

TOWN AND COUNTRY PLANNING ACT 1990

Submission on behalf of Tamara Brush and other Falmouth Residents

PA17/01608

Erection of a 70 bed Premier Inn Hotel (Use Class C1)
with integral ancillary restaurant / breakfast area

Discovery Quay Car Park Campbeltown Way Port Pendennis Falmouth Cornwall TR11 4AU



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Introduction

Stephens Scown LLP have been instructed by Tamara Brush (on behalf of a number of other Falmouth residents) to make representations objecting to the planning application PA17/01608 for the “Erection of a 70 bed Premier Inn Hotel (Use Class C1) with integral ancillary restaurant / breakfast area | Discovery Quay Car Park Campbelltown Way Port Pendennis Falmouth Cornwall”.

This proposal will exacerbate significant parking problems for this area of Falmouth and as such is contrary to the emerging Falmouth Neighbourhood Development Plan, the draft Cornwall Allocations DPD, the adopted Cornwall Local Plan and the NPPF.

In common with their objections to PA13/09610 and PA12/04039 the objector’s focus is mainly upon the development causing traffic congestion in Falmouth Town Centre. Representations were made on the previous scheme, these have not been satisfactorily addressed, a copy of those representations is attached as Appendices 1 and 2. Whilst the points in the previous representations all apply to this development also, rather than repeat them again here, focus in this representation is of new matters which need to be considered.

Significant net loss of parking spaces

- i) There is NO on-site parking for guests¹.
- ii) The development results in the loss of 21 existing parking spaces.
- iii) Not only will the need for those 21 spaces² be displaced elsewhere in Falmouth, but the development also creates an increased need for parking.

The three points above are uncontroversial. The s106 agreement dated 06 June 2006 obligation to provide 21 parking spaces for use by the general public contained continues to fulfil a useful planning purpose and should remain in place to mitigate the effects of other development.

The applicant’s own figures say that 20 vehicles parked through the day³, with peak parking need of 46 places.

Hence (on the Applicant’s own figures) if the development were to be permitted there would be a net loss in Falmouth parking spaces of between 41 and 67 spaces.

Our client does not accept the figures set out in the Transport Statement for the reasons given in the two previous representations, however for the purposes of this objection the Applicant’s figures are taken for reasons of simplicity.

¹ Transport Statement – 1.1.4

² TS - 1.1.2

³ TS - 6.2.3

Recent reports/studies in respect of parking in Falmouth

Since the previous determinations on this application Falmouth has had the benefit of a number of studies commissioned by the Cornwall Council and Falmouth Town Council. This includes:-

- i) Parsons Brinckerhoff: Falmouth and Penryn Town Model Technical Note 12 – Issue 8⁴ (the ‘Parsons Brinckerhoff Report’);
- ii) AECOM: FALMOUTH TOWN CENTRE SITES: Neighbourhood Masterplanning, June 2016⁵ (the ‘AECOM Report’);
- iii) CORMAC Consultancy: Cornwall Town Parking Review, Public Engagement Analysis Report, Falmouth Residents’ Parking Schemes, February 2017⁶ (the ‘CORMAC Report’).

The Parsons Brinckerhoff Report states that (without the hotel) there is predicted to be a 25% increase in daily demand between 2010 and 2030. It goes on to state that *“Any further loss of parking spaces [due to future development opportunities identified in the framework] would require further detailed assessment to identify suitable parking alternatives”*. No suitable parking alternatives have been identified by this application.

The AECOM Report says of the Grove place and TA sites (it should be noted that the application site falls within the area considered for the TA site) *“considerations should be given to improve car parking”*⁷; *“every effort should be made to keep the parking numbers and increase them where possible”*⁸; and *“retain car parking provision”*⁹. It also sets out ‘Suggested policies for Grove Place and TA sites’, which states *“Provide multi-storey car parking behind the residential properties on the TA car park site, to replace parking displaced from other town centre car parks”*¹⁰. It should be noted that even with the redevelopment envisaged by the AECOM report it is looking to increase parking from 358 spaces to 376. The application before the Council flies in the face of the recommendations of the AECOM report, Falmouth simply cannot afford to lose a net 67 spaces (even if the applicant’s figures are correct). It is worth noting that the AECOM report was commissioned for and informed the Falmouth Neighbourhood Development Plan.

The Cornwall Council identified seven areas in Cornwall as having the biggest parking problems: Bude, Falmouth and Penryn, Newquay, Penzance, St Ives, Truro and Wadebridge. During the summer of 2016 we carried out a town parking review in those towns. The CORMAC Report resulted from that review. In the CORMAC Report, areas FH09 and FH11 are closest to the development

⁴ See Appendix 3 – also at <https://www.cornwall.gov.uk/media/3630479/Appendix-G-a-TN12-Falmouth-Town-Model-Issue-8-.pdf>

⁵ Appendix 4 – also at http://planforfalmouth.info/wp-content/uploads/2016/12/160621-Falmouth-Final-Report-Client_LOW.pdf

⁶ Appendix 5 – also at <http://www.cornwall.gov.uk/media/24790174/falmouth-town-parking-review-public-engagement-analysis-report-residents-parking-schemes-compressed-for-website.pdf>

⁷ AECOM report p4

⁸ AECOM report p9

⁹ AECOM report p10

¹⁰ AECOM report p32 – scenario 1

proposals. In area FH09 58% of respondents thought a Residents' Parking Zone would help address parking issues in their street. That figure was 60% in area FH11. These percentages were the highest in favour of a RPZ and the results were markedly higher in these two areas than the town-wide results (36%). The results of the CORMAC Report therefore confirm the anecdotal evidence that there are significant parking problems already experienced by residents in these areas. The introduction of a poorly planned development which results in a net loss of 67 spaces can only make things worse.

Not only is the conclusion of the Applicant's Transport Statement contrary to the above Council commissioned studies and findings, but it is also contrary to the data held by Visit Cornwall, which found that 86% of visitors used private transport.

It should also be borne in mind that the Grove Park and NMMC Car Parks are short stay only, therefore residents of the development will look to park on the roads if possible (to the further detriment of residents): i) to avoid parking charges; and ii) so as not to have move their car when the short stay period ends.

Transport Statement

The 'Transport Statement' states that the parking data has been updated – however, the 'update' appears to be the addition of Appendix D. Far from assuaging any fears about the capacity of Grove Park Car Park, it clearly demonstrates an increased evening usage of the Car Park – at the very time that the applicant says their demand is highest.

Month	2012*		2015/2016	Increase from last application	% occupancy (168 spaces)	% occupancy when 67 net loss added to 2015/2016 figures
April	2699		3856	142.87	0.77	1.19
May	3202		4451	139.01	0.85	1.28
June	4142		4658	112.46	0.92	1.36
July	4048		5365	132.53	1.03	1.46
August	4080		6515	159.68	1.25	1.69
September	2742		4404	160.61	0.87	1.30
October	2608		2816	107.98	0.56	0.96
November	1616 (2010)		2685	166.15	0.53	0.95
December	1412 (2010)		2689	190.44	0.53	0.94
January	1555 (2010)		2651	170.48	0.53	0.93
February	1965 (2011)		2333	118.73	0.50	0.92

* No charging period from November 2011 – March 2012 – figures replaced by 2010 data

The 'new' data therefore shows a significant step change in demand for evening parking spaces at Grove Park, and also that during the peak holiday season that more tickets are sold for the car park each evening than there are spaces. There is no evidence before the LPA that the 67 net loss of car parking spaces can be accommodated within Grove Place (or any other Car Park). Moreover, where the 67 net lost spaces are added to Grove Park (as is most likely) then the effect on the capacity of the car park is stark. It is inconceivable that all of the demand for the Car Park could be accommodated and it is inevitable therefore that there would be overspill to the already (proven) problematic on-street parking.

Our client still disputes the parking data (from 2010 etc) and the statistical analysis of it. However, mindful of the fact that their previous representations detail these points reference is simply made to the previous representations – those concerns remain extant. Reliance on 2010/11 data is considered to be unacceptable and the LPA should demand that up to date information is produced to demonstrate the true position. As matters stand, the only new data provided demonstrates that the demand for parking spaces is now higher than ever before.

We note that the 'data' still does not address annual passes and therefore underestimates the true position.

We note that the Devon & Cornwall Police Architectural Liaison Officer states *"With no visitor parking on site there should be proper assessment of any local parking implications this may bring"*.

Furthermore, we note that Visit Cornwall comment *"We would therefore request that before the application is considered, there should be a full and independent car park capacity and utilisation impact study is undertaken based on realistic projections on the percentage of users of the new hotel that would be car based. As although Visit Cornwall is fully committed to a sustainable tourism agenda, we are also realistic that the vast majority of staying visitors will continue travel to Cornwall by car, especially couples and families"*.

Reliance on, or simple, unchallenged acceptance of the figures presented in the Transport Statement leaves any positive decision on the application liable to Judicial Review for failing to take into account material considerations.

Inconsistent with the aims of the emerging Falmouth Neighbourhood Plan, Cornwall Local Plan and the draft Allocations DPD

One of the key points in the Emerging Falmouth Neighbourhood Plan is to *"improve car parking to support the town centre's economic viability"*¹¹. And *"Objective 6 - Ensure that transport infrastructure, including essential car parking and sustainable transport modes, is adequate to support growth"*.

¹¹ Falmouth NDP - Bullet 4 page 3

Quite rightly the people of Falmouth want to address parking throughout the town and particularly in Church Street – applications which reduce the availability of parking spaces elsewhere in Falmouth make that vision less and less obtainable.

The Draft Cornwall Allocations DPD states – *“If the town centre is to flourish it is important to maintain a good quality, accessible, parking provision. There is an opportunity to review the parking provision amongst the various car parks within the town, but maintaining and strengthening Quarry and Maritime car parks as the primary provision at either end of the town centre corridor.”*

The Draft Allocations DPD was flagged to the Applicant in the pre-app response – yet it is not even mentioned in the Transport Statement. Nor is there any mention of the parking aspects of the DPD in the Planning Statement.

Nor is the emerging Falmouth Neighbourhood Plan and its concerns and vision for parking even mentioned in the Transport Statement. There is no mention of the parking aspects of the NDP in the Planning Statement.

The proposal results in a significant loss of essential parking spaces and as such this application is contrary to the draft Allocations DPD and the emerging Falmouth Neighbourhood Development Plan.

The Cornwall Local Plan, Policy 13, requires that *“An appropriate level of off street parking and cycle parking taking into account the accessibility of the location in terms of public transport and proximity to facilities and services”*. It is clear from the Parsons Brinckerhoff report, the AECOM report, the CORMAC report, the updated car park data, the emerging Falmouth Neighbourhood Development Plan and the emerging draft Allocations DPD (to which weight has been ascribed in other recent planning decisions) that the proposal does not provide an appropriate level of off street parking.

As such, the application should be refused due to it being contrary to the emerging Falmouth NDP, the draft Allocations DPD and the adopted Cornwall Local Plan.

Turning area

It safety of the public is imperative is a key consideration. It is noted that the applicant claims within the drawings that deliveries will reverse in to the development. However, we understand that the area of land over which they will first drive forward and then reverse from is not within their ownership, but in the ownership of Cornwall Council. We have seen nothing (and nothing has been provided) to demonstrate that delivery vehicles will have rights of access over this area of land. As such, no permission should be granted until it has been shown that the relevant rights can be secured in order to provide that turning area.

Absent such rights, reversing down the length of Campbelltown Way would be unacceptable.

Material changes in circumstances since the last determination

Since the last application the Cornwall Council has adopted its Local Plan, the Allocations DPD has reached draft stage (and has been given weight in decision making by the Council on other applications) and the Falmouth Neighbourhood Development Plan has emerged. The Planning Statement fails to engage properly (or at all) with these changes to the framework of decision making, in that it fails to have any regard to the aspirations of both the Cornwall Council and the Falmouth Town Council in respect of the improvement of parking provision for Falmouth. Given the context of the previous objections from our client it is surprising that the Applicant has not sought to address these issues.

The updated car parking data demonstrates a significant increase in evening usage of the Grove Car Park. The new data does not indicate that the 67 displaced spaces can be accommodated.

We note that the Highways Development Management West Majors' comments state "*Other concerns relate to the loss of car parking in Falmouth town centre. However, the appellant's submitted Transport Statement indicates that, with the exception of special events and the peak month of August on wet days, sufficient capacity exists within the local car parks to absorb the loss of 21 parking spaces at the appeal site. The site is also within convenient walking distance from Falmouth's park and ride, and park and float schemes. Recent data shows a decline in the use of Grove Place, The Dell and Maritime car parks between 2011 and 2012. A Travel Plan to address sustainable commuting and the operation of delivery vehicles could be imposed by condition, had I been minded to allow the appeal. I therefore consider that the loss of parking spaces is not a reason for dismissing the appeal.*" On this we make the following points:-

- i) The new data does not suggest that sufficient capacity exists – the Officer should consider the submitted evidence rather than rely on the position some years ago;
- ii) There is not just a loss of 21 parking spaces, but additional demand created;
- iii) Recent data no longer shows a decline in the use of Grove Place, but an increase in usage. The Inspector's decision cannot therefore be regarded as up to date and hence the conclusions cannot be relied upon.

It is therefore incorrect to state "*This has updated the information provided in the previous applications and demonstrates that there has not been a material change in the demand for parking*". There has been a demonstrable increase in demand for parking at Grove Place in the evenings – 60% in peak months. That cannot logically (or *Wednesbury* reasonably) be considered to be immaterial.

Furthermore, the Inspector did not (could not) have regard to the Draft Allocations DPD and the emerging Falmouth NDP – the Officer therefore needs to look again at the proposal in the context of today's policy and consider the application afresh rather than rely on the outdated Inspector's decision.

Conclusions

There will be a real and demonstrable negative impact on parking in the area around the development making an already (proven) difficult parking situation worse.

The proposal fails to comply with the vision for parking in the emerging Falmouth Neighbourhood Development Plan and is therefore contrary to it.

The proposal fails to maintain a good quality, accessible, parking provision and is therefore contrary to the aims of the draft Allocations DPD.

The proposal is contrary to Policy 13 – in that it does not provide sufficient (or in fact any) off-street parking.

The application should be refused.

STEPHENS SCOWN LLP

19 April 2017

Appendix 1 – Representations in respect of PA13/09610

Appendix 2 – Representations in respect of PA12/04039

Appendix 3 – Parsons Brinckerhoff Report

Appendix 4 – AECOM Report

Appendix 5 – CORMAC Report (relevant pages only)