

TOWN AND COUNTRY PLANNING ACT 1990

Planning Statement

Application
by Kingsley Homes Ltd
to Cornwall Council

for the development of up to 150 residential dwellings and a total of 300 square metres of
Retail and Community Use

Land At Higher Trehiddle Farm St Austell Cornwall



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KING-424-17

1 INTRODUCTION

- 1.1 This application proposes the development of up to 150 residential dwellings and a total of 300 square metres of Retail and Community Use.
- 1.2 Planning Obligations are to be provided as set out in the s106 Heads of Terms.
- 1.3 Outline planning permission (PA14/12161) was granted on 27 January 2017 for a 'mixed use development comprising food and non-food retail development, hotel and restaurant, residential development, public open space with associated road infrastructure, access, parking and other utilities and services' (the 'Mixed Use Permission'). A s106 agreement was entered into to secure planning obligations.
- 1.4 On 29 September 2017 a deed of modification was agreed to decouple the financial contributions that allowed the commercial and residential elements to proceed independently.
- 1.5 This application covers the area of the commercial development of the Mixed Use Permission, save that it excludes an area adjacent to the A390 which is outside of the Applicant's ownership.
- 1.6 Various reserved matters have been approved on the Mixed-Use Permission, with the housing element of the permission now under construction.
- 1.7 The Commercial element of the development has reserved matters approval, some conditions are to be discharged.

2 NEIGHBOURHOOD PLANS

- 2.1 The majority of the site is within the parish of Pentewan Valley, with the access being within the St Austell Town Council's area. It is understood that there is no designated body for either area.

3 SITE ALLOCATIONS DPD

- 3.1 The site is shown in the SADPD as "*Site with permission awaiting s106*".
- 3.2 Part of the site adjoins the STA-M2 Mixed Use Allocation.
- 3.3 The STA-M1 Mixed Use Allocation is located a short distance to the south east of the site.
- 3.4 Since the adoption of the SADPD, the southern edge of the PA14/12161 has been developed for housing.
- 3.5 The SADPD sets out the position on windfall developments in the main towns, stating that "*it is also expected that the ongoing delivery of the LP:SP housing target requires delivery on unplanned (windfall) sites in the main towns including the towns named in the Site Allocations DPD*"

3.6 Policy 1 of the SADPD reads as follows:-

Housing growth will be delivered for the settlements named in the Site Allocations DPD through the policies in this plan and through:

1. Existing sites with planning permission that can help contribute in a timely manner to the housing supply;

2. Infill development that does not physically extend into the open countryside or diminish a large gap that is important to the setting of the settlement;

3. Small scale rounding off that is appropriate to the size and role of the settlement and does not physically extend development into the open countryside;

4. The development of previously developed land within or adjoining the named settlements.

3.7 The SADPD therefore supports the proposed development either through Policy 1(1), or 1(3).

3.8 Whilst Policy 1(3) restates parts of Policy 3 of the CLP, it clarifies a point that had been contentious prior to the adoption of the SADPD, i.e. that development of windfall sites by way of rounding off, infill and development of previously developed land are acceptable in the main towns as well as other areas (CLP Policy 3(3)).

3.9 The supporting text of the SADPD confirms that “*Proposals will not visually extend development into open countryside. Proposals must be adjacent to existing development and should be predominantly enclosed by long standing edging features, for example a road, Cornish hedge or stream. Suitable sites are likely to be surrounded on at least two sides by existing built development*”

3.9.1 The Site is not open countryside – as set out above;

3.9.2 The Site is adjacent to existing development;

3.9.3 The site is enclosed on two sides by existing residential development, on one by a main road and on the fourth by a substantial boundary;

3.10 The Application proposal is therefore in accordance with the requirements set out in the SADPD supporting text.

4 THE CORNWALL LOCAL PLAN

4.1 This Planning Statement considers both the housing and business policies of the Local Plan (as well as the other policies).

Housing

4.2 Policy 3 directs housing development towards the main towns, including St Austell.

- 4.3 Policy 3(1) refers to the delivery of housing being managed through the SADPD or Neighbourhood Plans. As above, the SADPD refers to this site being “*Site with permission awaiting s106*” and there is no NDP.
- 4.4 The Site Location Plan shows the existing housing development along Alexanders Avenue (etc) to the south of the proposed development.
- 4.5 To the extent that Policy 3(1) does not fully support the proposal, then two approaches may apply. Firstly, (at least) two appeals¹ in similar circumstances determined that being outside Policy 3(1) does not mean that the development is contrary to that policy. Secondly, (as above) SADPD Policy 1 supports the development, including through rounding off that is appropriate to the size and role of the settlement and does not physically extend development into the open countryside.
- 4.6 On that second point, the application site provides a symmetry or completion to the settlement boundary, and does not facilitate continued incremental growth.
- 4.7 The proposal to develop housing in the area previously permitted for commercial use would be adjacent to existing development and is predominantly enclosed by long standing edging features on three sides by development. The proposal does not create a new opportunity for rounding off, with the western boundary being the field boundary and access road.
- 4.8 Whilst the development may be considered to be relatively significant in terms of house numbers, it lies adjacent to the substantial settlement (main town) of St Austell, and hence the proposal is small scale that is appropriate to the size and role of that settlement.
- 4.9 Given the other development (currently proceeding) residential development of the commercial site would not visually extend building into the open countryside.
- 4.10 The pre-app response stated that “*this could reasonably be considered rounding off development that was appropriate to the size and role of St Austell and would not physically extend the settlement into the open countryside, according this would also comply with the same policies*”.
- 4.11 The site is a sustainable location, being within, or adjoining the main town of St Austell, with immediate access to the A390 and public transport.
- 4.12 In locating development on the edge of the current built up area of St Austell it would also comply with the spatial strategy of policy 2 of the Local Plan.
- 4.13 Significant infrastructure is already in place which would facilitate the development.

Business

- 4.14 Policy 5(2)(i) provides that proposals that would result in the loss of business space must demonstrate there is no market demand through active and continued marketing for at least a period of 9 months.

¹ APP/D0840/W/17/3184721 and APP/D0840/W/17/317729

- 4.15 The owners of the commercial element have been marketing the site since outline permission was granted in 2017. As a reminder, the outline permission permitted almost 8,000sqm of A1 retail for convenience goods and non-food comparison goods as well as a hotel and restaurant, with the reserved matters approving 6 retail units.
- 4.16 The owners have received no viable offers for either the food site (to the west of the access), or the remainder of the commercial development (to the east of the access).
- 4.17 Having marketed the site during the 5-year+ period since the outline permission was granted, the owner considers that the site is not viable for the commercial development as approved.
- 4.18 It is noted that the larger size² of the retail development was determined in part to avoid competition with the Town Centre and therefore a smaller commercial element (or smaller commercial units) is unlikely to be acceptable under the policies contained within the Cornwall Local Plan (e.g. Policy 4).
- 4.19 Notwithstanding the above, the business space of course is not 'lost' but simply will not be built due to a lack of interest in the commercial elements.
- 4.20 The commercial element is therefore not 'protected' by policy nor is it an allocation within the SADPD. Therefore the weight that could be given to Policy 5 would be significantly diminished.
- 4.21 Provision is made for 300 square metres of Retail and Community Use.

Other matters

- 4.22 Access will be taken from the existing access road, given the design included provision for the commercial elements, it is considered to have sufficient capacity to accommodate the expected traffic movements.
- 4.23 The residential development on the site would provide Affordable Housing at 25%. The development expects to provide Affordable Housing on the 70/30 split as set out in the Housing SPD.
- 4.24 It is anticipated that the development will provide the usual planning obligations to the required level, e.g. Education, Public Open Space. It is anticipated that the development will provide a contribution to traffic measures.
- 4.25 The application meets BNG and Climate Emergency DPD requirements.
- 4.26 The site is outside the Fal & Helford SAC Zone of Influence, so no Appropriate Assessment will be required.

² Condition 6 of the Outline Permission requires that the minimum retail unit size is 1000sqm.

5 CONCLUSION ON THE PROPOSAL

- 5.1 Development of housing on the site would be in accordance with Policy 3 of the Cornwall Local Plan and Policy 1 of the Site Allocations DPD.
- 5.2 Policy 5 is not engaged as the commercial elements have not been developed (despite having been marketed).
- 5.3 The owner expects to give the usual planning obligations.
- 5.4 The proposed development of the site for housing is in accordance with the development plan.
- 5.5 The Application should be approved.

Stephens Scown LLP

23 November 2023