

Cornwall Council

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Application number: PA16/10836

Agent:

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St Nicholas House
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Applicant:

Craig Sharp
6 Christchurch Road
Bournemouth
BH1 3LT

**Town And Country Planning Act 1990 (as amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Notice of Refusal of Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY REFUSES PERMISSION**, for the development proposed in the following application received on 17 November 2016 and accompanying plan(s), for the reasons set out on the attached schedule:

Description of Development: Purpose built student housing with a mixture of studio rooms/cluster rooms and town house rooms, associated amenities spaces and staff office

Location of Development: Land At Fish Strand Hill
Fish Strand Hill
Falmouth
Cornwall

Parish: Falmouth

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 27 April 2017

**Phil Mason
Service Director Planning and Sustainable Development**

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA16/10836

REASONS:

- 1 Policy 3 of the Cornwall Local Plan states that the delivery of growth in main towns will be managed through site allocations in order to ensure that growth is genuinely plan-led. The application site is not an allocated site for development and the scale of the proposed development is so substantial that it is considered that the granting of permission would prejudice the community-led Neighbourhood Plan process by determining decisions about the scale and location of new development in and around Falmouth. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case by reason of its location in Falmouth Town Centre the proposal would be contrary to the Council's strategy for providing a range of sites in and around the existing University campus at Penryn where students can both live and study in and around the same location, as set out in the Council's Site Allocations Development Plan Document March 2017 (Cabinet version) further to the requirements for delivering sustainable development that reflects the vision and aspirations of local communities through Local Plans set out in Paragraph 154 of the NPPF. The proposed development is therefore contrary to policy 3 of the newly adopted Cornwall Local Plan and guidance contained within paragraphs 2, 11, 16, 17 and 50 of the National Planning Policy Framework and the long standing fundamental of the UK planning system namely utilising a plan led approach to development.



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RELEVANT PLANNING POLICIES:

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.

Cornwall Local Plan - Strategic Policies 2010 - 2030 and in particular:

- 1 - Presumption in favour of sustainable development
- 2 - Spatial strategy
- 2a - Key targets
- 3 - Role and function of places
- 12 - Design
- 13 - Development Standards
- 16 - Health and wellbeing
- 21: Best use of land and existing buildings
- 22: European protected sites - mitigation of recreational impacts from development
- 23 - Natural environment
- 24 - Historic Environment
- 25 - Green infrastructure
- 27 - Transport and accessibility
- 28 - Infrastructure

Cornwall Local Plan - Site Allocations Document Cabinet Version March 2017

National Planning Policy Framework 2012 (NPPF) and in particular:

Presumption in favour of sustainable development, para 14
Core planning principles, para 17

Sections

- 1 - Building a strong, competitive economy, paras 18 and 19
- 4 - Promoting sustainable transport, paras 32, 34, 35, 36 and 37
- 6- Delivering a wide choice of high quality homes 47-51, 54, 55
- 7 - Requiring good design, paras 56, 57, 60, 61, 62, 64, 65, 66



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8 - Promoting healthy communities, para 69

11 - Conserving and enhancing the natural environment, paras 109, 118, and 123

12 - Conserving and enhancing the historic environment, paras 128, 129, 131, 132, 133 and 134

Planning conditions and obligations, para 203 - 206

Emerging Neighbourhood Plan for Falmouth

Policy HM03

Policy HR6

B16 'Backlands'

National Planning Policy Guidance March 2014

Other guidance and advice:

"Falmouth and Exeter Universities' Expansion Proposals", Report to Cabinet - 14 September 2016

Circular 11/95 - The Use of Planning Conditions (Annex A Model Conditions only) Planning (Listed Buildings and Conservation Areas) Act 1990

Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their impact within the Planning System

The Wildlife and Countryside Act, 1981

The Conservation (Natural Habitats) Regulations 1994

The Countryside and Rights of Way (CROW) Act, 2000

The Conservation of Habitats and Species Regulations 2010

Biodiversity and Geological Conservation - Planning Good Practice Guidance for Cornwall 2007 (Section 2 Guiding Principles)

Noise Policy Statement for England 2010

Cornwall Design Guide 2013

Drainage Guidance for Cornwall - 2010

Open Space Strategy for Larger Towns in Cornwall

Travel Plans - Advice for developers in Cornwall

Cornwall and Isles of Scilly Landscape Study 2007

Falmouth Conservation Area Appraisal (October 1998)

This list is not exhaustive but provides a focus for the key issues against which the application should be considered.



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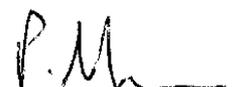
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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed 01 0300 E received 19/02/17
Proposed 01 0301 D received 19/02/17
Proposed 01 0303 D received 19/02/17
Proposed 01 0302 D received 19/02/17
Proposed 01 0310 A received 17/03/17
Proposed 01 210 D received 19/02/17
Proposed 01 0204 E received 19/02/17
Proposed 01 203 E received 19/02/17
Proposed 01 0202 E received 19/02/17
Proposed 01 0201 E received 19/02/17
Proposed 01 0200 E received 19/02/17
Illustrative Purposes only 01 0500 B received 19/02/17
Illustrative Purposes only 01 0501 B received 19/02/17
Illustrative Purposes only 01 0502 B received 19/02/17
Illustrative Purposes only 01 0503 B received 19/02/17
Illustrative Purposes only 01 0505 B received 19/02/17
Illustrative Purposes only 01 0510 B received 19/02/17
Illustrative Purposes only 01 900 C received 17/03/17
Illustrative Purposes only 01 0904 received 19/02/17
Illustrative Purposes only 01 0905 received 19/02/17
Illustrative Purposes only 01 910 received 19/02/17
Illustrative Purposes only 01 0101 received 19/02/17
Site/location Plan 01 0100 A received 16/11/17
Existing 2008-2190-01 A received 08/02/17

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with this proposal. On this occasion, the issues are so fundamental that it is not possible to negotiate a satisfactory way forward due to the harm that has been clearly identified within the reason(s) for refusal.



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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/topic/planning-development/planning-permission-appeals/> A copy of the completed appeal form must also be submitted to the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.