committed to ensuring that they are well placed to meet the economic demands for the forthcoming years. In particular the communities are committed to investment in key elements that will ensure economic success in new technologies; young people graduating from apprenticeships; Further and Higher Education;...their unique location; and in micro businesses and other traditional small businesses within the communities..”

Other Relevant Papers and Material Factors

Allocations DPD and Town Framework

- 8.8 The Council is currently consulting on the Cornwall Site Allocations Development Plan Document which is reflected in the Town Frameworks and which aims to set out a coherent strategy for the future growth of 10 towns (including Falmouth and Penryn) by identifying site allocations intended to deliver the strategic targets set out within the Local Plan. Section 7 of the Allocations DPD specifically relates to Falmouth and Penryn.
- 8.9 Paragraph 7.4 identifies the vision for the area which is: “The twin towns of Falmouth and Penryn will be distinctive in character and yet united in playing a key role in Cornwall with vibrant, socially diverse, positive and welcoming communities, supported by leisure facilities and services; employment based primarily on the marine, learning and tourism industries; set in attractive, well-maintained, sustainable and accessible historic, natural and urban environments.”
- 8.10 The DPD sets objectives for Falmouth and Penryn and of relevance here are:
1. “Manage Housing Growth: Manage the location, distribution and integration of housing growth and the delivery of an appropriate mix of housing for the towns, including affordable housing and provision of quality student accommodation.”

4.a) “Support and retain young people: Supporting opportunities surrounding the Universities in Falmouth and Penryn...[including via]...the provision of incubator units and grow-on space.”

- 8.11 Paragraph 7.7 includes targets for: “The provision of bed spaces within PBSA commensurate with the scale of expansion of the Universities” and “25,000 sq m of B1a... and 21,667 sq m of industrial space.” Paragraph 7.15 reiterates a preference to deliver housing growth on brownfield sites and that need in particular relates to PBSA fuelled by the growth of the Universities. Paragraph 7.59 acknowledges that healthcare facilities are lacking in Falmouth and Penryn.
- 8.12 On housing and on PBSA and job delivery for Falmouth and Penryn, essentially, the DPD perversely proposes to safeguard Kernick Road Industrial Estate (FP-E1) whilst allocating:
- Part of the same Kernick Road Industrial Estate for PBSA led mixed use development (Parkengue FP-M2);
 - Another part of the same Kernick Road Industrial Estate for residential led mixed use development (Kernick FP-M1);
 - Greenfield land for PBSA led mixed use development at Treliever (FP-M3); and,
 - (in effect but not explicitly) part of the Penryn Campus for around 1050 PBSA bed spaces.
- 8.13 Paragraph 7.51 advises that together the 3 identified sites will deliver all the PBSA required.

Falmouth and Penryn Landscape Assessment and Employment Evidence Report

- 8.14 These reports are evidence behind the policy.
- 8.15 The Falmouth and Penryn Landscape Assessment highlights two matters of importance: development of the land to the north of Penryn (Treliever) would harm the landscape setting of the town; and, development of Kernick Road would not.
- 8.16 Amplifying this theme, the Falmouth and Penryn Employment Evidence Report highlights that: land to the north of Penryn (Treliever) is unsuitable for development because it would harm the landscape and be divorced from the urban area; and, the western part of Kernick Industrial Estate (near Asda) “has good access to the road network....[and employment should be]...part of a mixed use of the land.”⁸

NPPF

- 8.17 The National Planning Policy Framework (the NPPF) sets out how the Government expects planning policy to evolve and how it expects planning decisions to be made.
- 8.18 Paragraph 7 states that there are three dimensions to sustainable development:
- i. “An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - ii. A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high

⁸ The EER does not deal with the concerns the Inspector raised and as outlined in 8.3 and 8.4 above.

quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

- iii. An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 8.19 Paragraph 9 tells us that “sustainable development involves seeking positive improvements in the quality of the built...environment, as well as in people’s quality of life, including...making it easier for jobs to be created...replacing poor design...and widening the choice of homes.”
- 8.20 Paragraph 14 establishes the “presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...for decision taking this means...approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or, specific policies in this framework indicate development should be restricted.”
- 8.21 Paragraph 17 sets out 12 core planning principles including: “Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...encourage effective use of land by re-using land that has previously been developed...promote mixed use developments and encourage multiple benefits from the use of land.”
- 8.22 Paragraphs 18 to 22 outline the Government’s commitments to: build a strong and competitive economy to secure growth...create jobs and prosperity..and...to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.
- 8.23 Paragraphs 47 to 51 are relevant in so much as they outline the steps a LPA should take to boost housing supply and “identify and bring back into residential use empty...buildings...and approve planning applications for change of use and any associated development from commercial buildings (currently in B use classes) where there is an identified need for additional houses in the area.”
- 8.24 Paragraph 111 requires planning policies and decisions to encourage the effective use of land by re-using land that has been previously developed.
- 8.25 187 tells LPAs to “look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.”

9 Analysis – Principle

Need for PBSA

- 9.1 Paragraph 7.7 of the emerging DPD includes targets for: “the provision of bed spaces within PBSA commensurate with the scale of expansion of the Universities”. The Universities own information tells us that: the number of students enrolled on courses across the two campuses in 2016/17 is over 7,000 students (Penryn is around 5,400; Wood Lane is around 1,600); growth will continue; and, student numbers will be at least 8,000 in 2019.
- 9.2 From our own analysis, we can deduce that currently there are: 2 serviced halls of residences that are owned and run by the Universities providing C 1,800 bed-spaces; and 8 other student residences within Falmouth, Penryn and Mabe which are owned and operated by the private sector, providing C 900 bed spaces; and, C 4,300 students in HMOs or other student lettings at the present time.
- 9.3 The situation is dire and there is a clear and pressing need⁹.
- 9.4 The Council’s response has been to refuse recent applications for PBSA in the town and concoct emerging policy which perversely proposes to safeguard Kernick Road Industrial Estate (FP-E1) whilst allocating:
1. Part of the same Kernick Road Industrial Estate for PBSA led mixed use development (Parkengue FP-M2);
 2. Another part of the same Kernick Road Industrial Estate for residential led mixed use development (Kernick FP-M1);
 3. Greenfield land for PBSA led mixed use development at Treliever (FP-M3); and,
 4. (in effect) part of the Penryn Campus for around 1050 PBSA bed spaces.
- 9.5 1 may be deliverable (however: the ownership is split; it has high existing uses value; it is rented to a viable and trading business), but, 2 is for housing, on 3 the landowner (as confirmed in their support for this scheme) will not release their greenfield land for development, and for 4 recent press releases reveal that it is neither financially viable nor deliverable on greenfield, unserviced land.

Need for a Medical Centre

- 9.6 As acknowledged in the emerging policy documents and other relevant papers, there is a clear identifiable need for a larger, improved medical centre mainly to serve Penryn but also the Universities. Penryn surgery supports this development and would like to take a lease on the medical centre element of it.

Employment Designation Condition and Viability and Economic Performance

- 9.7 The application site currently supports 2.5 jobs in buildings which are in a poor state of repair and beyond viable refurbishment. The Masterplan area currently supports 20 jobs in buildings which are in a poor state of repair and beyond viable refurbishment. The application site and Masterplan area currently create C £1 Million GVA. The proposals would support 160 jobs and create C £5.3 Million GVA. The Masterplan would support 679 jobs and generate C £39 Million GVA.

⁹ Article 4 Directions will put an end to increases in HMOs.

Location

9.8 The site is sustainably located (accessible to a range of transport modes, it's well connected to public transport services and several bus stops are in close proximity): it's less than 1 mile from the town centre, which lies to the west; and ½ mile from the Falmouth University Penryn Campus which lies just to the north. Clearly the area to the south of Kernick Road is changing rapidly; visually as development takes place and via planning permissions granted by the Council yet to be implemented. The large Asda superstore lies to the south west of and links into the site; the residential areas of the listed Walled Garden, Kernick Park and Terlowen Drive lie to the south east of the site; the Council has granted planning permission for mixed use development including residential, and is considering a further planning application for residential development, on land to the south of the site.

Conclusions on Need Job Creation and Economic Performance and Location

9.9 In conclusion:

- Regenerating brownfield land in a sustainable location is sustainable development.
- There's a clear, dire need for PBSA and a need for a medical centre in Penryn and the Council is failing to deal with either.
- The application proposals would provide much needed PBSA and a medical centre in a sustainable location.
- The application proposals would improve the character and appearance of the area and the economic performance of the site by creating 160 jobs and £5.3 Million GVA in lieu of 2.5 jobs and negligible GVA.
- The Masterplan proposals would improve the character and appearance of the area and create 679 jobs and generate £39 Million GVA in lieu of 20 jobs and negligible GVA.

Policy Support

9.8 A cornerstone of national planning policy in the UK, mirrored in the higher level local plan policies (1,2,5,6,21) is the effective reuse of well located brownfield land for uses that are identified as being needed. It's clear that the proposals completely aligned with this cornerstone of policy.

9.9 Moreover, the proposals not only involve the reuse of well located previously developed land to meet identified need (for PBSA and a medical centre) they'd lead to gains in jobs and the economic performance of the site, all in line with national policy (NPPF 9,17, 18-22, 51) and higher level Local Plan aspirations (1,2,5,6).

Conclusions on the Principle of Development

9.10 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a "golden thread" running through both plan making and decision taking. For decision taking this means that sustainable development proposals should be approved without delay.

9.11 What is proposed is sustainable development which would create distinct economic, social and environmental gains on an underperforming brownfield site, in a sustainable location on major public transport networks and in close proximity to the campus it would serve.

- 9.12 The proper test is as laid out in Paragraph 14 of the NPPF: from an “in principle” aspect permission should be granted for sustainable development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.13 From the evidence and from what is proposed it is hard to see how anyone could reasonably arrive at the conclusion that the negatives of the scheme would outweigh the benefits.
- 9.14 Consequently, based on the foregoing and especially because the proposals constitute sustainable development when viewed holistically, the principle of development cannot in doubt.

10 Analysis – Technical Matters

10.1 The foregoing outlines why the principle of development cannot be in doubt, but technical matters still need to be addressed. To address them, guide the Masterplan and to accompany this planning application, a number of consultant reports were commissioned as follows:

- Transport Assessment and Travel Plan (Jon Pearson);
- Ecological Assessment (Code 7)
- Arboricultural Assessment (Hi-Line);
- Heritage Statement (Exedite);
- Flood Risk Assessment and Drainage Strategy (Airy & Coles);
- Geotechnical Preliminary (Ian Farmer Associates);
- Noise Assessment (ACT Acoustics);
- Design, Illustrative Masterplan and Design and Access Statement (Expedite); and,
- Economic Impact Assessment (PBA).

Highways and Transport

10.2 A Transport Assessment and Student Travel Plan (STP) have been undertaken by Jon Pearson and both accompany this application. Whilst the STP aims to control student car usage and increase student use of sustainable modes, especially walking and cycling, the assessment confirms in any case that:

- the proposed development site is in a highly sustainable location close to multi modal sustainable transport links, the campus and every day facilities (existing bus services travel within very close proximity to the site and the site is located within walking and cycling distance of the campus and a number of facilities and services);
- the proposed development has safe and appropriate access arrangements; and
- there would be no justifiable reasons to withhold permission on highways grounds.

Ecology

10.3 An Ecological Assessment was undertaken by Code 7 Consulting. Code 7's assessment concludes that: the site is currently of low ecological value: the proposed development would have negligible ecological impact on the existing site in any case; and, the proposals provide for ecological enhancements on the site and surrounding area, all meaning that there are no ecological grounds which would justify a refusal of this application.

Arboriculture

- 10.4 An Arboricultural Assessment and Tree Constraints Plan have been prepared by Hi-Line and both accompany this application. The assessment concludes that the proposed development (application and Masterplan) provides for significant opportunities for arboricultural improvements (and positive knock on ecology impacts) via new planting and improving existing hedgerows. The proposal accords with both national and local policy in relation to trees and there would be no justified reason to refuse the application on arboricultural grounds.

Heritage

- 10.5 A Heritage Statement prepared by Expedite supports the application. It confirms that there would be no detrimental impact on heritage assets in proximity to the site and Masterplan area, that the scheme put forward accords with both national and local heritage policies and there would be no justified reason to refuse the application on heritage grounds.

Flood Risk Assessment and Drainage

- 10.6 A detailed Flood Risk Assessment (FRA) was undertaken and a Drainage Strategy prepared by Airy and Coles and both accompany the application. The FRA concludes that the site is located in Flood Zone 1 and can be redeveloped without increasing flood risk. In terms of drainage pre and post development run off rates have been calculated and there would be significant betterment resulting from the scheme over the existing scenario.

Geotechnical

- 10.7 A Geotechnical Preliminary Investigation has been prepared by Ian Farmer Associates and accompanies this application. It identifies that the redevelopment of the site could proceed from this aspect.

Noise Assessment

- 10.8 A Noise Assessment was undertaken by ACT acoustics and accompanies the application. It shows that (subject to mitigation measures which could be secured by conditions) noise is not a constraint to residential development on the site.

Design and Wider Masterplan Concept (and Design and Access Statement)

- 10.9 All of the foregoing work has informed the design and development strategy and wider Masterplan concept which has been prepared by Expedite. The plans and Design and Access Statement which accompany this application show how the proposals would achieve a distinctive and high quality development that would improve the character of the environment whilst meeting identified needs for certain uses, creating economic, social and environmental gains.

Economic Impact Assessment

- 10.10 An Economic Impact Assessment has been prepared by PBA and accompanies this application. It analyses the economic impact of the application site and wider Masterplan. It shows that:
- The application site supports only 2.5 jobs with negligible GVA effects.

- The application site as proposed would support 160 jobs and create more than £5.3 Million GVA.
- The Masterplan site supports only 20 jobs with negligible GVA effects.
- The Masterplan site as proposed would support 679 jobs and generate £39 Million GVA.

10.11 The foregoing demonstrates that there would be no technical or design reasons to withhold planning permission.

11 Conclusion

- 11.1 McMurdo Land Planning and Development Ltd submits this planning statement on behalf of Irregular Cornwall Ltd to accompany the planning application for a development comprising bespoke purpose built student accommodation (PBSA), a medical centre (D1), A1 and other A uses, welfare facilities, parking, and, public realm improvements, on well located brownfield land to the south of Kernick Road, Penryn, Cornwall.
- 11.2 The clearly identifiable need for PBSA to serve the rapidly expanding Universities is a material planning consideration weighing heavily in favour of granting planning permission.
- 11.3 There is a clear identifiable need for a larger, improved medical centre to serve Penryn.
- 11.4 The proposal is supported by national and local planning policy objectives, which promote sustainable development and the delivery on brownfield land of alternative housing to meet identified demand as part of mixed use development.
- 11.5 The proposed development is shown in the context of a proposed Masterplan for this transitional area of Penryn. Currently the site supports only 2.5 jobs creating negligible positive economic impacts. The proposals would support 160 jobs and around £5.3 Million Gross Value Added to the local economy. The Masterplan area as proposed would support 679 jobs creating £39 Million Gross Value Added (GVA) to the local economy.
- 11.6 Accessible to a range of transport modes the site is well connected to public transport services. Several bus stops are in close proximity to the site providing opportunities for sustainable local movement.
- 11.7 Given the national and local spatial policy positions and the technical information submitted in support of the application, there is no reason to withhold planning permission.
- 11.8 In short the principle of development cannot be in doubt and there are no technical reasons to withhold consent.
- 11.9 We respectfully ask the Authority to resolve to approve the application in short order to enable delivery of much needed PBSA, medical centre and jobs by 2018.
- 11.10 Irregular Cornwall Ltd are the only party with a large, brownfield site under full control, and committed and financially set up to deliver much needed student beds and supplementary facilities in the short to medium terms, for the towns of Falmouth and Penryn.
- 11.11 We'd be pleased to discuss the details of the application with Officers during the application process.

12 Draft Heads of Terms

- 12.1 Paragraph 204 of the NPPF advises Local Planning Authorities that Planning Obligations should only be sought where they are:
- Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development; and
 - Related in scale and kind to the proposed development.
- 12.2 In addition to anticipated planning conditions, we know that a number of obligations and contributions will be expected in line with national and local aspirations and we propose the following Heads of Terms (HoTs) subject to viability, triggers to be agreed and all considered in the context of relevant Community Infrastructure Levy (CIL) regulations.
- 12.3 CIL is a charge that, once adopted, a Council can levy on all new development for a contribution to infrastructure delivery. Though we do understand that the Council intends to adopt a charging schedule sometime in late 2017 it does not have one now and CIL is not applicable at this time. In the unlikely event that decision taking is delayed and we are in a CIL regime, in any case we note that the Council's direction of travel to CIL adoption is in line with national guidance and the proposed CIL rate is zero (0) for all of: Residential Institutions including Student Accommodation; Community uses; Leisure uses; and, Minor Retail (A1-5). Consequently whether CIL is "in play" or not our scheme would not attract it.
- 12.4 Social and Community Facilities: Medical Centre (Doctors and Pharmacy) and other facilities as required and justified by the LPA.
- 12.5 Highways and Sustainable Travel: Highway works and financial contributions as required and justified by the LPA.
- 12.6 Green Infrastructure and Open Space: As required and justified by the LPA.



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Application number: PA17/05587

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Applicant:

Irregular Cornwall Ltd
Vantage Point
Woodwater Park
Pynes Hill
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EX2 5FD

**Town And Country Planning Act 1990 (as amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Notice of Refusal of Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY REFUSES PERMISSION**, for the development proposed in the following application received on 14 June 2017 and accompanying plan(s), for the reasons set out on the attached schedule:

Description of Development: Change of use of former Homeshed retail unit into mixture of uses within use classes D1 (non-residential institution), A1 (shop) and A3 (restaurant/café) with associated changes to the elevations of the building. Erection of container development for student accommodation comprising 264 no. bedspaces with associated landscaping, amenity and student welfare facilities at land to rear of the Homeshed building with improvements to public realm and green infrastructure and parking provision

Location of Development: Unit 2
Annear Road
Penryn
Cornwall
TR10 9EW

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 31 October 2017

**Phil Mason
Service Director Planning and Sustainable Development**

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA17/05587

Parish:

Penryn



DATED: 31 October 2017

**Phil Mason
Service Director Planning and Sustainable Development**

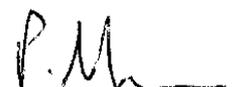
IDOX/REFULZ

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA17/05587

REASONS:

- 1 The site is allocated within the Council's emerging Cornwall Site Allocations Development Plan Document - March 2017 under Policy FP-E1 as a safeguarded employment site. This policy states that development within safeguarded employment sites should fall within Use Classes B1, B2 and B8. The proposed development would conflict with this emerging policy as the proposed uses do not fall within those Use Classes. The proposal would unacceptably erode the range and choice of sustainable industrial and commercial sites within the existing urban area of Penryn and would result in the loss of land currently used for employment purposes contrary to Policy 5 of the Cornwall Local Plan Strategic Policies 2010 - 2030, and the advice contained within paragraph 17 and section 1 of the National Planning Policy Framework 2012.

- 2 In the absence of a mechanism to secure the necessary financial contributions towards off-site public open space, mitigation to alleviate the potential recreational impacts of the proposed development upon the Fal and Helford Special Area of Conservation, a Traffic Regulation Order consultation, and a mechanism to secure the D1 units to be fitted out and made available for occupation prior to the student accommodation being first occupied, the development is contrary to Policies 13, 22, 27 and 28 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 17, 32, 35, 73, 109, 113, 118, 203 and 204 of the National Planning Policy Framework 2012.



DATED: 31 October 2017

**Phil Mason
Service Director Planning and Sustainable Development**

RELEVANT PLANNING POLICIES:

Relevant Development Plan and emerging Development Plan policies:

Cornwall Local Plan Strategic Policies 2010 - 2030:

- 1 - Presumption in favour of sustainable development
- 2 - Spatial strategy
- 2a - Key targets
- 3 - Role and function of places
- 4 - Shopping, services and community facilities
- 5 - Business and tourism
- 12 - Design
- 13 - Development standards
- 16 - Health and wellbeing
- 21 - Best use of land and existing buildings
- 22 - European protected sites - mitigation of recreational impacts from development
- 23 - Natural environment
- 24 - Historic environment
- 25 - Green infrastructure
- 26 - Flood risk management and coastal change
- 27 - Transport and accessibility
- 28 - Infrastructure

Cornwall Site Allocations Development Plan Document - March 2017:

FP-E1: Kernick Road Industrial Estate - Safeguarded for employment uses (B1, B2, B8)



DATED: 31 October 2017

**Phil Mason
Service Director Planning and Sustainable Development**

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed AS17.03.L.04.04 P3 received 06/07/17
Proposed AS17.03.L.02.04 P1 received 14/06/17
Illustrative Purposes only AS17.03.L.04.09 P1 received 14/06/17
Illustrative Purposes only AS17.03.L.04.08 P1 received 14/06/17
Submitted Plan 08-1171-001 C received 14/06/17
Illustrative Purposes only AS17.03.L.04.07 P1 received 14/06/17
Proposed AS17.03.L.04.01 P1 received 14/06/17
Site/location Plan AS17.03L.01.00 P1 received 14/06/17
Illustrative Purposes only AS17.03.L.01.00170502 SK1 received 14/06/17
Submitted Plan AS17.03.L.01.00.170223.SKI received 14/06/17
Proposed AS17.03.L.01.11 P1 received 14/06/17
Proposed AS17.03.L.02.05 P1 received 06/07/17
Proposed AS17.03.L.04.02 P1 received 14/06/17
Proposed AS17.03.L.04.03 P1 received 14/06/17
Proposed AS17.03.L.04.06 P1 received 14/06/17
Submitted Plan 08-1171-002 A received 14/06/17
Submitted Plan CT 4335 TREE CONSTRAINTS 1 received 14/06/17
Proposed AS17.03.L.02.01 P1 received 14/06/17
Proposed AS17.03.L.02.00 P3 received 18/10/17
Proposed AS17.03.L.01.01 P2 received 18/10/17
Proposed AS17.03.L.02.03 P1 received 14/06/17
Proposed AS17.03.L.02.02 P1 received 14/06/17
Proposed CT 4661 1 received 08/09/17
Landscaping 487/01 received 08/09/17
Landscaping 487/02 received 08/09/17
Landscaping 487/03 received 08/09/17

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with this proposal. Members of the planning committee are not bound to accept the advice of officers. As officer's advice has not been followed, reasonable planning grounds have been given for taking a contrary decision which is clearly set out in the reasons for refusal. The issues are so fundamental that it is not possible to negotiate a satisfactory way forward due to the harm that has been clearly identified within the reasons for refusal.



DATED: 31 October 2017

**Phil Mason
Service Director Planning and Sustainable Development**

NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/topic/planning-development/planning-permission-appeals/> A copy of the completed appeal form must also be submitted to the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.