

OFFICER REPORT – DELEGATED

Application number: PA16/00007/NDP	Earliest determination date:
Received on: 4 th June 2016	Neighbour expiry date: NONE CONSULTED
UPRN: 999999999999	Consultation expiry date: 3 rd August 2016
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?	

Applicant:	Mrs Christine Wilson – Luxulyan Parish Council
Site Address:	Luxulyan, Cornwall
Proposal:	Designation request for undertaking a Neighbourhood Development Plan for the Parish of Luxulyan
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.

Luxulyan Parish Council is working on the preparation of a Neighbourhood Plan for the entire parish area of Luxulyan. An application for the designation of Neighbourhood Area was made to Cornwall Council and was advertised in the Cornish Guardian on 22nd June 2016. The consultation period ran from 22nd June and 3rd August 2016.

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

Public representations:

No public representations received at the time of writing.

Consultee representations:

Highways Agency – (no comment received)

Historic Environment Planning - (no comment received)

Economic Development – (29th June 2016)

The Economic Development and Culture team supports the Luxulyan parish designation and looks forward to its development.

Stephen Horscroft
shorscroft@cornwall.gov

Principle Public Spaces Officer - (no comment received)

Affordable Housing Team – (23rd June 2016)

Note: Comments are confined only to the affordable housing implications of this proposal, and are made without prejudice to any formal decision of the Planning Authority.

Summary: The affordable housing team SUPPORT the proposal to designate, however recommends that any Neighbourhood Development Plan permitted take into account the significant local need for affordable housing and recent development activity in the area.

Relevant Policy Position:

Neighbourhood Development Plans (NDP) must conform to local, national and strategic planning policy. In relation to affordable housing, the documents listed below are of particular relevance:

- o The National Planning Policy Framework (NPPF);
- o Former Restormel Borough Local Plan (and accompanying SPG / SPD / DPD);
- o The submission draft of the Cornwall Local Plan (2010 - 2030);
- o The Inspector's preliminary finding Local Plan hearing (May 2015);
- o Post-consultation draft Affordable Housing Supplementary Planning Document (2015)

These set out the Local Planning Authority's (LPA's) expectations in relation to residential developments contributing towards the delivery of affordable housing, and define delivery mechanisms for this area. Consequently, the Affordable Housing Team would recommend that the documents above be used to inform the evolution of the NDP; its policies; and any site allocations, in due course.

In particular, Policy 8 of the emerging Cornwall Local Plan (including the preliminary findings of the Inspector from the hearing in May 2015), suggests that sites within built-up area should provide 30% affordable housing, as the parish lies within Value Zone 4. This effectively applies to any site that is not considered to be a rural exception site (as per the definition within the NPPF). In relation to rural exception sites, Policy 9 of the emerging Local Plan outlines that these should only normally be permitted if they are genuinely affordable housing-led, with a presumption that a scheme will provide 100% affordable housing. In circumstances where this would not be viable without recourse to public subsidy, provision of open market housing may be supported, subject to meeting the criteria outlined within Policy 9, and capped at a maximum of 50%.

Following amendments in May 2016 to the Governments National Planning Practice Guidance (NPPG) within the document 'Planning Obligations', the minimum site thresholds where affordable housing delivery is required has changed.

The new minimum site threshold is 10 dwellings. However, Local Planning Authorities (LPAs) can apply a lower site threshold of five in Designated Rural Areas (DRA's) and Areas of Outstanding Natural Beauty (AONBs).

In AONBs and Designated Rural Areas the Council is only permitted to seek off site contributions in lieu of affordable housing on schemes delivering between 6 to 10 dwellings and not seek the provision of on-site affordable housing. The target level of affordable housing as set out in the emerging Cornwall Local Plan shall continue to apply (i.e. 25% to 50%, based upon the updated Zone areas within the emerging Cornwall Local Plan) as a basis for calculation. On schemes of over 10 dwellings the Council can seek on-site provision of affordable housing. Please note the revised threshold does not apply to exception sites which are defined as;

Small sites used for affordable housing under in perpetuity where sites would not normally be used for housing. Rural exception sites Policy 9 (set out above) seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

Housing Need:

The Council's housing register (HomeChoice) identifies a moderate level of housing need in the Parish, with 72 households registered with a local connection and in housing need. Of the total registered need above 11% of households have stated a 1st choice preference for living in the parish.

New developments should always provide a range of property types, sizes and tenures, to reflect the need to develop a mixed, yet balanced community. Typically the Council's target provisions are in the following tenure proportions;

70% affordable rented homes

30% intermediate housing for sale

In addition to the identified registered housing need figures above the Affordable Housing Team is able to offer the NDP Group support to undertake a local housing needs survey to further assess and enhance the understanding of housing need locally. Please advise the NDP Group to contact me if they wish to discuss this option further.

Affordable Housing Details:

On the assumption that the proposed NDP will seek to address the issue of future affordable housing delivery, the Affordable Housing Team recommends that the following issues be considered:

- o Tenure
- o Unit mix and size
- o Affordability
- o Delivery mechanisms and partners
- o Availability of funding
- o Phasing (should large sites be promoted)
- o Clustering arrangements (for mixed-tenure schemes)
- o The provision of flatted accommodation
- o Adapted/wheelchair accessible accommodation
- o Self-build (if identified as a local need)

All development proposals that deliver affordable housing should take account of: eligibility criterion, nominations procedures and housing allocation policies (i.e. HomeChoice) already in place by the Council in its role as Local Housing Authority.

If the NDP seeks to deliver affordable housing through site allocations or other mechanisms the following should be considered:

- o Neighbourhood Development Orders;
- o Land ownership, availability, and cost;
- o The deliverability of a site, having due regard to all material planning considerations;
- o Economic Viability

More Information

Applicants should be referred to the Affordable Housing NDP Briefing note and Supplementary Planning Document for detailed guidance.

Nick Marsden

Principal Development Officer - Affordable Housing
Cornwall Council

Electoral Services – (no comment received)

Environment Agency – (no comment received)

Cornwall Area of Outstanding Natural Beauty Unit – (no comment received)

Natural England – (18th June 2016)

Designation request for undertaking a Neighbourhood Development Plan for the Parish of Luxulyan

Thank you for notifying Natural England of your Neighbourhood Planning Area in your letter dated 21/06/2016.

We would like to take this opportunity to provide you with information sources you may wish to use in developing your plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.

Natural England's role

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Your local planning authority should be able to advise you when we should be consulted further on your neighbourhood plan.

Planning policy for the natural environment

Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Your proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraph 109:

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

You should also consider the natural environment policies in your area's Local Plan. Your neighbourhood plan or order should be consistent with these, and you may decide that your plan should provide more detail as to how some of these policies apply or are interpreted locally.

The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as you develop your neighbourhood plan or order.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,
Victoria Kirkham
Consultations Team

Historic England - (2nd August 2016)

NEIGHBOURHOOD AREA CONSULTATION - LUXULYAN

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

Historic England has no objection to this proposal.

We would like to take the opportunity of the consultation to outline the range of support Historic England 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.

Historic England 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. For example, our records show that the area contains 1 Grade I, 2 Grade II* and 53 Grade II Listed Buildings, and 7 Scheduled Ancient Monuments - 2 of which are on the national Heritage At Risk Register. Historic England also publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Historic England 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 Historic England 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. We have a long history of interest and involvement in Redruth and have been pleased that investment activity over the years has been successful in its efforts to regenerate the town centre. At the same time we appreciate that there may be parts of the town and wider area still in need of attention and improvement, involving sites where we could have a statutory interest in any proposals for change.

Historic England 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.

Historic England 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.historicengland.org.uk/advice/planning/plan-making/improve-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. We would be happy to have early discussions with the community about the scope of its Plan agenda and the role that heritage might play in its realisation.

Yours sincerely

David Stuart
Historic Places Adviser

Appendix

The National Heritage List for England: a full list with descriptions of England's listed buildings: <http://www.historicengland.org.uk/advice/hpg/heritage-assets/nhle>

Heritage Gateway: includes local records of historic buildings and features
www.heritagegateway.org.uk

Historic England's Advice by topic: you can search for advice on a range of issues relating to the historic environment in the Advice section of our website

Heritage Counts: facts and figures on the historic environment
<http://hc.historicengland.org.uk>

HELM (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment. www.helm.org.uk or www.helm.org.uk/communityplanning

Heritage at Risk programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever. <http://www.historicengland.org.uk/caring/heritage-at-risk>

Placecheck provides a method of taking the first steps in deciding how to improve an area. <http://www.placecheck.info/>

The Building in Context Toolkit grew out of the publication 'Building in Context' published by English Heritage and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions

depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

Knowing Your Place deals with the incorporation of local heritage within plans that rural communities are producing,
<https://www.historicengland.org.uk/images-books/publications/knowning-your-place/>

Planning for the Environment at the Neighbourhood Level produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information.
<http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Good Practice Guide for Local Heritage Listing produced by English Heritage uses good practice to support the creation and management of local heritage lists.
<https://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/>

Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies
[http://www.helm.org.uk/server/show/nav.19604:](http://www.helm.org.uk/server/show/nav.19604)

South West Water – (22nd June 2016)

Emma thank you for notifying South West Water of the above upon which we have no comment at present but are happy to provide further comment as and when development proposals are formalised.

Martyn Dunn
Development Coordinator
01392 443702
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

Network Rail – (26th July 2016)

Network Rail has been consulted by Cornwall Council on the Designation of a Neighbourhood Area by Luxulyan Parish Council. Thank you for providing us with this opportunity to comment on this Planning Policy document.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

Luxulyan Parish Council area plan includes a section of railway / Network Rail land within the proposal map.

Level Crossings

Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of development added over time
- By the type of crossing involved

- By the construction of large developments (commercial and residential) where
- road access to and from site includes a level crossing
- By developments that might impede pedestrians ability to hear approaching
 - trains
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using a level crossing.

Cornwall Council have a statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway. Therefore, as the Luxulyan Parish Council Neighbourhood Plan Area will be the authority in this case they will still need to consult with Network Rail under schedule 5 on their proposals to determine if they impact upon the above mentioned level crossings.

Whilst Network Rail has no objection in principle to the Designation of a Neighbourhood Area by Luxulyan Parish Council, we would request the opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

We trust these comments will be considered in your preparation of the forthcoming Neighbourhood Development Plan document.

Regards,

Barbara Morgan
 Town Planning Technician (Western and Wales)
 1st Floor, Temple Point
 Redcliffe Way, Bristol BS1 6NL

Tel: 0117 372 1125 - Int: 085 80125

Email: townplanningwestern@networkrail.co.uk

www.networkrail.co.uk/property

National Farmers Union – (no comment received)

Marine Management Organisation – (no comment received)

Home and Communities Agency – (no comment received)

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 Luxulyan Parish.

Luxulyan Parish 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 Luxulyan Parish 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 Luxulyan 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/>