

OFFICER REPORT – DELEGATED

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| Application number: PA15/00001/NDP | Earliest determination date: 1 April 2015 |
| Received on: 10 February 2015 | Neighbour expiry date: NONE CONSULTED |
| UPRN: 999999999999 | Consultation expiry date: 1 April 2015 |
| Legal agreement: N | Site notice posted: N/A |
| Departure: N | Site notice expiry: N/A |
| Complies with Development Plan? N/A If not, ensure you cover in the report how material considerations outweigh the plan? | |
| Is this decision contrary to local council recommendation? | |

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| Applicant: | Mrs S Harris Lostwithiel Town Council |
| Site Address: | Lostwithiel Cornwall |
| Proposal: | Designation request for undertaking a Neighbourhood Development Plan for the Parish of Lostwithiel |
| Application Type: | Neighbourhood Development Plan |

Executive Summary:

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

Lostwithiel Town Council are working on the preparation of a Neighbourhood Plan for the entire parish area of Lostwithiel. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the Cornish Guardian between the 18th February and 1st April 2015.

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

Public representations:

No public representations received at the time of writing.

Consultee representations:

Affordable Housing (13 February 2015)

“NOTE: Comments are confined only to the affordable housing implications of this proposal.

SUMMARY

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

RELEVANT POLICY POSITION

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

HOUSING NEED

Affordable housing need evidenced through Homechoice indicates 110 households currently registered; 57 x 1bed, 33 x 2 bed, 17 x 3 bed, 2 x 4 bed, and 1 x 5 bed homes. The Plan may wish to consider whether further survey work or evidence gathering is required.

DELIVERY

There has been delivery at Castle Hill, and Brunel Quays, and there are a number of planning proposals which, if brought forward, could result in a further 52 affordable homes. After taking these into account, there remains an identified need for additional affordable dwellings.

Any proposals for affordable housing to be delivered through existing and traditional developer / Registered Provider partnerships should take account of the eligibility criterion and housing allocations procedures explained in the Councils adopted Homechoice policy. The Plan may wish to consider the opportunities offered under the Governments' Community Right To Build initiative, which complements the Neighbourhood Development Plan process, and which allow communities to directly own, develop, and manage affordable housing for local people.

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

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

English Heritage (4 March 2015)
"Dear Miss Pitt

NEIGHBOURHOOD AREA CONSULTATION - LOSTWITHIEL

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

English Heritage has no objection to this proposal.

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

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

English Heritage is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.

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

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

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

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

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

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

Yours sincerely

David Stuart"

Environment Agency (27 March 2015)

"Dear Miss Pitt

DESIGNATION REQUEST FOR UNDERTAKING A NEIGHBOURHOOD DEVELOPMENT PLAN FOR THE PARISH OF LOSTWITHIEL

Thank you for consulting us on the above designation request.

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

The River Fowey and the Tanhouse Stream flow through the Parish which is also designated as a Critical Drainage Area. The floodplains and surface water flood risk put a large area of the town's centre at risk from flooding. In line with the National Planning Policy Framework we would seek development to be directed to areas outside of Flood Zone 3 (High probability) and Flood Zone 2 (Medium probability). We recommend the NDP supports this sequential approach and that it protects these floodplains which also provide a good network of green infrastructure.

Where it can be demonstrated that there are no other sites at lower risk of flooding for development, and it is consistent with wider sustainability objectives, development within these flood zones will need to be safe for its lifetime, not increase flood risk elsewhere and, where possible, reduce flood risk over all.

Critical Drainage Area - Surface Water Drainage

The Parish is designated as a Critical Drainage Area. Development should manage surface water drainage on site through the use of Sustainable Drainage Systems to ensure that surface water flooding risks are not increased and, where possible, are reduced.

Where appropriate, we would advocate that this is delivered through multifunctional spaces, incorporating drainage features into public access green spaces. The NDP may wish to consider how the community would like to see these public open spaces integrate into the development layouts, and allocations of housing sites.

Main River

The River Fowey and the Tanhouse Stream are designated Main Rivers. The byelaw distance from the top of the bank of these rivers is 7 metres and we would seek new development to be sited outside of this distance or to make specific provision for access and maintenance.

Water Framework Directive

The River Fowey is a principal river for Salmon and Sea Trout in Devon and Cornwall. The Lower Fowey is a priority Drinking Water Protected Area for South West Water which will have an associated Safeguard Zone and action plan. The protection of water quality is therefore very important. With regard to the overall objectives of the Water Framework Directive (WFD) the River Fowey is at moderate to good ecological status. Development should not cause any deterioration in this status and wherever possible should contribute to improving the waterbody status.

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

Yours sincerely

Mrs Emma Whereat
Sustainable Places Planning Advisor"

Constraints and designations:

Not applicable.

Relevant policies, SPGs and Government guidance:

Not applicable for the designation process.

Appraisal/key issues and conclusion:

The main issues in determining this application are:

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

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

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

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

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

Recommendation:

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

Conditions

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Plan 1 – Designation area of Lostwithiel Parish

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

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