



Demolition of Existing Four Retail Units and Two Residential Dwellings and Erection of Replacement Six Retail Units and 16 Residential Apartments, Car Parking, Flood Risk Mitigation, Highway and Public Realm Improvements

**Mawgan Porth Beachfront Regeneration Project
Mawgan Porth
Newquay
TR8 4BA**



Cornish Fresh Ltd/Mahesh Patel

PLANNING STATEMENT

March 2021

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Business Location Services Ltd and accompanies a planning application in respect of proposed development on the Mawgan Porth Beachfront, Mawgan Porth, Newquay, TR8 4BA on behalf of Cornish Fresh Ltd/Mahesh Patel. The proposed development is a full detailed planning application for the demolition of existing four retail units and two residential dwellings and erection of replacement six retail units and 16 residential apartments, car parking, flood risk mitigation, highway and public realm improvements.
- 1.2 The Planning Statement should be read in conjunction with the Design and Access Statement which accompanies this planning application. In addition the planning application is submitted with the following plans/drawings and technical reports: -
- Copy of Drawing No. PL-01 Rev B Existing Site Plan
 - Copy of Drawing No. PL-02 Rev B Existing Block Plan
 - Copy of Drawing No. PL-03 Rev C Existing Site Topo Plan
 - Copy of Drawing No. PL-04 Rev B Existing Building Plans
 - Copy of Drawing No. PL-05 Rev B Existing Building Elevations
 - Copy of Drawing No. PL-06 Rev B Existing Site Sections
 - Copy of Drawing No. PL-10 Rev B Proposed Block Plan
 - Copy of Drawing No. PL-11 Rev B Proposed Ground Floor Plan
 - Copy of Drawing No. PL-12 Rev B Proposed Building Plans
 - Copy of Drawing No. PL-13 Rev B Proposed Resi Levels Plans
 - Copy of Drawing No. PL-14 Rev B Proposed Roof Plans
 - Copy of Drawing No. PL-15 Rev B Proposed Feature Lighting Plans
 - Copy of Drawing No. PL-16 Rev B Proposed Level Plans
 - Copy of Drawing No. PL-17 Rev B Proposed North Elevations, Section and Materials
 - Copy of Drawing No. PL-18 Rev B Proposed East and West Elevations
 - Copy of Drawing No. PL-19 Rev B Proposed South Sections and Elevations
 - Copy of Drawing No. PL-20 Rev B Proposed Long Section / Context Elevation
 - Copy of Drawing No. PL-21 Rev B Proposed Aerial View Impressions 1 and 2
 - Copy of Drawing No. PL-21 Rev B Proposed Artistic Impressions 1 and 2
 - Copy of Drawing No. PL-21 Rev B Proposed Impressions 1 and 2
 - Copy of Drawing No. J14070-NUK-XX-3001-XX-P01 Site Location Plan
 - Copy of Drawing No. 17682-HYD-XX-XX-DR-TP-0100 Site Access General Arrangement Car Parking Access via Signalled Ramp
 - Copy of CIL Assessment
 - Copy of Phase I Ground Investigation Report
 - Copy of Flood Risk Assessment and Drainage Strategy
 - Copy of Sequential Test
 - Copy of Landscape and Visual Assessment
 - Copy of Phase I Ecological Assessment and Biodiversity Net Gain Assessment
 - Copy of Heritage Assessment
 - Copy of Transport Statement
 - Copy of Coastal Change Assessment
 - Copy of Statement of Community Involvement

2.0 BACKGROUND AND PLANNING HISTORY

- 2.1 The application site was identified as being in the village envelope of Mawgan on the former Restormel Local Plan 2001-2011. Policy R36 of the former Restormel Local Plan stated that proposals for limited enhancement of existing tourism facilities for tourism uses adjacent to Mawgan Porth beach will be permitted where:
- (i) The visual quality of new buildings is consistent with the design criteria of Policy 6.
 - (ii) No greater land area is occupied by buildings.
- The former Restormel Local Plan at paragraph 38.18 recognised that "Mawgan Porth is a popular tourist destination however much of the built environment, particularly next to the beach, is poor quality. Policy R36 sought to encourage appropriate redevelopment which enhances the tourism role of the settlement as well as improving the built environment.
- 2.2 An application for pre-application advice to regenerate the application site was first submitted to Cornwall Council as a valid application on the 27th January 2014 (PA14/00253/Preapp). The application advice request was not accompanied by plans/drawings aimed at addressing the site constraints principally associated with the flood risk issues associated with the application site lying within a Flood Zone 3 area and issues relating to coastal management in this location.
- 2.3 Cornwall Council did however undertake a Sequential Test in accordance with paragraph 101 of the National Planning Policy Framework which concluded that while the application site was brownfield and that saved Policy R36 of the Restormel Local Plan supported the principle of any redevelopment proposal. It was also noted that there were physical benefits in improving the appearance of the area and the general beachfront together with the enhancement of facilities and employment in the area. However, based on the information which accompanied the application the exception test for development in Flood Zone 3 had not been justified as adequate flood mitigation measures had not been provided.
- 2.4 A second pre-application advice request was submitted to Cornwall Council on the 14th March 2016 with the reference PA16/00839/Preapp. The Cornwall Council pre-application advice response was provided in a letter dated 10th May 2016. The submitted scheme subject to this pre-application advice request was for a significantly larger scale development with 24 residential apartments than that proposed in the current application.
- 2.5 Subsequent to the pre-application advice response the developer entered into a Planning Performance Agreement with Cornwall Council with the reference PA16/01713/Preapp validated on the 9th June 2016. Subsequent to the Planning Performance Agreement the scheme was presented to the Cornwall Design Review Panel on the 6th July 2016.
- 2.6 Following the Planning Performance Agreement further pre-application advice was provided by Cornwall Council in a letter dated 7th November 2016. The

advice concluded that the application site was a brownfield site within the village of Mawgan Porth and that any additional residential within the proposed development given the site lies within Flood Zone 3 would need to fully address flood risk and climate change. More work would be required in respect of the scheme design and a detailed viability assessment would be necessary to justify the financial need for the enabling residential development.

- 2.7 Subsequent to the iterative pre-application consultations undertaken in 2016 further pre-application advice in respect of the proposed layout and design relating to the current proposals were presented to the Cornwall Design Review Panel on the 20th September 2020.

3.0 BACKGROUND AND NEED FOR THE DEVELOPMENT

- 3.1 Mawgan Porth is one of Cornwall's outstanding beaches and is important to the tourism economy being a major tourist destination resort. Mawgan Porth is the closest beach to Newquay Airport and is a resort that has a wide range of visitor accommodation facilities including hotels, self-catering accommodation and camping and caravan holiday parks. The application site comprises a brownfield previously developed site and forms part of the beachfront of Mawgan Porth and occupies a prominent position in the centre of the village overlooking the beach.
- 3.2 The application site together with adjoining commercial properties, comprise a mix of uses comprising four A1 use class food and non-food retail and A3/A5 use classes. In addition there are two existing residential dwellings within the ground floor of the single storey element and the first floor of the two storey element of the existing buildings. The application site itself comprising the Phase I beachfront regeneration project comprises a mix of single and two-storey buildings. It is fair to say the buildings are of a mixed age and condition and are considered to be of poor quality design and run down in appearance. Due to the age and condition the buildings are only largely let on short annual leases and where there is no incentive for the property owners to upgrade or make a long term investment commitment. Cumulatively, despite Mawgan Porth's outstanding beach environment the visual impact of the application site currently detracts from the visual appearance and character of the area and provides for a low quality visitor experience.
- 3.3 There is therefore a need to provide the regeneration of the Mawgan Porth beachfront and while the beachfront is in multiple ownership two property owners have come together to facilitate this phase of a regeneration project.
- 3.4 The need for the project can be summarised as follows: -
- There is a need to replace the existing buildings within the application site and to provide a significant enhancement to the visual appearance of the site.

- There is a need to provide upgraded new commercial floorspace in order to attract long term tenants for the four retail units and enhance the retail offer and visitor experience of Mawgan Porth.
 - There is a need to provide new and improved retail facilities for both visitors and the local community.
 - There is a need to address the residual contamination on the site associated with the original garage and petrol filling station.
 - The existing site and buildings are vulnerable to flood risk and climate change and there is an overriding need to ensure the site is resilient to flood risk and climate change in the long term.
- 3.5 Paragraph 80 of the NPPF requires planning decisions to help create the conditions in which businesses can invest, expand and adapt and that significant weight is placed on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development. Paragraph 83 of the NPPF requires planning decisions to enable the growth and expansion of all types of businesses in rural areas through well designed new buildings which includes development of accessible local services and community facilities such as local shops.
- 3.6 Policy 4 of the Cornwall Local Plan seeks to maintain the retail hierarchy by supporting the retention of village shops and retail facilities.
- 3.7 In respect of the residential element of the proposed development paragraph 59 of the National Planning Policy Framework stipulates that to support the Government's objective of significantly boosting the supply of houses it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with planning permission is developed without delay.
- 3.8 Paragraph 68 of the National Planning Policy Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly and to support the development of windfall sites great weight be given to the benefits of using suitable sites within existing settlements for homes.
- 3.9 Paragraph 117 of the NPPF requires planning decisions to promote the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118 requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other uses and to promote and support the development in under used land and buildings.

4.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

4.1 The Design and Access Statement which accompanies this planning application provides the background to the proposed development, the evolution and rationale of the scheme design, the site context and a detailed description of the proposed development. The application comprises previously developed land and buildings within the built form of Mawgan Porth and comprises a site area of some 0.25 Ha.

4.2 The schedule of areas for the existing site are as follows: -

Retail

- Cornish Fresh 257 sqm (GIA) + 145 sqm (GIA) storage
- Disco Beads 106 sqm (GIA + 19 sqm GIA storage
- Moved to the Sea 30 sqm (GIA)
- Art on the Beach 12 sqm (GIA)
- General Storage Unit 42 sqm (GIA)

Residential

- Residential unit above Cornish Fresh 94 sqm (GIA)
- Residential unit to the rear 46 sqm (GIA)

4.3 The total existing GIA including storage areas equates to 435 sqm with a total GEA of some 507 sqm.

4.4 The schedule of areas for the proposed development is as follows: -

- Cornish Fresh Deli 143 sqm (GIA) }
- Cornish Fresh Stores 232 sqm (GIA) 163 sqm storage (GIA)
- Disco Beads 77 sqm (GIA)
- Married to the Sea 103 sqm (GIA) (divisible to create 2 x 50 sqm units)
- Art on the Beach 41 sqm (GIA) (divisible to create 2 x 20 sqm units)
- Shack 11 sqm (GIA)
- Total Retail/Storage Floor Area 775 sqm (GIA)

4.5 The total proposed retail/storage areas equates to 775 sqm in GIA with a total GEA of some 885 sqm.

4.6 The proposed schedule of residential accommodation is summarised as follows: -

Unit 1	96 sqm	2 Bed 4 Person Duplex
Unit 2	134 sqm	3 Bed 6 Person Duplex with Roof Garden
Unit 3	93.5 sqm	2 Bed 4 Person
Unit 4	94 sqm	2 Bed 4 Person Duplex
Unit 5	83.5 sqm	2 Bed 4 Person Duplex with Roof Garden
Unit 6	83.5 sqm	2 Bed 4 Person Duplex

Unit 7	75 sqm	1 Bed 2 Person Duplex
Unit 8	86 sqm	2 Bed 4 Person Duplex
Unit 9	50 sqm	1 Bed 2 Person
Unit 10	86 sqm	2 Bed 4 Person Duplex with Roof Garden
Unit 11	86 sqm	2 Bed 4 Person Duplex
Unit 12	86 sqm	2 Bed 4 Person Duplex
Unit 13	86	2 Bed 4 Person Duplex with Roof Garden
Unit 14	80	2 Bed 4 Person
Unit 15	78	2 Bed 4 Person
Unit 16	102	2 Bed 4 Person Duplex

- 4.7 The total proposed residential floor area equates to a GIA of some 1,400 sqm.
- 4.8 The proposed development provides for 28 car parking spaces and 14 cycle spaces. In addition there is a new public realm area together with flood resilience mitigation including a safe means of access for users and occupiers of the proposed development. The proposed development incorporates waste management and waste recycling facilities and off-site highway works.
- 4.9 In terms of employment the existing retail facilities currently employ some 9 full time and 19 part time employees. The proposed development with the increase in retail floor area will lead to the creation of a further 12 full time and 14 part time jobs. The total employment with the proposed development will be 21 full time and 33 part time jobs.
- 4.10 In this context the proposed development will provide new flood risk and climate change resilient community retail facilities that will have significant benefit to the local economy. The proposed development, as with the existing retail facilities, will enhance the retail offer of Mawgan Porth to visitors and the local community.

5.0 PLANNING POLICY CONTEXT

- 5.1 The following provides a summary of the planning policy guidance contained in the NPPF considered relevant to the proposed development.
- 5.2 Section 2: Achieving Sustainable Development. Paragraphs 7-11 sets out the mechanism for achieving sustainable development, together with the presumption in favour of sustainable development in decision making.
- 5.3 Section 4: Decision Making. Local Planning Authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible. Paragraph 47 stipulates that planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 Paragraph 48 stipulates that Local Planning Authorities may give weight to relevant policies in emerging plans according to their consistency to the relevant policies to the NPPF.

- 5.5 Section 5: Delivering a sufficient supply of houses. Paragraph 59 states that to support the Government's objective to significantly boost the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with planning permission is developed without unnecessary delay.
- 5.6 Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote a good mix of sites, Local Planning Authorities should identify through the development plan and brownfield registers at least 10% of their housing requirement on sites no larger than 1 Ha and support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for houses.
- 5.7 Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development.
- 5.8 Paragraph 83 requires planning decisions to enable the sustainable growth and expansion of all types of business in rural areas.
- 5.9 Paragraph 88 stipulates the sequential approach to planning applications for main town centre uses in paragraph 86 of the NPPF should not be applied for small scale rural development.
- 5.10 Paragraph 89 sets a default threshold for the need for retail impact assessment of in excess of 2,500 sqm unless there is a locally set threshold.
- 5.11 Paragraph 91 of the NPPF requires planning decisions to achieve healthy, inclusive and safe places.
- 5.12 Section 9: Promoting sustainable transport provides policy guidance in respect of transport issues relating to plan making and development proposals. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.13 Section 11: Making effective use of land in paragraph 117 requires planning decisions to promote an effective use of land in meeting the need for homes.
- 5.14 Paragraph 118 gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and to promote and support the development of under-utilised land and buildings.
- 5.15 Paragraph 119 requires Local Planning Authorities to be proactive in identifying and bringing forward land that may be suitable for development.

- 5.16 Paragraph 122 stipulates that planning decisions should support development that makes efficient use of land taking into account the need for different types of housing, local market conditions and viability and the desirability of maintaining areas' prevailing character and setting viability together with the importance of securing well designed and attractive places. In paragraph 123, the NPPF states that it is especially important that planning decisions avoid houses being built at low densities and ensure that developments make optimum use of the potential for each site and that Local Planning Authorities should refuse applications, which they consider fail to make efficient use of land.
- 5.17 Section 12: Achieving well-designed places. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development.
- 5.18 Paragraph 127 sets out criteria to ensure that development is visually attractive and sympathetic to local character and optimises the potential of the site creating safe, inclusive and accessible places.
- 5.19 Section 14: Meeting the challenge of climate change, flooding and coastal change. Paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. Paragraph 150 states that new developments should be planned to avoid increased vulnerability to climate change and to help reduce greenhouse emissions.
- 5.20 Paragraph 155 requires inappropriate development in areas at risk of flooding should be avoided and where development is necessary should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.21 Paragraph 157 requires proposals to apply a sequential risk based approach to the location and future impacts taking into account the current and future impacts of climate change by applying the sequential test.
- 5.22 Where it is not possible for development to be located in a lower risk area the exception test may have to be applied (paragraph 139).
- 5.23 Paragraph 160 requires the application of the exception test to be informed by a site specific flood risk assessment ensuring that the development will be safe for its lifetime, without increasing flood risk elsewhere, where possible reduce flood risk overall and provide wider sustainability benefits to the community.
- 5.24 Paragraph 161 requires both elements of the exception test set out in paragraph 160 to be satisfied for the development to be permitted.
- 5.25 Paragraph 165 requires development to ensure that flood risk is not increased elsewhere with applications for major developments requiring the need to

incorporate sustainable drainage systems unless there is evidence that it is inappropriate.

- 5.26 Paragraph 166 states that in coastal areas planning decisions should take account of the UK Marine Policy Statement while paragraph 168 stipulates that development in a coastal change management area will only be appropriate where it can be demonstrated the development will be safe over its planned lifetime and that the character of the coast is not compromised.
- 5.27 Section 15: Conserving and enhancing the natural environment in Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment and by preventing new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, noise, pollution or ground instability.
- 5.28 Section 16: Conserving and enhancing the historic environment and addresses development proposals affecting heritage assets. Paragraph 189 places the emphasis on Local Planning Authorities to require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting.
- 5.29 Paragraph 178 stipulates that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any soils from land instability and contamination.

Development Plan

Cornwall Local Plan Strategic Policies 2010-2030

- 5.30 Policy 1 of the Cornwall Local Plan states that "When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework". The Policy states further that "When considering whether a development proposal is sustainable or not, account will be taken of its location, layout design and use against the three pillars of economic development, social development and environmental protection and improvement".
- 5.31 Policy 2 of the Cornwall Local Plan requires that new development provides a sustainable approach to accommodating growth, providing a well balanced mix of economic, social and environmental benefits. Policy 2 of the CLP seeks to focus on growth on the main towns where they can support regeneration and sustainable development. Policy 2(1) requires development proposals to respect and enhance the quality of space and special character of Cornwall by ensuring development is high quality and demonstrating and understanding of its location. Policy 2a of the CLP sets a target for the delivery of a minimum of 52,500 homes to the year 2030.
- 5.32 Policy 3 of the Cornwall Local Plan seeks to manage development in the key towns and villages and for the villages housing and employment growth will

be delivered through the development of previously developed land within the settlement of a scale appropriate to its size and role.

- 5.33 Policy 4 of the Cornwall Local Plan seeks to maintain the retail hierarchy by supporting centres to provide the needs for their communities. Development will be permitted where it supports community facilities and village shops.
- 5.34 Policy 5: Business and Tourism seeks to ensure a continued supply of business space and in the countryside and smaller rural settlements proposals should be of a scale appropriate to its location or demonstrate an overriding need to be in that location where it is an extension to an existing business where relocation would be impractical or not viable. Policy 5(3) provides policy support for the development of new or upgrading of existing tourism facilities through the enhancement of existing and provision of new high quality sustainable tourism facilities, attractions and accommodation. The scale of development should be appropriate to their location and to their accessibility by range of transport modes. Proposals should provide a well balanced mix of economic, social and environmental benefits.
- 5.35 Policy 8 of the Cornwall Local Plan requires all housing schemes within the plan area, where there is a net increase of more than 10 dwellings or where dwellings would have a combined gross floorspace of more than 1,000 sqm to contribute to affordable housing need. The application site lies in the Parish of St Mawgan in Pydar which is Value Zone 2 and the target policy level of affordable housing should be 40%.
- 5.36 Policy 10 of the Cornwall Local Plan provides policy guidance on managing viability and provides a mechanism and approach where a proposal cannot justify the full quota of affordable housing without affecting the viability of the scheme.
- 5.37 Policy 12 of the Cornwall Local Plan provides that development proposals will be judged against fundamental design principles of character, layout, movement, adaptability, inclusiveness, resilience and diversity and process. The policy also requires that development proposals should protect individuals and property from overlooking and unreasonable loss of privacy, overshadowing and overbearing impacts and unreasonable noise and disturbance.
- 5.38 Policy 13 of the Cornwall Local Plan requires that all new development will be expected to provide sufficient on-site open (or private amenity) space, car parking provision, and space for storage for domestic activities and recreation, as well as collection of waste, recycling and compostables.
- 5.39 Policy 16 of Cornwall Local Plan seeks to improve the health and wellbeing of communities and to alleviate risk to people and the environment from unsafe, unhealthy and polluted environments by avoiding and mitigating against harmful impacts and health risks such as air and noise and land based contamination.

- 5.40 Policy 21 of the Cornwall Local Plan seeks to ensure the best use of land through the use of previously developed land and buildings where they are not of a high environmental or historic value together with an increase in building density where appropriate taking into account the character of the surrounding area.
- 5.41 Policy 22 of the Cornwall Local Plan requires residential development to mitigate the recreational impacts of development on the Penhale Dunes SAC via an off-site financial contribution.
- 5.42 Policy 23 of the Cornwall Local Plan requires development proposals including AGLVs to sustain local character and distinctiveness and where possible enhance Cornwall's natural environment.
- 5.43 Policy 24 of the Cornwall Local Plan requires development proposals to sustain the cultural distinctiveness and significance of Cornwall's rural, urban and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated heritage assets and their setting.
- 5.44 Policy 26 of the Cornwall Local Plan relates to flood risk management and requires that development should take account of and be consistent with any adopted strategic and local flood and coastal management strategies. Section 2 of the Policy requires that development should be sited, designed, of a type, and where necessary, located in a manner that it minimises or reduces and (where possible) eliminates flood risk on the site and in the area.
- 5.45 Policy 27 of the Cornwall Local Plan provides for all development to provide a safe and suitable access and not to cause adverse impact on the local or strategic road network.
- 5.46 Policy 28 of the Cornwall Local Plan requires off-site financial contributions to infrastructure.

Biodiversity SPD

- 5.47 The Biodiversity Supplementary Planning Document (BSPD) forms part of the development plan and provides additional policy guidance in respect of opportunities for biodiversity within the development process with particular focus on Policy 22 and 23 of the CLP.
- 5.48 The BSPD from the 1st March 2020 requires all major developments i.e. in excess of 10 dwellings to demonstrate at least 10% net gain in biodiversity. In addition, off-site financial contributions are required to mitigate the recreational impacts of major developments on the Penhale Dunes SAC and secured by a Section 106 obligation.

Housing SPD

- 5.49 The Housing SPD (February 2020) sits beneath the Cornwall Local Plan and provides operational, technical and detailed guidance to support the delivery of new residential developments.
- 5.50 Policy 8 of the Cornwall Local Plan sets out the requirement for affordable housing provision subject to viability which in Mawgan Porth the target land is 40%. Where the policy level of affordable housing provision cannot be met the developer will be required to submit a Financial Viability Assessment addressing the site specific circumstances.
- 5.51 Where affordable housing provision cannot be met the default position is that an off-site contribution based on the tariff set out in the SPD in accordance with Policy 10 of the Cornwall Local Plan.

Shoreline Management Plan

- 5.52 The Shoreline Management Plan (November 2019) provides a large scale assessment of the risks associated with coastal evolution and presents a policy framework to address risks to people and the developed, historic and natural environment in a sustainable manner. The Shoreline Management Plan is a non-statutory policy document for coastal defence management planning.

Cornwall Design Guide

- 5.53 The Cornwall Design Guide was originally adopted in March 2013 and was produced to help inform the design of new development, and ensure of good design, and improve the quality of development. The Cornwall Design Guide sets out principles of design and encourages sustainability, the use of design and access statements and proactive engagement in the design process.
- 5.54 The Cornwall Design Guide supports development that has been subject to an interactive design process and follows the principles of good design. It also supports sustainable and safe neighbourhoods and development proposals with excellent architecture. The Guide should be read in conjunction with the Chief Planning Officer's Advice Note: Good Design in Cornwall.

6.0 PLANNING POLICY ASSESSMENT

- 6.1 Section 38(b) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission should be dealt with in accordance with the development plan, unless materials considerations indicate otherwise. Paragraphs 10 and 11 of the NPPF stipulates that planning decisions should apply a presumption in favour of sustainable development and that development proposals that accord with the up-to-date development plan should be approved without delay.
- 6.2 The development plan comprises the Cornwall Local Plan Strategic Policies.

6.3 The application site is not subject to any national landscape designations although the AONB lies to the north. The application site does lie in the designated AGLV and lies within Flood Zone 3.

Sustainable Development

6.4 Mawgan Porth comprises a large village and includes a wide range of hotels, holiday accommodation, restaurants, retail shops and community facilities. Mawgan Porth is well connected by the B3276 being the main coast road from Newquay to Padstow and is well connected to the public transport network notwithstanding the close proximity to Newquay Airport. In this context it is considered that Mawgan Porth with its accessibility and connectivity is a highly sustainable location.

6.5 The application site is a previously developed brownfield site and is centrally located within Mawgan Porth and well integrated with the built form of the existing settlement. The application site currently comprises a mix of retail and residential uses although the site is somewhat rundown in appearance and is in need of regeneration. The proposed development provides for the comprehensive redevelopment of the application site with a mixed use retail/residential development with a quantum of an additional 14 residential apartments to provide a viable development to enable the proposed high quality retail shops, flood resilience and climate change, public realm and highway improvements.

6.6 In this context the proposed development is considered to be sustainable development in accordance with paragraphs 8, 10 and 11 of the NPPF and Policy 1 of the Cornwall Local Plan. The proposed development therefore satisfies all three dimensions of sustainable development set out in paragraph 8 of the NPPF: -

In context of the economic dimension the proposal will: -

- Result in a capital spend of some £7M into the local economy during the construction.
- Result in the development of new retail facilities comprising some 775 sqm (GIA) of floorspace.
- Result in the safeguarding of the existing 9 full time and 19 part time jobs.
- Result in the creation of some additional 12 full time jobs and 14 part time jobs.
- Result in the replacement of two existing dwellings and an additional 14 residential apartments.
- Contribute to diversifying the retail offer of Mawgan Porth as a tourism and visitor destination and benefit the local economy.

In the context of the social dimension the proposal will: -

- Provide public realm improvements.
- Provide residential development in a sustainable location.
- Result in new employment opportunities.

In the context of the environmental dimension the proposal will:

- Result in a development that is resilient to flood risk and climate change.
- Result in a development with sustainable construction to part L of the building regulations.
- Provide enhanced retail facilities that will reduce the need to travel contributing to a reduction in carbon emissions.
- Contribute to biodiversity.

Principle of Development

- 6.7 The proposed development involves the redevelopment of an existing previously developed mixed use retail/residential site within the existing developed area of Mawgan Porth. The application site is currently occupied by a range of building styles associated with the original garage use on the site. The proposed development seeks to replace the existing four retail units with four new retail units together with the replacement of existing two residential dwellings on the site with 14 additional residential apartments together with extensive public realm enhancement and highway improvements. Due to the cost/value gap associated with the new retail element and abnormal costs associated with the flood risk mitigation and climate change resilience the proposed additional 14 residential apartments are required to provide an enabling cross subsidy to ensure the viability and deliverability of the overall development.
- 6.8 In this context the principle of development associated with the application site is fully policy compliant with Policies 3, 4, 8 and 21 of the Cornwall Local Plan. Policy 3 of the Cornwall Local Plan, outside of the main towns provides for housing and employment growth to be delivered through the development of previously developed land within settlements of a scale appropriate to its size and role. In respect of the retail element the proposed development provides for the replacement of old retail units and their replacement with high quality retail facilities that is supported by Policy 4 of the Cornwall Local Plan and paragraphs 80 and 83 of the NPPF.
- 6.9 The application site lies within the built form of Mawgan Porth and in respect of the residential element is subject to Policy 8 of the Cornwall Local Plan. Policy 8 requires all new housing schemes within designated rural areas of more than 5 dwellings to provide for affordable housing subject to viability in accordance with Policy 10 of the Cornwall Local Plan. Mawgan Porth lies within a Value Zone 2 where the target level of affordable housing is 40%.
- 6.10 The planning application is accompanied by an Financial Viability Assessment which demonstrates that the enabling development from the additional 14 residential apartments is necessary to cross subsidise the cost/value funding gap with the provision of the retail development together with the abnormal

costs associated with flood risk and climate change mitigation, public realm enhancement and necessary off-site highway improvements.

- 6.11 The application site comprises previously developed brownfield land within the existing built form of Mawgan Porth and proposed development is fully policy compliant with Policy 21 of the Cornwall Local Plan. In addition in terms of national planning policy guidance the proposed development is also in accordance with paragraphs 117, 118 and 122 of the NPPF. Paragraph 118 of the NPPF provides policy support for opportunities to allow upward extensions to existing development where it is well designed.

Layout and Design

- 6.12 The Design and Access Statement which accompanies this planning application provides a detailed description of the site context and description of the proposed development. The proposed development comprises the comprehensive redevelopment of an existing previously developed brownfield site in a prominent location within the built form of Mawgan Porth. The existing buildings on the application site are of a poor quality design and layout and are vulnerable to flood risk and lack any resilience to climate change.
- 6.13 The layout and design of the proposed development has been subject to an iterative design process with engagement with the Cornwall Design Review Panel and the local community.
- 6.14 The proposed development will provide a mixed use scheme to provide 6 retail units together with 16 residential apartments. In addition to flood risk and climate change mitigation the proposed development provides an extensive public realm area and off-site highway measures. The proposed development comprises three storeys with retail on the ground floor and residential apartments on the first and second floors. Paragraph 118 of the NPPF together with recent changes to permitted development rights encourages upward extensions to existing commercial premises on brownfield sites for housing.
- 6.15 The height and massing of the proposed development has been reduced through the iterative design process. The layout and design was a palette of local materials which are considered to be appropriate to the location. The proposed development is considered to be sustainable and compliant with Part L of the building regulations. Other sustainable design initiatives include the use of solar pv, air source heat pumps and rooflights to increase wellbeing in accordance with Policy 16 of the Cornwall Local Plan. In addition electric car charging bays will be provided in the car park area.
- 6.16 The proposed development will provide 28 residential and commercial car parking spaces with a minimum of 50% of the spaces fitted with electric vehicle charging points as well as secure cycle and surf storage. The layout also provides for some Cornish hedges, boundary treatments and biodiversity enhancement.

- 6.17 Therefore in respect of layout and design it is considered that the proposed development is fully policy compliant with planning policy guidance at the national level in the NPPF/PPG with specific reference to paragraphs 124, 127, 128 and 130 of the NPPF. With regard to the development plan it is considered the proposed development is fully policy compliant with Policy 2(1), 12, 13 and 16 of the Cornwall Local Plan.

Flood Risk and Climate Change Resilience

- 6.18 The planning application is accompanied by a Flood Risk Assessment and Sequential Test. The application site lies within Flood Zone 3 with the existing buildings on the site being vulnerable to flood risk and climate change. The proposed development therefore has been designed to be flood risk and climate change resilient by increasing the finished floor levels the retail units to 6.50m AOD whereas the extreme flood level is 5.92m AOD. The residential apartments will have a finished floor level of a minimum of 10.40 AOD. The car parking will be provided on a split level with a number of spaces on the existing level of 5.02m AOD with the remainder being raised to 7.40m AOD.
- 6.19 The raising of the ground floor has been achieved by providing a void below the ground floor level to allow for storage of only flood water. The use of a sustainable surface water drainage scheme will minimise any increase in flooding elsewhere. Notwithstanding the mitigation measures outlined in the flood risk assessment aimed at mitigating flood risk arising from the proposed development any redevelopment proposals would be classified as 'more vulnerable' in flood risk terms.
- 6.20 Therefore in accordance with paragraphs 157, 158, 159, 160 and 161 of the NPPF the proposed development will be subject to the sequential and exception test. The application site is an existing previously developed brownfield site with the existing retail and residential uses being non-resilient to flood risk and climate change. The existing site occupies a prominent position within the village of Mawgan Porth and provides essential services and facilities to visitors and the local community including the village shop. In this context for the purposes of the sequential and exception test relates to the retention of facilities in Mawgan Porth and not to possible alternative sites within the wider Newquay area.
- 6.21 The 'do nothing' scenario will result in a situation where the existing site becomes more vulnerable to flood risk and climate change together with lack of investment in the site resulting in further decline in the visual appearance of this prominent site and threat in terms of the eventual potential loss of community facilities. In these circumstances it is considered the 'do nothing' scenario is not an option.
- 6.22 In context of alternative sites in Mawgan Porth sites within the immediate vicinity are all considered to be at risk from flooding and are similar and have a greater risk of flooding than the application site. It should be highlighted that these numerous examples in Cornwall where planning permission has been granted due to the sustainability and regeneration benefits where planning

permission has been granted for enabling residential development within Flood Zone 3 and even in some cases, unlike the proposed development, where no safe access/egress mitigation was available.

- 6.23 Fundamentally, the proposed development incorporates flood risk and climate change resilience measures that meets the requirement of the sequential/exception test to make the development acceptable in planning terms in accordance with paragraphs 157, 158, 159, 160 and 161 of the NPPF. The details of the mitigation measures are set out in the site specific flood risk assessment which accompanies the planning application. A safe dry access and egress route will be provided from the ground floor at a level of ensuring all users of the proposed development have a safe dry access during any flood event. This is compared to the existing situation where there is currently no flood resilience.
- 6.24 The proposed development has been designed to ensure that no floodplain storage volume is lost. In this context it is considered that the exception test criteria set out in paragraph 160 of the NPPF has been fully satisfied.
- 6.25 The proposed development provides wider sustainability benefits to the community in providing enhanced community retail facilities resilient to flood risk and climate change and has been designed to be safe for its lifetime taking into account vulnerability of its users without increasing flood risk elsewhere.
- 6.26 Due to the high and abnormal costs associated with the flood risk and climate change mitigation and the cost/value gap in redeveloping the retail units and public realm the development of the 16 residential apartments (including two replacement dwellings) are necessary as enabling development to ensure the viability and delivery of the proposed development. In this context the enabling residential development is necessary and in applying the sequential test any consideration of alternative sites is not appropriate or directly relevant in these circumstances. Furthermore the sustainability objectives set out in the NPPF fully supports the regeneration of the application site.
- 6.27 Accordingly it is considered from a flood risk and climate change perspective that the proposed development with the flood risk mitigation measures is fully compliant with policy guidance within the NPPF/PPG and Policy 26 of the Cornwall Local Plan.

Impact on Landscape Character

- 6.28 A Landscape and Visual Impact Assessment has been undertaken and accompanies the planning application and provides an assessment of the landscape and visual impact of the proposed development. The application site lies within the locally designated AGLV although the AONB lies to the north. The application site comprises previously developed land and buildings centrally located within the existing built form of Mawgan Porth.
- 6.29 While the Landscape and Visual Impact Assessment concludes that the bulk and mass of the proposed development will represent an increase in the built

form within a setting of existing landscape features it is considered the degree of impact of landscape and visual effects will be limited to the application site and immediate surroundings only resulting in a minor/negligible impact from viewpoints outside of the application site and its immediate surroundings. Moreover no adverse effect is anticipated on the setting of the AONB which lies to the north of the application site although there is considered to be a potential increase in recreational pressures due to the likely increase in residential and visitor numbers however the effect has been assessed to be minor/negligible.

- 6.30 The Landscape and Visual Impact Assessment concludes that the scale of the proposed development will have a likely impact on landscape and character of the locally designated AGLV in the immediate locality however this has been assessed to be minor adverse/negligible with the majority of the AGLV being unaffected. In addition no adverse impacts are predicted in respect of the landscape character areas. Equally the proposed development when viewed from the beach will be subject to a likely minor impact but it is not considered that this will impact on the perception and experience of the beach setting. The South West Coast Path may experience a temporary adverse impact during the construction stage however there is considered to be no adverse effect following operation.
- 6.31 Accordingly in terms of landscape and visual impact the proposed development has been rigorously assessed and it is considered that the sensitive scale, layout and design together with its sustainability and economic objectives is acceptable in landscape terms. In this context there is considered to be no conflict with planning policy guidance in paragraphs 170 and 172 of the NPPF and Policy 2(1), 12, 13, 21 and 23 of the Cornwall Local Plan.

Impact on Heritage Assets

- 6.32 A Heritage Assessment has been undertaken and accompanies this planning application. The Heritage Assessment considers the impact of the proposed development on potential buried archaeology on the application site together with the likely impact on the setting of designated and non-designated heritage assets within the vicinity of the application site.
- 6.33 In respect of buried archaeology the previous use of the application site and garage with the installation of fuel tanks will have damaged or destroyed any archaeological features. The application site lies in close proximity to a scheduled ancient monument which is considered to be a material consideration. It is considered that the scheduled ancient monument would be sensitive to changes arising from development to its appearance and setting however given the nature and scale of the proposed development it has been assessed that any impact would be negligible.
- 6.34 In context of the impact of the proposed development on archaeology and the historic environment it is considered that there is no conflict of the proposed development with planning policy guidance in Section 16 of the NPPF and Policy 24 of the Cornwall Local Plan.

Impact on Ecology and Biodiversity

- 6.35 Ecological and Biodiversity Net Gain Assessments have been undertaken and accompany this planning application. The ecological assessment comprises an Extended Phase I Habitat survey of the application site and concludes that the existing site is of little ecological value and does not contain habitats with the potential to provide foraging for bats. However the survey report did recommend that any lighting should be kept to a minimum along the southern boundary with the river.
- 6.36 The biodiversity net gain assessment provides a measured assessment of the biodiversity of the application site before and after the development. Based on the layout and design of the proposed development, including the proposed landscaping and planting, the assessment considers the site has the potential to deliver 232.16% gain in habitat units and 3199.84% gain in hedgerow units. This large biodiversity net gain reflects the current very low ecological value of the application site. The assessment also provides further recommendations aimed at ecological enhancement of the application site.
- 6.37 It is considered therefore the proposed development which provides significant landscaping and biodiversity mitigation resulting in a high biodiversity net gain and is fully in accordance with planning policy guidance set out in paragraphs 170 and 175 of the NPPF and Policy 2(l) and 23 of the Cornwall Local Plan and the Biodiversity DPD.

Impact on the Transport Issues

- 6.38 A Transport Assessment has been undertaken and accompanies the planning application and considers the acceptability of the proposed development in terms of transport, highway safety and accessibility in context of national and local planning policy guidance. A TRIC's assessment has been undertaken and concludes that at worst the predicted trip generation from the proposed development equates to approximately 1 vehicle movement every 1.4 minutes and would have no impact on the local highway network.
- 6.39 The application site in transport terms is sustainably located with good accessibility and connectivity to public transport and footpath and cycle network. The proposed car parking is compliant with Cornwall Council's maximum parking standard and provides for cycle parking. Minor off-site highway works to the public highway are proposed and provides for a raised crossing facility for pedestrians immediately to the north of the site. The proposed development provides a safe and suitable access with visibility splays suitable for a 30 mph approach speed.
- 6.40 In conclusion in terms of highway issues the proposed development will not have a detrimental impact on the operation and functioning of the local highway network. It is also considered that the application site is in a highly sustainable and accessible location with access to a range of facilities by sustainable modes of travel. Accordingly from a highway perspective the

proposed development is fully policy compliant with paragraphs 108 and 109 of the NPPF and Policy 27 of the Cornwall Local Plan.

Geology and Ground Conditions

- 6.41 A Preliminary Investigation Report has been undertaken and accompanies this planning application. The Preliminary Investigation Report provides an assessment of historic and potential contamination on the site together with an assessment of potential impacts on current and future sensitive receptors such as human health, controlled waters, ecological features, building structures and services.
- 6.42 The Preliminary Investigation Report has identified the potential for a moderate to high risk of contamination on the application site and that a further intrusive investigation will be necessary. The assessment has not identified any significant off-site sources of contamination which may present a risk to future users of the proposed development. On site contamination risks have been identified associated with the former use of the site as a fuel filling station including likely presence of underground fuel tanks. In addition the presence of radon with the need for radon protection measures present potential risks to the proposed development.
- 6.43 Due to the contamination risks a Phase 2 intrusive investigation will be required and would be the subject of a pre-commencement planning condition in respect of any planning consent. Subject to the requirement for a planning condition outlined above it is considered that there is no conflict of the proposed development with paragraph 178 and Policies 13 and 16 of the Cornwall Local Plan.

Coastal Change Issues

- 6.44 A Coastal Change Study Report has been undertaken and accompanies this planning application. The application site lies on a stretch of coast which is the subject of risks from coastal erosion. The Coastal Change Study provides an assessment of the likely impact of future coastal change on the proposed development, the access (the B3276) and impact arising from the proposed development on coastal change.
- 6.45 The Coastal Change Study concludes that the potential risks from arising coastal change do not present any threat to the proposed development within its design life of 60 years. The Shoreline Management Plan and its projected regression extracts do not show the application site to be at risk from coastal erosion.
- 6.46 The Shoreline Management Plan regression shows the B3276 to be at risk of coastal erosion although is based on a non-active intervention approach and does not take into account managed realignment of the road until at least 2055. It is considered unlikely the local authority would no longer maintain the defences to protect the B3276 beyond 2055.

6.47 The Coastal Change Study has calculated an alternative regression scenario for upto 2105 which shows that area of impact is likely to be further from the application site. The Shoreline Management Plan demonstrates that the application site is not at risk of coastal erosion and that a viable access to the B3276 will remain available. Accordingly the proposed development is not at risk from coastal retreat and there is no conflict of the proposed development with paragraphs 167 and 168 of the NPPF, Policy 26 of the Cornwall Local Plan and guidance in the Shoreline Management Plan.

7.0 FINANCIAL VIABILITY/SECTION 106 HEADS OF TERMS

7.1 The planning application is accompanied by a robust Financial Viability Assessment which has been undertaken in accordance with guidance in the NPPF/PPG (Viability) and Policy 10 of the Cornwall Local Plan. The proposed development has also been subject to a CIL assessment which has been factored in to the Financial Viability Assessment. For the purposes of affordable housing and CIL contributions the application site lies within Mawgan-in-Pydar Parish which is designated in Policy 8 of the Cornwall Local Plan as a Value Zone 2.

7.2 For the purposes of affordable housing and Policy 8 of the Cornwall Local Plan Value Zone 2 sets the affordable housing provision within schemes of 5 dwellings and above at 40%. With regard to CIL the CIL charge for scheme of 5 dwelling and above the CIL charge is £105.03 based on the net GIA.

7.3 The fully policy compliant contributions subject to viability for the proposed development in accordance with Policy 8 Affordable Housing and Policy 28 Infrastructure are as follows: -

- Affordable Housing

Based on the net increase of residential development on the application site of 14 dwellings (allowing for the two existing replacement dwellings) the on-site provision of affordable housing in accordance with policy would be $14 \times 40\% = 5.6$ affordable dwellings. This would provide the provision of 5 on site affordable dwellings together with an off-site financial contribution of £61,200 based on the Council's tariff of £102,000 per affordable dwelling. However as an apartment development on site provision of affordable housing would not be appropriate or viable in this case and therefore the policy level of off-site affordable housing contribution subject to viability would be £571,200.

- Section 106 Infrastructure Contributions

With regard to off-site contributions to education the Council's policy requires an off-site contribution of £2,736 for each dwelling of two bedrooms or more. Taking into account there are 2 existing dwellings on site with 2 bedrooms or more of 2 of the proposed the residential

apartments would be excluded from any contribution. Excluding the 2 x 1 bedroom apartments and the allowance for the replacement of the two existing dwellings the net number of dwellings subject to the education contribution is 12 dwellings i.e. $12 \times £2,736 = £32,832$.

The off-site financial contribution to open space is based on a tariff of £675 per dwelling and with the allowance for the 2 replacement dwelling the net increase is 14 dwellings. The off-site financial contribution to open space is therefore $14 \times £675$ i.e. £9,450.

Ecological mitigation (Policy 22 of the Cornwall Local Plan) is £330 per dwelling and with the allowance for the replacement 2 existing dwellings the net increase is 14 dwellings with the off-site financial contribution being $14 \times £330$ i.e. £4,620.

- CIL Assessment

CIL is chargeable on the net increase in the GIA of the residential element of the proposed development based on tariff of £105.03 for a Value Zone 4. The GIA of the 2 existing residential dwellings is 133 sqm and with a proposed GIA for the 16 residential apartments of 1,630 sqm the net chargeable area for CIL is 1,497 sqm. Based on the tariff of £105.03 x 1,497 sqm the CIL charge liability equates to £157,229.91.

- 7.4 The Financial Viability Assessment which accompanies this planning application has been undertaken by a team of qualified professionals with extensive experience of the commercial and residential sectors and the construction market in Cornwall. The construction cost plan provided by Ward Williams Associates Quantity Surveyors provides the likely construction costs, professional fees and contractor's preliminaries, overheads and profit while Charterwood Chartered Surveyors have provided valuation advice for the existing use values and the completed market values for the proposed development.
- 7.5 The Financial Viability Assessment has considered two viability options. Viability Summary Option 1 considers the overall viability of the proposed development with a fully policy compliant level of off-site financial contributions to affordable housing, S106 infrastructure and CIL while Viability Summary Option 2 considers the overall viability of the proposed development with a fully policy compliant level of off-site S106 infrastructure and CIL financial contributions but excludes any contribution to affordable housing.
- 7.6 The Financial Viability Assessment demonstrates the need for the 16 residential apartment (net additional 14) as due the high level of abnormal site development costs and the shortfall in the cost/value gap of the retail element the residential development element is necessary to cross subsidise the shortfall and to ensure the viability and deliverability of the development.

7.7 Viability Summary Option 2 achieves an overall level of developer's profit of £1,955,822 representing some 16.1% of the gross development value. However this level of developer's profit will be further reduced to take account of the disturbance costs incurred by the owners/operators of the existing development during the construction period. However Viability Summary Option 2 does provide for the policy level of S106 infrastructure costs to make the development acceptable in planning terms. Subject to agreement with Cornwall Council in respect of the overall scheme viability the developer will enter into a S106 agreement to secure the necessary infrastructure contributions.

7.8 Subject to agreement on the financial viability of the proposed development the draft heads of terms to secure the off-site financial contributions will be as follows: -

- Education - £32,832
- Open Space - £9,450
- Penhale Dunes SAC - £4,620

7.9 The total S106 off-site financial contributions will be £46,902.

8.0 CONCLUSION

8.1 The proposed development provides for the regeneration of a prominent previously developed brownfield mixed use retail/residential site within the built form of Mawgan Porth overlooking the beachfront. The existing site currently displays no flood risk and climate change resilience and comprises a mix of older style rundown buildings with the existing four retail units and two residential units. The proposed development provides for the redevelopment of the site with three storey buildings together with a raised floor to provide flood risk and climate change resilience. The ground floor area of the proposed development comprises six retail units, car parking and public realm with sixteen residential apartments on the first and second floors. In this context the proposed development will provide a new flood risk and climate change resilient mixed used development comprising community retail facilities, residential apartments, car parking and extensive public realm that would benefit the local community and visitors alike. The new retail facilities and public realm will significantly enhance the retail offer of Mawgan Porth with the resulting benefits to the local economy.

8.2 This Planning Statement considers the case for the proposed development having regard to planning policy guidance at the national and local level. The Planning Statement sets out a summary of the key topic assessments and evaluations that have been undertaken as part of the planning application submission and through the iterative design process for the proposed development. The overriding objective is to facilitate a viable and deliverable development providing a high quality development on the application site. The proposed development has been sensitively designed with regard to its location within a designated Area of Great Landscape Value to include the necessary enabling development from the proposed additional 14 residential apartments to provide the financial cross subsidy to support the cost/value

gap shortfall in the retail element together with the flood risk and climate change resilience mitigation and public realm.

- 8.3 The proposed development is a previously developed brownfield site lying within the built form of Mawgan Porth and is considered to be in a highly accessible and sustainable location. In this context the proposed development in terms of location constitutes sustainable development in accordance with planning policy guidance within paragraphs 8, 10 and 11 of the NPPF and Policy 1 of the Cornwall Local Plan.
- 8.4 With regard to the principle of development policy 3 of the Cornwall Local Plan outside of the main towns provides for housing growth to be delivered through the development of previously developed land within settlements while Policy 21 of the Cornwall Local Plan seeks to ensure the best use of land and buildings. Paragraph 118 of the NPPF gives substantial weight to the value of using brownfield land within settlements for homes and other uses and supports the development of under-utilised land and buildings together with the upward extension of existing development and buildings. The proposed development in terms of principle is therefore considered to be fully policy compliant with paragraph 118 of the NPPF and Policy 3 and 21 of the Cornwall Local Plan.
- 8.5 The application site lies within the built form of Mawgan Porth and in respect of the residential element is subject to Policy 8 of the Cornwall Local Plan which requires new housing schemes of more than 5 dwellings to provide affordable housing either on site or as an off-site financial contribution subject to viability. The policy requirement in Mawgan Porth is for a target level of 40% affordable housing provision. The planning application is accompanied by an Financial Viability Assessment which demonstrates that the enabling development from the additional 14 residential apartments is necessary to cross subsidise the cost/value funding gap with the retail element together with the abnormal costs associated with the flood risk and climate change resilience mitigation and public realm.
- 8.6 The retail element of the proposed development for upto six retail units with an increase in retail floorspace will provide new community retail facilities in Mawgan Porth. In this context it is considered that the proposed development is fully policy compliant with paragraphs 80 and 83 of the NPPF and Policy 4 of the Cornwall Local Plan.
- 8.7 In respect of layout and design the proposed development has been the subject of an iterative design process with full engagement with the Cornwall Design Review Panel and the local community. The height and massing has been reduced through the iterative design process. Therefore with regard to layout and design it is considered the proposed development is fully policy compliant with guidance at the national level in paragraphs 124, 127, 128 and 130 of the NPPF and Policies 2(1), 12, 13 and 16 of the Cornwall Local Plan.
- 8.8 With regard to flood risk and climate change resilience the application site lies within Flood Zone 3 and the existing buildings are currently extremely vulnerable to flood risk and climate change. The proposed development therefore incorporates flood risk mitigation within the layout and design and

the planning application is accompanied by a flood risk assessment and sequential test. The do nothing scenario will result in a situation where the existing site becomes more vulnerable to flood risk and climate change together with a lack of investment resulting in further decline in the visual appearance of this prominent site and the threat in terms of the eventual loss of the site and community facilities which is not considered to be a tenable option.

- 8.9 It is considered therefore that the proposed development with its flood risk and climate change resilience measures meets the requirement of the sequential/exception test and makes the development acceptable in planning terms in accordance with paragraphs 157, 158, 159, 160 and 161 of the NPPF and Policy 26 of the Cornwall Local Plan.
- 8.10 In respect of ecology and biodiversity the biodiversity net gain which accompanies this planning application provides for a net gain of upto 3199.84% which significantly exceeds the policy requirement of a 10% net gain. Therefore the proposed development in terms of biodiversity is fully in accordance with planning policy guidance set out in paragraphs 170 and 175 of the NPPF and Policies 2(1) and 23 of the Cornwall Local Plan.
- 8.11 The planning application is accompanied by a robust Financial Viability Assessment which has been undertaken in accordance with guidance in the NPPF/PPG Viability and Policy 10 of the Cornwall Local Plan. The Financial Viability Assessment demonstrates the financial need for the 16 residential apartments (net additional 14) as due to the high level of abnormal site development costs associated with this previously developed brownfield site and the shortfall in the cost/value funding gap of the retail element and public realm the residential element is necessary to cross subsidise the shortfall to ensure the viability and deliverability of the proposed development.
- 8.12 The Financial Viability Assessment provides for a policy compliant level of off-site S106 financial contributions to education, open space and the Penhale Dunes SAC to make the development acceptable in planning terms. However there is insufficient viability to make any off-site financial contribution to affordable housing. In these circumstances it is considered the economic benefits of the proposed development in creating new retail facilities and public realm together with the creation of new employment provides significant benefit to the local community and the local economy.
- 8.13 It is considered that the demonstrable benefits of the proposed development outweigh any identified adverse impacts and that the proposed development should be considered to be sustainable development for which there is a presumption in favour. In this context the proposed development constitutes sustainable development and meets the three overarching objectives (economic, social and environmental) set out in paragraph 8 of the NPPF. The proposed development is therefore considered to be fully in accordance with national planning policy guidance, the development plan and with all material considerations. For the reasons set out above Cornwall Council is requested to grant planning permission for the proposed development at the Mawgan Porth Beachfront site.