

Mr I Luke
Edgeways
Herland Road
Godolphin Cross
Helston
Cornwall
TR13 9RD

Your ref:
My ref: PA13/00889/PREAPP
Date: 2 May 2013

Dear Mr Luke

Pre-application enquiry reference Proposal	PA13/00889/PREAPP Proposed residential housing and erection of a pre-school building
Location	Land Off Treeve Lane Connor Downs Cornwall
Applicant	Mr I Luke

I refer to your enquiry received on 28 March 2013 concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry and the submitted drawings.

SITE

The PREAPP covers two sites. The larger site is on the north edge of Connor Downs and occupies a strip land between the village and A30. The site is undeveloped and has a road frontage to Treeve Lane.

The second smaller site is north of the A30 next to a small group of houses and industrial and commercial uses. It is a single field with a road frontage and access to Treeve Lane.

RELEVANT PLANNING HISTORY

There is no relevant history for either site.

CONSTRAINTS

Grade 3a Agricultural Land

POLICY

The key policy documents are the:

National Planning Policy Framework (NPPF) and in particular:

Planning and Regeneration Service
Cornwall Council
Dolcoath Avenue Camborne Cornwall TR14 8SX
planning@cornwall.gov.uk

2 May 2013

- Presumption in favour of sustainable development; para 14
- Core planning principles; para 17
- Section 4 Promoting sustainable transport; paras 32, 34, 35, 36 and 37
- Section 6 Delivering a wide choice of high quality homes; paras 49, 50 and 55.
- Section 7 Requiring good design; paras 56, 57, 58, 60, 61, 64 and 66.
- Section 8 Promoting healthy communities: para 69, 70 and 73.
- Section 10 Meeting the challenge of climate change, flooding and coastal change, paras 94, 96, 99, 100 and 103
- Section 11 Conserving and enhancing the natural environment, paras 109, 112, 118, 120 121 and 123
- Planning conditions and obligations 128, 131 - 138
- Technical Guidance to the National Planning Policy Framework, paras 2, 3, 5, 6, 9 and 11 to 19

Regional Planning Guidance Note 10 policies:

- VIS1 - Promote sustainable development.
- VIS2 - Principles for Future Development
- SS18 - Regeneration of main towns, conservation of environment in Cornwall
- SS19 - Rural Areas
- EN1 - Landscape and Biodiversity
- EN4 - Quality in the Built Environment.
- EN5 - Health, Education, Safety and other Social Infrastructure
- HO3 - Affordable Housing.
- HO4 - Housing in Rural Areas
- HO6 - Mix of housing Types and Densities.
- TRAN1 - Reducing the Need to Travel.
- TRAN10 - Walking, Cycling and Public Transport

Cornwall Structure Plan (2004) and in particular:

- 1 - Principles of Sustainable Development.
- 2 - Character areas, Design and Environmental Protection.
- 3 - Use of Resources.
- 9 - Mix and Affordability of Housing.
- 10 - Location of Housing Development.
- 15 - Implementation, Monitoring and Review
- 16 - Overall Distribution of Development.
- 26 - Rural Areas.
- 28 - Accessibility.

Penwith Local Plan (2004) and in particular:

- GD-1 Scale Siting and Design
- GD-2 Design and Layout of Development
- GD-4 Prevention of Pollution
- GD-5 Highway Issues
- CC-1 Protection the Countryside
- CC-9 Protected Species
- TV-1 Use of Previously Developed Land
- H-5 Development in Villages
- H-8 Housing Outside Towns and Villages
- H-14 Affordable Housing

2 May 2013

- H-15 Exception Sites
- H-18 Design, Layout and Densities
- TP-12 Parking
- CS-1 Provision of Community Services and Facilities

Draft Cornwall Local Plan and in particular:

- Policy 1 Presumption in favour of sustainable development
- Policy 2 Key targets and spatial strategy
- Policy 3 Role and function of places
- Policy 4 Shopping, services and community facilities
- Policy 6 Housing mix
- Policy 7 Housing in the countryside
- Policy 8 Affordable housing
- Policy 9 Affordable housing led schemes
- Policy 11 Managing viability
- Policy 13 Design
- Policy 14 Development standards
- Policy 17 Health and wellbeing
- Policy 22 Best use of land and existing buildings
- Policy 23 Natural environment
- Policy 25 Green infrastructure
- Policy 26 Flood risk management and coastal change
- Policy 27 Transport and accessibility
- Policy 28 Infrastructure
- Policy PP2 Hayle and St Ives CNA

ASSESSMENT

Principle: Both sites are Greenfield sites. The smaller site, north of the A30, due to its size and distance from Connor Downs and Hayle is considered to be an unsustainable location for housing and to have an adverse impact on the character and appearance of the countryside. It is therefore considered that the principle of residential development is not acceptable on this site. However should you wish to pursue this proposal the advice set out below will be of some relevance.

The larger site does relate much better to Connor Downs and is therefore a more sustainable location. However the site does lie beyond the established edge of the village in open countryside. New housing is restricted in such areas. However where there is a need policy does allow for affordable housing led schemes as an exception to policy. The pre school is a community building and policy is more supportive of such uses on the edge of villages. Therefore it is considered that in principle the proposed development could be acceptable.

Affordable housing: The Affordable Housing Section has confirmed that there is a significant need for affordable housing in Gwinear-Gwithian parish. This takes into account recent proposals which have not yet been granted permission. Given the location and nature of the site it is considered that it would be reasonable to treat the scheme as an affordable housing led scheme. They would support the current proposed split of 15 affordable and 3 open market houses. A S106 Obligation would

2 May 2013

be needed to ensure that these units remained affordable for local people. A copy of their full response is attached below as an Appendix.

Highways: The comments of the Highway Officer are:
Regarding the site south of the A30, the site benefits from a continuous footway into the village centre. There would appear to be adequate frontage to provide an acceptable junction in terms of visibility splays. In the interests of ease of access the proximity of the pre-school access to the main access road junction onto Mutton Hill should be extended to allow for vehicles negotiating both junctions and prevent any queuing blocking the pre-school junction. The site to the north of the A30 also has frontage to provide adequate emerging visibility splays, whilst noting that the access would be on the inside of a bend. The site is also connected by a footway that continues into the village centre.

Design and Visual Impact: This section only deals with the site to the south of the A30. Based on the details submitted the main issues are considered to be:

- Achieving a good design will be essential and it needs to be clear how this will be achieved.
- The layout suggests that the pre school would be closest to the road which is considered appropriate. The proposed housing layout is very regimented and it's not clear how this would reflect the character or appearance of the area or village. How the proposal relates and connects to existing development will be a critical factor in achieving an inclusive development.
- Potential conflict points would be if private rear gardens back onto the landscaped/community areas or roads/paths.
- The access will need to be amended as advised by the Highway Officer.
- It's not clear how much if any of the existing trees and hedges is to be retained or what the ecological value of the site may be.
- Consideration should be given to use of above ground surface water attenuation as part of a Sustainable Urban Drainage scheme (SUDs).

Impact on Local Residents: The proposal has the potential to have a direct adverse impact on adjacent houses/residents. However with appropriate design there is no reason to conclude that this would be a fundamental issue.

S106/Legal Agreement: In addition to securing the affordable housing it is likely that a S106 would be required to cover the following:

- An education contribution of £2736 per open market dwelling would be sought as the Hayle Community School is over capacity.
- Provision and maintenance of any community, open space/landscaped areas and SUDs scheme.

Environmental Impact Assessment: This PREAPP is not a formal request for a screening under the EIA regs. However in my view given the scale and location of the development and as it is not within a Sensitive Area then I believe it is unlikely that the development would require an EIA.

Other Issues: Other reports that are likely to be required are:

2 May 2013

- A contaminated land report.
- Ecological report. If the phase 1 report recommends that further surveys are required then these should be completed and submitted with the application.
- Hedgerow and Tree Survey.
- Affordable Housing Statement.
- Foul Sewage and Utilities Assessment.
- Flood Risk Assessment.
- Geological Survey/Land Stability Report.
- Planning Statement.
- Design and Access Statement.
- A Transport Statement and Travel Plan.
- The site is showing as being Grade 3a agricultural land. A site specific assessment should be undertaken to assess the agricultural value of the land.
- Draft Heads of Terms and Proof of Title.

Further advice and guidance about what is required for a valid application can be found on the Council's website. You may wish to consider using the Council's validation service details of which are also on the website.

You should also consider engaging with the local community prior to making an application and producing a Statement of Local Community Involvement.

CONCLUSION: The site is considered to be acceptable in principle for a pre school and affordable housing led scheme. However significant work would be required in order to make an application.

It is likely that any permission would be subject to a S106 Obligation which would control the affordable housing and any other contributions required such as education.

If you feel that further advice would be helpful then you could make another pre application submission. However given the nature of the proposal a Planning Performance Agreement could be more beneficial as this could be tailored to our needs and allows the fee to be agreed. Again details are available on the website. As to whether a PPA should be entered into would depend on a number of factors but I would be happy to discuss this at a later meeting.

You should note that this letter does not constitute a formal decision by the Council (as local planning authority). It is only an officer's opinion given in good faith, and without prejudice to the formal consideration of any planning application. However, the advice note issues will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours sincerely

Peter Bainbridge

Page 6

2 May 2013

**Principal Development Officer
Planning and Regeneration Service
Tel: 01209 614070
Email: planning@cornwall.gov.uk**

2 May 2013

**Development proposal at Land off Treeve Lane Connor Downs
(PA13/00889/PREAPP)
- Affordable Housing pre-application advice 10.04.13**

What is Affordable Housing?

Affordable housing includes affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. This can include rented homes where the rent is subsidised to below market levels and is primarily aimed at households who cannot afford to buy. It also includes housing for sale products aimed at first time buyers and those looking to own their own home.

Affordable rented housing is rented housing let by Registered Providers of social housing to households who are eligible. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (inclusive of any service charges).

Intermediate affordable housing is housing at prices and rents below market price or rents, and which meet the criteria set out above. These can include shared equity products, other low cost homes for sale and intermediate rent but does not include affordable rented housing.

Affordable housing to buy covers a range of different products. The full list is defined in national planning policy but can include:

- Low cost housing for sale built and sold for a specified discount percentage of open market value. This can be provided by Registered Providers or the private sector.
- Homebuy (or shared ownership). This is owned and managed by Registered Providers (housing associations). An initial percentage of the open market value is sold to the purchaser (between 25% and 75%). The remainder is retained by the housing association who charge a rent until and unless the purchaser buys the home outright.
- Other forms of purchase include self build, homes built by a Community Land Trust or private equity loan.

Housing Need Justification

There is a well documented significant need for affordable housing throughout Cornwall and the Council has in place policies to require on-site provision of a proportion of affordable housing on almost all residential developments.

In the Parish of Gwinear-Gwithian there is a significant identified local housing need. The Cornwall housing register, known as Cornwall Homechoice, currently has 123 applicants in housing need, demonstrating a local connection to the Parish. Whilst there has been some recent affordable housing activity in the Parish, with 30 homes completed (Horsepool Road and Turnpike Meadow), there still remains a significant extant need. It is noted that Pre-application enquires have been made on 3 further sites in the Parish which could deliver a maximum of a further 26 affordable dwellings. However, even if all the units subject to pre-application enquiries were to come forward, a large need would remain. Proposals for residential development in the Parish would therefore be expected to contribute to this need.

The site falls outside of the village boundary and would therefore not normally be considered for development due to the overarching need to protect the open countryside. Exceptions can be made for proposals which would deliver affordable homes which meet identified local needs. The applicant's supporting material suggests a proposal with 15 affordable homes and 3 open market homes. This is a split which the Affordable Housing team would support.

The National Planning Policy Framework makes provision for proposals with a mix of affordable and market housing where the market housing is necessary to facilitate, or cross-subsidise, the provision of significant additional affordable housing (paragraph 54). Policy 9 of the draft Cornwall Local Plan (Pre-submission document March 2013) states such cross-subsidy schemes can be supported where there is

2 May 2013

community support; where local needs for tenure are met by the proposal; and where the open market element is essential to subsidise the delivery of the affordable housing.

Policy H-15 of the Penwith Local Plan (2004) makes provision for exception sites on small sites where: located in or on the edge of a village which has a general shop, a public transport service and a primary school within safe and convenient walking distance; where the dwellings proposed are related to an identified need in the locality; and where the occupancy of the dwellings will be secured through the use of a planning obligation to meet local needs in perpetuity. It is considered that the criteria of this policy can be met in this instance.

Tenure and Unit Size Mix

In terms of tenure mix; 70% rented homes and 30% intermediate housing would be sought in line with the Council's Investment Plan for Affordable Housing and Policy 8 of the draft Local Plan. Homes should be provided in partnership with a Registered Provider. In addition the Council requires a proportion of affordable homes to meet the needs of older and disabled people. Therefore 10% of all affordable dwellings should meet Lifetimes Homes Standards and/or be provided as single storey accommodation.

In terms of unit mix; presently in The Parish of Gwinear-Gwithian the greatest need is for 1 and 2 bedroom homes, followed by 3 bedroom dwellings, as detailed below:

Bedrooms required						
Band	1	2	3	4	5	Total
Band A	1	1	0	0	0	2
Band B	3	2	3	3	1	12
Band C	6	9	5	4	1	25
Band D	9	5	1	0	0	15
Band E	31	27	11	0	0	69
Total of Band	50	44	20	7	2	123

A mix of dwellings which meet the above need requirements would therefore be encouraged. It is noted that the indicative layout provided shows large footprint units in large plots. It may be advisable for the applicant to consider provision of some smaller units, at least on part of the site, in order to meet the high demand for 1 and 2 bed dwellings. This could slightly increase the number of dwellings provided on the site, subject to further planning considerations such as density, amenity and design. Notwithstanding the above need for smaller units, there does exist an, albeit smaller, need for 3 and 4 bedroom homes. The following indicative mix would be suggested as appropriate:

	Suggested no. affordable dwellings
1 bed	5
2 bed	5
3 bed	3
4 bed	2
Total	15

The supporting information mentions the possibility of bungalows. This is something the Affordable Housing team would not object to, and the provision of single storey accommodation would enable the development to meet the requirement for dwellings which meet Lifetimes Homes Standards; i.e. accessible, adaptable homes.

2 May 2013

The supporting information also mentions the possibility of larger than average garden sizes which would be welcomed. With family sized housing it is important to ensure that the needs of children are taken into account and properties are provided with good sized, useable private gardens.

It is essential to ensure that affordable homes are provided at a price an average household can afford. Affordable homes for rent must be provided at a level at which a qualifying household can access financial assistance. Rents (inclusive of any service charges) must not exceed the level at which the Local Housing Allowance (or any other benefit or welfare payment which replaces it) shall be paid.

Affordable housing to buy will be sold at prices which will be based upon a discount from market values. In The Parish of Gwinear-Gwithian a discount of 30% from open market values will be expected. Cornwall's Strategic Viability Appraisal identifies different zones for house prices across Cornwall, reflecting the variance in values across the county. The Parish of Gwinear-Gwithian falls into zone 4, where house prices are less expensive than in other areas of the county but are still challenging to meet given average local wages. The 30% discount which will be expected to be applied is based on the purchasing power of a typical household based on local incomes against local market values.

Self Build

The supporting information mentions the possibility of self build plots. This is something the Affordable Housing team would not object to in principle, although it would be useful if some information was available as to the local appetite for such development (see Community Support, below).

The Council recognise that Self build housing can make an important contribution to meeting local housing need and there are a number of schemes which have been built in Cornwall. In general terms, they aim to meet the needs of those requiring some form of intermediate housing and as such, affordability and eligibility criteria would apply in the same way. The scheme (and each plot within it) would need to meet the following criteria:

- Any owner within a self build scheme must be willing to enter into a section 106 obligation which shall include provisions controlling the future occupancy and affordability of the dwellings.
- Evidence must be provided to the Council's satisfaction on the form of legal relationship or governance arrangements between individual owners or of the involvement of a bone fide organisation such as a community land trust.
- A limit on the size of the dwelling will assist in retaining its affordability for future occupiers. This will vary between property types but is not expected to exceed 100m².
- The future occupation of the dwelling will be controlled through a legal obligation so that it remains affordable to local people in perpetuity.
- On subsequent re-sales or re-lets, such properties may only be sold at an equivalent discounted rate of open market value.
- To further ensure that the properties meet local housing need and remain affordable for future occupiers, the Council would reserve the right to make nominations for the occupation of the homes.
- Conditions would be imposed to remove permitted development rights.

Community Support

Early engagement with the local Parish Council and local elected member is required to establish whether there is an in principle support for a cross-subsidy scheme.

We would expect applicants for cross-subsidy proposals to undertake some pre-application consultation with the local community and submit with their planning application a Statement of Conformity that clearly shows how they have involved the local community in the preparation of their plans. The preparation and submission of a Statement of Conformity will help the Council to determine whether or not the application has the support of the community. Consultation should include gauging local interest and demand for a self build element to the development, if this is to be proposed.

2 May 2013

Economic Viability

An economic viability assessment should be included with a planning application to provide the rationale for the amount of market and affordable housing proposed. The inclusion of an element of market housing is primarily to assist in creating additional scheme revenue and value which can fund – either wholly or in part – affordable housing on site, without requiring additional subsidy from either the Council or the Homes and Communities Agency.

This is a key objective and if the market housing cannot or does not generate any value to “cross subsidise” then there is little rationale for its inclusion. This includes maintaining land values at exceptions values equivalent to the return a landowner could expect for a 100% affordable scheme.

Viability appraisals should work backwards from 100% affordable housing on exceptions sites and understand the quantum of market housing required to deliver a balanced scheme which meets need, secures community support and releases the site.

The dwelling and tenure mix must be aligned with local need and not simply driven by viability and maximising value. If carefully considered, the layout, dwelling mix and scheme design can create additional value.

It is important that a bespoke development appraisal is submitted. Further information on economic viability including a toolkit can be found on our website:

<http://www.cornwall.gov.uk/default.aspx?page=12134>

The information submitted should cover the following information:

Revenues

- Open market selling prices for all the units in the development including those earmarked as affordable housing. These should be evidenced by an independent chartered surveyor or other suitably qualified professional.
- Estimates of affordable housing value (what RSLs would be likely to pay for each of the affordable tenures);

Costs

- Estimate of build costs provided by a Quantity Surveyor or other suitably qualified professional. This will normally cover sub and super structure and any external works. This should ideally be based on a square metre Gross Internal Area basis. Please provide the gross internal floor area of the development broken down by each unit OR the net internal area of the units and the gross internal area of the building.
- Other development cost data. This should be set out under the headings below so that this can be cross referenced back to the toolkit data:
 - Professional fees;
 - Expectation of return (and basis – on market value or on build cost);
 - Internal overheads;
 - Financing costs (including how these have been calculated);
 - Fees relating to the marketing and sale of the units;
 - Abnormal/exceptional development costs. These should always be substantiated by specialist reports/plans/surveys;
 - Other planning obligations where these are known;
 - Any other costs the applicant believes are relevant.

Site value

- An estimate of site value should be provided.

Design and Quality

2 May 2013

Affordable Housing should be indistinguishable from the general market housing in its design, materials used and form.

The Council accepts that clusters of affordable dwellings may be the most effective design and management solution, but such clusters of affordable dwellings should not usually be in groups larger than 10 units.

The Council requires homes to be built and sold and it will not be acceptable simply to offer affordable housing plots or land.

Typically affordable homes should be delivered in advance of open market houses, although a phasing plan can be considered in certain circumstances.

Working with Registered Providers

There are a number of Registered Providers working in Cornwall to develop and manage affordable housing. The Affordable Housing Team can provide details of these providers and facilitate discussions with local providers.

The Council's planning policy is that homes are built and sold to Registered Providers for a price which they can afford to pay without grant or subsidy. As outlined above, this means that market homes will need to cross subsidise the affordable homes.

Planning obligations (s106)

A section 106 agreement (planning obligation) will be required to secure the affordable homes for qualifying persons in perpetuity. The s106 agreement will contain provisions to control initial and future rent levels and sales values. Occupancy of the affordable dwellings will be restricted, in the first instance, to qualifying persons in housing need with local connections to the Parish of Gwinear-Gwithian.

Heads of terms for a s106 agreement should be agreed with the Affordable Housing Team prior to submission and included with your application. The Council's current s106 templates are available at the following web page <http://www.cornwall.gov.uk/default.aspx?page=17557>

What next?

The Affordable Housing team would support a proposal that includes an element of market housing subject to...

- The market housing being necessary to deliver a significant number of affordable dwellings; the mix of 15 affordable supported by 3 market homes would be supported.
- The affordable homes providing a tenure and size mix reflective of identified local needs;
- You engaging with the local Parish Council, local member and community to provide an opportunity for the scheme to evolve in response to comments and representations before an application is formally submitted for determination. Details of the consultation undertaken should be provided in a Statement of Conformity;
- You submitting a comprehensive economic viability appraisal; and
- You submitting a draft Heads of Terms for a Section 106 agreement to secure the provision of the affordable housing.

To agree Heads of Terms for a s106 agreement we require you to provide...

- Details of all parties with an interest in the land to which the application relates.
- An accommodation schedule setting out the number, type and tenure of affordable dwellings.
- A layout plan showing the location of the affordable dwellings edged blue.
- Details of sales values for any intermediate affordable dwellings.
- Proposals for timing of delivery of the affordable dwellings.

Page 12

2 May 2013

You may wish to contact us regarding the following...

- Working with Registered Providers.
- Drafting a Section 106 Heads of Terms

Your Affordable Housing contact is Chris Rose who can be contacted on 01726 226939 or via email at crose@cornwall.gov.uk

CSA Architects
St Piran House
Truro Technology Park
Heron Way
Newham
Truro
Cornwall
TR1 2XN

Your ref:

My ref:

Date:

PA15/02711/PREAPP

15 October 2015

Dear Sir/Madam

**Pre-application
enquiry reference
Proposal**

PA15/02711/PREAPP

Pre application advice for residential development (30 open market and 30 affordable dwellings) with public open space and area for pre-school

**Location
Applicant**

Land Off Mutton Hill Connor Downs Cornwall
Mr I Luke

I refer to your enquiry received on 1 September 2015 concerning the above and would inform you that this letter is written on the basis of the information supplied with your enquiry and the submitted drawings.

Site and context

The site lies on the north western edge of Connor Downs and consists of a parcel of Grade 3 agricultural land measuring approximately 2.2 hectares. The site abuts the A30 to the north which is at a much lower ground level. Residential development lies to the south consisting of a mix of bungalows and two storey development of various designs. Mutton Hill/Treeve Lane lies to the west and further agricultural land lies to the east.

The proposal is for a cross subsidy scheme consisting of 30 open market and 30 affordable dwellings together with the provision of on-site public open space and an area for a new pre-school. The supporting documentation submitted with the pre-application enquiry states; "it is the client's intention to remain the owner of this part of the site, and to lease it to the Pre-school for a 'peppercorn' rent. Therefore should the land cease to be used as a Pre-School it will revert back to belonging solely to our client. It is hoped that the land offered for the Pre-School is used promptly as research shows there is demand for improved early years education provision in the village. However, if it is not used within a prescribed timescale (say 3 years) our client may seek a residential use on this portion of the site. It would be our intention that this could be negotiated as part of the planning process to be agreed as a planning condition".

15 October 2015

A block plan has been submitted which proposes a new vehicular access directly off Treeve Lane with an estate road running through the centre of the site. At the entrance to the site, two areas of open space are proposed on either side of the access road. A further area of open space is proposed at the eastern end of the site. Adjacent to the open space at the entrance to the site, to the north of the estate road, an area of land is proposed for a future Preschool with associated parking and an outdoor play area. Residential units are proposed on either side of the estate road consisting of a mix of apartments and two storey detached, semi-detached and small terraces. No detailed elevational plans have been submitted.

Constraints

Area of Outstanding Natural Beauty 5km - Godrevy to Portreath

Neighbourhood Development Plan - Gwinear Gwithian

Relevant Planning History

PA13/00889/PREAPP - Pre-application advice given in respect of residential housing and erection of a pre-school building. The proposal was for open market dwellings and it was advised that the proposed development would represent a sporadic intrusion of residential development into the countryside outside of the defined limits of any town or village.

Relevant Planning Policies

Your pre-application submission has been considered against local and national policies, which in this instance includes the following relevant documents. This list is not exhaustive but provides a focus for the key issues against which the scheme should be considered.

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.

The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework. Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

In Cornwall the development plan comprises the 'saved' policies from the adopted Local Plans which include minerals and waste Local Plans, and the Balancing Housing Markets Development Plan Document in the former Carrick area.

The policies in the emerging Cornwall Local Plan are not yet part of the development plan and have limited weight because of the stage that the Local Plan has reached in the adoption process but the policy and explanatory text does give a clear indication of the Council's direction of travel. This Local Plan has been developed from an up to date evidence base. The decision was taken to submit the Cornwall Local Plan to the

15 October 2015

Secretary of State for examination by the Council on 16 December 2014. The Cornwall Local Plan was submitted in February 2015 and the first stage of the Examination has taken place in May 2015. The first stage of the Examination addressed legal compliance and key strategic issues, including the level of housing growth and affordable housing targets.

The weight that can be attributed to the Plan and its policies will develop as the Inspector's assessment of the document progresses. The Inspector has now released his preliminary findings on the first stage of the Examination. The Inspector has set out his initial assessment, recommendations for changes and request for further work to be undertaken to make the Plan sound. This additional work will involve a suspension of the examination for a period of months before it reopens (early 2016). However in the meantime the Inspector's findings are material to future decisions. The Inspector in his preliminary findings does provide clear recommendations in a limited number of areas. The Inspector's recommendations on these issues differ from the Local Plan policies as they stand. These recommendations along with the further work suggested will be considered by the Council for further consultation before being considered by the Inspector in the re-opened Examination. If the Council's proposed changes are consistent with the Inspector's recommendations they would attract significant weight. In the interim period the Inspector's comments and recommendations are a material consideration to be addressed when considering the emerging policy framework in decision making.

In terms of the weight that can be given to the original Submission Document of the Cornwall Local Plan (and including the Schedule of Focused Changes consulted upon in September 2014) this remains limited until assessed at the Examination. The policies that have been assessed to date include:

Policy 9

The Inspector has provided a range of recommendations to this policy. These relate primarily to ensuring these are seen as exception sites under the NPPF and therefore would normally be small in scale. "Small" is relative to the scale and character of the existing settlement. In addition the Inspector has made a number of other wording changes suggesting the removal of Policy 9 i) and iii).

-National Planning Policy Framework: Section 1. Building a strong, competitive economy

-National Planning Policy Framework: Section 4. Promoting sustainable transport

-National Planning Policy Framework: Section 6. Delivering a wide choice of high quality homes

-National Planning Policy Framework: Section 7. Requiring good design

-National Planning Policy Framework: Section 8. Promoting healthy communities

-National Planning Policy Framework: Section 10. Meeting the challenge of climate change, flooding and coastal change

-National Planning Policy Framework: Section 11. Conserving and enhancing the natural environment

-National Planning Policy Framework: Section 12. Conserving and enhancing the historic environment

15 October 2015

- Cornwall Local Plan Strategic Policies 2010-2030 Proposed submission document
March 2014

Policy 1 Presumption in favour of sustainable development

Policy 2 Key targets and spatial strategy

Policy 3 Role and function of places

Policy 4 Shopping, services and community facilities

Policy 5 Jobs and skills

Policy 6 Housing mix

Policy 9 Affordable housing led schemes

Policy 13 Design

Policy 14 Development standards

Policy 17 Health and wellbeing

Policy 22 Best use of land and existing buildings

Policy 23 Natural environment

Policy 24 Historic environment

Policy 26 Flood risk management and coastal change

Policy 27 Transport and accessibility

Policy PP1 West Penwith CNA

- Penwith Local Plan 2004:GD-1, GD-2, GD-4, CC-1, CC-9, CC-12, H-5, H-8, H-14, H-15, H-18

- Cornwall Affordable Housing Supplementary Planning Document January - March
2014

- Cornwall Design Guide 2013

- Gwinear Gwithian Neighbourhood Development Plan

Principle of development/Affordable Housing

Connor Downs is defined as a village in the Penwith Local Plan 2004. Policy H-5 of the plan states proposals for housing development will be permitted within Goldsithney provided that the proposal is for a small site, up to 0.15 hectare in size, which does not form part of a larger undeveloped area.

For planning purposes, however the site is considered to be on the edge of the village of Connor Downs and will therefore be assessed as a rural exception site.

The Affordable Housing comments have previously been provided however for ease of reference they are set out below

We have considered these proposals in relation to policy 9 of the emerging local plan 2010-2030.

This proposal is for a site which lies outside of a settlement. Under the NPPF and the Council's emerging policy, the principle of development in such a location is subject to the applicant demonstrating that market housing is an essential element to; increase the viability of affordable housing provision and incentivise landowners to bring forward sites. These sites should also be considered as exception sites under

15 October 2015

the NPPF and therefore would normally be small in scale. "Small" is relative to the scale and character of the existing settlement.

In addition to an assessment of the acceptability of the site in planning terms, the proposal must:

- o Be affordable-led, i.e. a key objective must be to provide affordable homes to meet need rather than to maximise the amount of market housing. This will significantly impact on land value;
- o Work backwards from a 100% affordable scheme with the proportion of market housing only comprising that which is necessary to cross-subsidise the affordable homes;
- o Propose only the quantum of market housing which is essential to facilitate the delivery of the quantum of affordable homes proposed;
- o Market housing does not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services. However it should be noted that due to the benefit of lower land values secured with greenfield sites the Council's ambition is to achieve over 60% affordable housing.
- o Unless a proposal is self evidently affordable housing led (100% affordable housing), an Economic Viability Assessment (EVA) should be included with a planning application to provide the rationale for the amount of market and affordable housing proposed;
- o The affordable dwelling and tenure mix must be aligned with local need and not simply driven by viability and maximising value. If carefully considered, the layout, dwelling mix and scheme design can create additional value.

Full guidance on Policy 9 sites and how economic viability is assessed is included within the Council's affordable housing Supplementary Planning Document. Applicants are encouraged to give careful consideration.

The Housing needs evidence indicates;

MODERATE HOUSING NEED which does not by itself substantiate the affordable housing proposed. If the proposal is to be supported, we would recommend that further survey work or evidence gathering is completed to support the proposal. The Affordable Housing Team have a standard online affordable housing survey template and can provide further information on this process and associated costs.

Of the 131 households with a local connection to the parish on the HomeChoice register seeking affordable rented accommodation, only 24 households have stated a first choice preference for living in the Connor Downs. In addition there are 10 applicants registered with Help to Buy South West seeking an affordable home to purchase, although none have expressed a preference for living in Connor Downs.

It should be noted that householder area preferences on HomeChoice and Help to Buy can change depending on circumstances, including availability of affordable

15 October 2015

housing. However this does provide a strong indicator that current local need is far lower than the total registered need of 131 households.

Existing planning commitments also need to be set against the current evidence of housing need in the parish; there are a number of recent permissions for housing development within the Parish of Gwinear Gwithian. In terms of affordable housing these include 12 affordable rent dwellings at Reawla, 21 affordable dwellings (mix of affordable rent and shared ownership currently under construction) at Horsepool Road, Connor Downs and 15 affordable dwellings at Arundel Court, Connor Downs. There have also been a number of other pre-application enquiries within the Parish. It is therefore recommended that early consultation with the Parish Council and Local Ward Member is carried out to understand if there is in-principle support for additional housing in this location.

The Affordable Housing Team is therefore of the view on the basis of the current local need and known commitments that there is insufficient outstanding housing need to justify the level of affordable development proposed by this proposal at this time. If the applicant can provide robust evidence of housing need for the proposed dwellings the Affordable Housing Team would take this into account in considering the proposal.

Detailed Requirements

Should the application be supported, the following affordable housing scheme would be sought;

Affordable Rented Housing is rented housing let by Registered Providers (RP) of social housing to households who are eligible. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (inclusive of service charge).

Intermediate Homes for Sale is housing at prices below market price. These can include low cost homes for sale where prices are fixed as a percentage of open market value to ensure the affordability of the dwellings for local purchasers; depending on unit size prices are between £70,000 up to £105,000 per low cost sale unit. However the affordable housing team will be seeking Shared Ownership through an RP. This is due to increasing mortgageability and affordability concerns with low cost sale units, which is exacerbated by only one or two lenders in the market for this tenure. Creating issues for purchasers, especially in terms of deposit requirements, typically in the region of 20% and presenting developers with a significant sales risk.

For early guidance and subject to further evidence of housing need, the following provides an indicative affordable housing mix;

RP Affordable Rent 70%
40% 1 bed 2 person maisonettes
40% 2 bed 4 person houses
10% 3 bed 6 person houses
10% 4 bed 8 person houses

15 October 2015

RP Shared Ownership 30%
70% 2 beds 4 person houses
30% 3 beds 5 person houses

All affordable homes must meet minimum size requirements (as outlined in the Council's draft Affordable Housing SPD) with the scheme delivered 'tenure blind'. This means that market and affordable homes must be indistinguishable in design, materials used, form and that the affordable homes are evenly distributed throughout the development in small clusters. 20% of all affordable dwellings on the proposed scheme should meeting Lifetimes Homes Standards

S.106 legal agreement

A Section 106 agreement will be required to secure the affordable homes, which will also specify the sales criteria to be used. The Section 106 will also state the Council's standard clustering and phasing arrangements; again as outlined in the SPD.

To agree heads of terms for a s106 agreement we require you to provide;

- o Details of all parties with an interest in the land to which the application relates
- o An accommodation schedule of the number, type and tenure of affordable dwellings
- o A layout plan showing the location of the affordable dwellings edged blue
- o Details of sales values for Intermediate affordable dwellings
- o Proposals for timing of delivery of the affordable dwellings

More Information

Please refer to the Affordable Housing Supplementary Planning Document and the Council's standard section 106 precedents for detailed guidance.

Your Affordable Housing contact is Nick Marsden who can be contacted on 01872 224438 or via email at nmarsden@cornwall.gov.uk

As stated above, and discussed at our recent site meeting, further evidence of housing need will need to be established. I noted it was questioned at the site meeting why further evidence of need would be required when the Council does not have a five year land supply and the proposed housing would therefore meet the wider needs of the community.

The site however is considered to be a rural exceptions site for the purposes of considering housing delivery and therefore should only be used to meet an identified local need for affordable housing. Unless evidence can be provided to demonstrate further need, we do not presently consider the principle of the proposed development to be acceptable as it would be contrary to paragraphs 50 and 54 of the National Planning Policy Framework 2012.

I also draw your attention to the Gwinear Gwithian Neighbourhood Development Plan which is due for final public consultation in late November, before submitting the plan to the Council. Although the plan has limited weight at this stage, the parish have proposed the site subject to this pre-application and the neighbouring 4 fields to the

15 October 2015

east that sit between the A30 and Connor Downs to act as a buffer zone. The buffer zone will mitigate against noise and air pollution and contribute to preserving the identity of Connor Downs.

Policy 15 of the plan states;

"Development will not be permitted on the fields identified in green on 'Map 8 of the Proposals Map Insets' in order to prevent urban sprawl by keeping the land permanently open; the essential characteristics of this Green Belt is its openness and permanence".

The intention of Policy 15 is to ensure that the identity of Connor Downs is retained and that development does not intrude as far as the A30. This policy is essential in ensuring a buffer is retained and this is in line with policy 7 of the Proposed Submission Cornwall Local Plan and Section 9 of the National Planning Policy Framework.

Proposed pre-school

In terms of the proposed pre-school, the Education Team have been consulted and confirm they would support the principle of this development.

Please note however Gwinear Gwithian Neighbourhood Development Plan also has policy relating to education which is set out below.

POLICY 11 - EDUCATION

Development proposals for the use of land for education purposes within 800m walking distance of Connor Downs Primary School will be supported where the following criteria is met:

- (a) Cornwall Council can be satisfied that the land does constitute safe play provision for education purposes;
- (b) Enough land is supplied to enable further expansion on the site of Connor Downs Primary School.

Visual amenity

No detailed plans have been submitted in terms of the appearance of the dwellings and therefore I can only offer limited comments on matters of acknowledged importance such as impact on the character of the area. The supporting documentation and submitted block plan however proposes smaller units to the north of the estate road and the larger units to the south. The residential dwellings closest to the A30 are arranged in short terraces with the gables facing the A30. To maintain the privacy of the dwellings situated on Trevarnon Lane the proposed dwellings which line the south of the new road have been place to create a garden-to-garden arrangement with the existing houses. The development will be composed of traditional pitched roof forms to give a consistency to the architectural treatments.

Although I have no particular concerns regarding the proposed layout, and acknowledge the density is low, it is considered it does not reflect the prevailing pattern of development of the existing residential development within Connor Downs. I therefore consider the number of dwellings proposed should be reduced. It is acknowledged that this reduction in the number of dwellings may ultimately come forward in any case following further work in establishing the need for affordable dwellings.

15 October 2015

Impact on Local Residents

In terms of residential amenity, it is considered the layout would not have a detrimental impact with regards to overbearing, loss of light or overlooking.

Highway safety

The Highways Development Officer has not been consulted however adequate visibility splays and parking will need to be provided.

Drainage

Due to the size of the site, a Flood Risk Assessment will need to be submitted with the application. I draw your attention to comments received from South West Water who have advised that the downstream sewer network is unlikely to have capacity to accept the foul flows. As such should planning permission be sought they would require the following planning condition to be imposed;

Foul Drainage

No development shall commence until:

- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

Education

The Education, Health and Social Care Service have been consulted and confirm Connor Downs Primary School is operating at 102% capacity. An education contribution of £2,736 per qualifying dwelling (i.e. open market dwellings of 2 or more bedrooms) would therefore be sought towards the provision of additional school places if an application was submitted.

Public open space

The proposal includes areas of open space which are welcomed. Notwithstanding the above, there are other types of open space which are not provided within the scheme which are set out in the Open Space Strategy for Larger Towns in Cornwall. Where development is not able to meet its open space requirements suitably & in full on-site, off-site contributions will be calculated and sought in one combined sum, via a Section 106 agreement. Costs for off-site contributions have been adopted as part of the Open Space Strategy.

15 October 2015

Contaminated Land

The site may have contamination issues and thus a Phase 1 contaminated land study would be required to support a planning application. Where the Phase 1 study recommends further work then this should be completed and a remediation strategy devised before submitting a planning application.

Environmental Impact Assessment

This enquiry is not a formal request for a screening under the EIA regulations. However, given the scale and location of the development, it is unlikely that the development would require an EIA.

Building Regulations:

Cornwall Council's Building Control Service is pleased to offer a free initial pre-application advice service for all your development enquiries. Building Control can advise whether a Building Regulations application is likely to be required for your proposal, can give valuable time-saving guidance on how to meet the requirements of The Building Regulations and can suggest possible ways of resolving any notable issues prior to you submitting any formal Planning Permission applications that may be required. Building Control's Extended Services team can offer SAP, SBEM and Air-Permeability Testing Services, as well as access to warranties and other related services.

The local authority building control office can be contacted at Circuit House, Pydar Street, Truro, TR1 1DT. You can contact one of our qualified surveyors on 01872 224792 or by emailing us at: buildingcontrol@cornwall.gov.uk

Neighbour objections

Although the pre-application has not been subject to neighbour consultation, I draw your attention to 2 letters of objection which have been received. The key issues raised relate to the following;

- Increase in traffic
- Drainage

Conclusion

In conclusion, unfortunately I am unable to support the development on the basis of there being insufficient outstanding housing need to justify the level of affordable development proposed by this proposal at this time. If however the applicant can provide robust evidence of housing need for the proposed dwellings the principle of development would be acceptable. The proposed pre-school is also a benefit to the scheme.

If you intend to progress with an application it would be advisable to contact the immediate neighbours in order to discuss the proposal. I would also suggest you contact Gwinear Gwithian Parish Council and the Electoral Divisional Member, Councillor Anthony Pascoe.

Should you consider that input will be required from the local planning authority during the preparation of an application then you may wish to enter into a planning performance agreement, details of which are available at:

Page 11

15 October 2015

http://www.cornwall.gov.uk/environment-and-planning/planning/advice-and-guidance/planning-performance-agreements/?page=29360&altTemplate=_Standard

You should note that this letter does not constitute a formal decision by the Council (as local planning authority). It is only an officer's opinion given in good faith, and without prejudice to the formal consideration of any planning application. However, the advice note issues will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours faithfully

Chantal McLennan

**Senior Development Officer
Planning and Enterprise Service
Tel: 01209 616965
Email: planning@cornwall.gov.uk**