

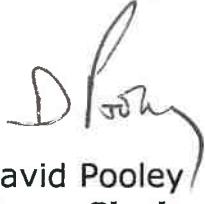
## St Austell Town Council



**To: All Members of the Planning and Regeneration Committee**

Dear Councillor

You are summoned to attend the **Planning and Regeneration Meeting** of **St Austell Town Council** to be held in **The Registrar's Office, Carlyon Road St Austell, Cornwall, PL25 4LD** on **Monday 6<sup>th</sup> February 2023** at **6pm**.



David Pooley  
**Town Clerk**

**\*\*Please note change of venue\*\***

31<sup>st</sup> January 2023

Tel: 01726 829859  
E-mail: [david.pooley@staustell-tc.gov.uk](mailto:david.pooley@staustell-tc.gov.uk)  
Website: [www.staustell-tc.gov.uk](http://www.staustell-tc.gov.uk)

### **AGENDA**

**1. Apologies for absence**

**2. Declarations of Interest**

(Purpose: To receive declarations of disclosable pecuniary and other non-registerable interests in respect of items on the agenda).

**3. Dispensations**

(Purpose: To receive requests for dispensations under the Code of Conduct).

#### 4. Minutes from Meeting dated 9<sup>th</sup> January 2023

Pages  
1 to 6

(Purpose: To agree that the minutes of the above meeting be signed as a correct record).

#### 5. Matters to Note

A verbal update from the Town Clerk on the actions taken since the last meeting.

#### 6. Public Participation

(Purpose: To invite members of the public to address the meeting in relation to the business to be carried out at the meeting).

*Each person addressing the Council will be allocated a maximum of 2 minutes.*

#### 7. Planning Applications

The Town Council has been consulted on the planning applications listed below. The Committee is asked to consider the applications and agree a response to the Planning Authority (Cornwall Council).

The applications and their plans can be viewed on the Online Planning Register at [www.cornwall.gov.uk](http://www.cornwall.gov.uk).

- i. **PA21/12757:** Land West Of Evergreen Cottages Treverbyn Road St Austell Cornwall PL25 4EW. Residential development of 48 affordable dwellings, the formation of an access from Treverbyn Road and other associated works (including demolition of existing buildings). **Parish: Treverbyn.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R4KR9NFGLFH00>

- ii. **PA22/10680:** 2 Biddicks Court St Austell Cornwall PL25 5EW. Proposed replacement and alterations to fenestration at ground, first and second floor and alterations to shop front on south east (front) elevation. **Ward: Central & Gover.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RM80M6FGKXC00>

- iii. **PA22/11219:** 5 Courtlands Crescent St Austell Cornwall PL25 3HL. Demolition of existing two-storey dwelling and construction of two new detached dwellings. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN4YOHFGIJX00>

- iv. **PA22/11301:** Land At Higher Trewhiddle Farm St Austell Cornwall. Non-material amendment to decision PA20/00535 dated 02.11.2021 to change the external finishing on the garages from brick to a render. **Parish: Pentewan Valley.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN77A6FGK4000>

- v. **PA22/11445:** 53 Porthmeor Road St Austell Cornwall PL25 3LU. Proposed garage and car port. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNJRYWFGK9T00>

- vi. **PA23/00162:** 57 Meadway St Austell Cornwall PL25 4HT. Double storey side extension and porch. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RO7UNJFGKAA00>

- vii. **PA23/00233:** 31 Killyvarder Way St Austell Cornwall PL25 3DJ. Extension & refurbishment. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROA8REFGM0P00>

- viii. **PA23/00324:** 113 Retallick Meadows St Austell Cornwall PL25 3BZ. Construct a raised patio to rear of property. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROFEXLFGHQA00>

- ix. **PA23/00476:** The Annexe 15 Bethel Road St Austell Cornwall. New annex without compliance of Condition 3 in relation to Decision Notice PA18/11077 dated 17/01/2019. **Ward: Bethel & Holmbush.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROQ7SVFGH2Y00>

- x. **PA23/00568:** HSBC 14 Fore Street St Austell Cornwall. Removal of external ATM, signage and CCTV. **Ward: Central & Gover.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROXUTCFCGLE500>

- xi. **PA23/00570:** 31 Brewery Drive St Austell Cornwall PL25 4EH. Construction of attached garage/sun room with apex roof with rear velux. **Ward: Poltair & Mount Charles.**

Link: <https://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROXXKBFLG400>

## **8. Premises Licence Applications**

*None.*

## **9. Planning Decisions**

**Pages  
7 to 10**

(Purpose: To note receipt of decisions by the Planning Authority. The decision notices, which explain the full reasons and conditions, are available for inspection in the same way as the planning applications). (Report enclosed).

## **10. Cornwall Council – Urgent Delegated Planning Decisions**

(Purpose: To receive an update on the Cornwall Council urgent delegated planning decisions). (Verbal update).

## **11. Levelling-up and Regeneration Bill: reforms to national planning policy**

**Pages  
11 to 22**

(Purpose: To note Cornwall Council's briefing notes and consider responding to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation). (Briefing notes attached).

## **12. St Austell Town Centre Revitalisation Partnership**

(Purpose: To receive an update on the work of the St Austell Revitalisation Partnership). (Verbal update).

## **13. Cornwall Council Highways Schemes**

(Purpose: To receive an update on progress with the Cornwall Council Highways Schemes). (Verbal report).

## **14. Dates of Meetings**

(Purpose: To confirm the dates of the forthcoming Planning and Regeneration Committee meetings: Monday 6<sup>th</sup> March 2023 and Tuesday 11<sup>th</sup> April 2023).



**MINUTES of a MEETING of ST AUSTELL TOWN COUNCIL PLANNING AND REGENERATION COMMITTEE held on MONDAY 9<sup>th</sup> JANUARY 2023 in The Registrar's Office, Carlyon Road St Austell, Cornwall, PL25 4LD at 6pm.**

**Present:** Councillors: Brown (Chair), Cohen, Fox, French, Hamilton, Lanxon, Pearce, Stephens, Styles and Thompson.

**In attendance:** Sara Gwilliams (Deputy Town Clerk).

**P/22/99) Apologies for absence**

Apologies for absence was received from Councillors Bull and Double.

Apologies were also received from the Town Clerk.

**P/22/100) Declarations of Interest**

Councillor Cohen declared an interest in Agenda Item 8 (ii) PA22/10570 by virtue of knowing the applicant.

Councillor Fox declared an interest in Agenda Item 7 by virtue of being a Cornwall College employee.

**P/22/101) Dispensations**

None.

**P/22/102) Minutes from the Meeting dated 5<sup>th</sup> December 2022**

It was **RESOLVED** that the minutes of the meeting held on the 5<sup>th</sup> December 2022 be approved and signed as a correct record.

**P/22/103) Matters to note**

The Deputy Town Clerk advised that she had nothing to add.

**P/22/104) Public Participation**

There were two members of the public present for Planning Application Number: PA22/10678 and one member of the public present for Agenda Item 9 (Ropehaven Road).

The Chair advised that after the presentation from Cornwall College, he would bring Planning Application Number: PA22/10678 forward so that it can be considered first and then the agenda would run in the order as outlined.

**P/22/105) Cornwall College**

**John Evans, Chief Executive**

**David Atkinson-Beaumont, Head of St Austell Campus**

The Chair welcomed Mr Evans and Mr Atkinson-Beaumont to the meeting.

Mr Evans explained the background to the St Austell Campus and the difficulties it has faced in the past.

He advised that the college has a good Ofsted report but requires a radical change to ensure its future sustainability.

Mr Evans explained the Government's commitment to the St Austell campus and the assistance that they are providing with regard to the designing, procuring and building of the new college and their desire to provide a well-designed functional building which allows for growth. He added that the building will be no taller than 3 storeys and the aspiration was to be the first carbon neutral college. Mr Evans explained that they are currently designing the inside of the building and a planning application is expected to be submitted in April 2023, with a start date of October 2023 and completion of the project in late 2025/early 2026.

Mr Atkinson-Beaumont advised that they fully appreciate the community's fondness for the building, both as a college and ECLP headquarters and some "goodbye" events are planned to acknowledge its history.

The presentation concluded with a visual "fly through" of the proposed build and grounds which Members appreciated.

In answer to Members questions, Mr Evans advised that no parking spaces will be lost with the new build and there are plans for solar panels to be installed. He reassured Members that the Keay Theatre will remain and that it will be refurbished to a good standard. Mr Evans advised that depending on the skill sets required, local jobs would be created and explained the Academies currently operating for 14-16 year olds with Keir, Cornwall Care and St Austell Brewery.

The Chair thanked Mr Evans and Mr Atkinson-Beaumont for their interesting presentation.

### **P/22/106) Planning Applications**

- i. **PA22/10534:** Land Adjacent To John Keay House, Lewis Way St Austell PL25 4JY Cornwall. Application for modification of a planning obligation attached to planning permission C2/05/00336 dated 04.01.07.

Members noted the comments of the Affordable Housing Team and supported their reasons for refusal.

It was **RESOLVED** to object to this application.

*\*\* Councillor Cohen reiterated her interest and left the meeting\*\**

- ii. **PA22/10570:** Buena Vista Gribben Road St Austell Cornwall. Outline application with all matters reserved for the construction of a three bedroom house.

It was **RESOLVED** to make no objection to this application.

*\*\*Councillor Cohen returned to the meeting\*\**

- iii. **PA22/10610:** Scout Hall Trenance Road St Austell Cornwall. Outline application with all matters reserved for demolition of existing Scout Hut and construction of up to two dwellings, landscaping and associated works.



It was **RESOLVED** to support this application subject to a tight restriction on the location of the properties as recommended by the Environment Agency and suitable conditions to mitigate any land contamination issues.

- iv. **PA22/10678:** Land East Of 2 Brockstone Road Brockstone Road St Austell Cornwall. Additional 2 semi-detached dwellings to previously approved residential development at 4 Brockstone Road.

It was **RESOLVED** to support this application subject to a satisfactory surface water management plan and that the Planning Officer is satisfied that the proposal will not adversely impact any of the properties on Trenowah Road.

- v. **PA22/10686:** 30 Dobell Road St Austell Cornwall PL25 4NB. Proposed sub-division of garden and construction of two bedroom bungalow with garden amenity area and off-road parking.

It was **RESOLVED** to make no objection to this application.

- vi. **PA22/10725:** Sedgemoor Heights, 46 Bodmin Road, St Austell, Cornwall. Change of use and conversion of coach house/garage to 1 No. dwelling, erect single storey extension without compliance with condition 4 of decision notice. PA22/02060 dated 15.09.2022.

Members reviewed condition 4 and agreed that it remains appropriate and should not be discharged.

It was **RESOLVED** to object to this application.

- vii. **PA22/10736:** 7 Tolcarne Close St Austell Cornwall PL25 4SJ. Proposed rear extension and remodelling/refurbishment and external landscaping works.

It was **RESOLVED** to make no objection to this application.

- viii. **PA22/10841:** 35-37 High Cross Street, St Austell, Cornwall, PL25 4AN. Change of use from existing accountant's office to two residential dwellings, including internal and external alterations.

It was **RESOLVED** to make no objection to this application.

- ix. **PA22/10905:** 9 Beech Road, St Austell, Cornwall PL25 4TS. Loft conversion with a rear dormer.

It was **RESOLVED** to make no objection to this application.

- x. **PA22/11180:** 11 Growan Road St Austell Cornwall PL25 3JP. Proposed extensions, remodelling and associated works.

It was **RESOLVED** to object to this application on the grounds of:

- The impact on the neighbouring properties with regard to overlooking, overshadowing and loss of privacy
- Scale and density of the proposal
- Out of keeping with the street scene

- xi. **PA22/11319:** 82 Penmere Road St Austell Cornwall PL25 3PE. Proposed construction of a single-storey side extension to the existing bungalow.

It was **RESOLVED** to make no objection to this application.

*\*\*Councillors French and Pearce left during the next item\*\**

### **P/22/107) St Austell & Mevagissey – Traffic Regulation Order 2022**

Ms Oxenham explained the history of the parking issues at Ropehaven Road and her strong objection to the proposed yellow lines at the junction of Pridmouth Road with Ropehaven Road due to the impact that they will have on residential properties.

The Committee discussed the 8 proposals as follows:

EDG2114 (SN01) St Austell & Mevagissey TRO 2022  
*Fore Street, St Austell – Restrictions on waiting*

The Deputy Town Clerk advised that people regularly park next to the bollards at the entrance of Fore Street which has, on occasions, blocked access for emergency vehicles. She added that the Police, Councillor Double and the Community Safety Officer are all supportive of this proposal.

EDG2114 (SN02) St Austell & Mevagissey TRO 2022  
*Eliot Road, St Austell – Restrictions on waiting*

Councillor Thompson advised that he has requested yellow lines in Eliot Road but not as suggested by the proposal.

EDG2114 (SN03) St Austell & Mevagissey TRO 2022  
*Tremayne Road, St Austell – Restrictions on waiting*

Differing views were expressed by Members with regard to this proposal.

EDG2114 (SN04) St Austell & Mevagissey TRO 2022  
*Prince Charles Park, St Austell – Restrictions on waiting*

Differing views were expressed by Members with regard to this proposal.

**It was RESOLVED to object to the proposal for “No Waiting at any Time” (Double Yellow Lines) at Prince Charles Park with its junction with Lostwood Road**

EDG2114 (SN05) St Austell & Mevagissey TRO 2022  
*Ropehaven Road, St Austell – Restrictions on waiting*

**It was RESOLVED to agree to the proposal for “No Waiting at any Time” (Double Yellow Lines) at Menabilly Road and Cannis Road at the junctions with Ropehaven Road**

**It was RESOLVED to object to the proposal for “No Waiting at any Time” (Double Yellow Lines) at Pridmouth Road at its junction with Ropehaven Road and extended down to the existing yellow lines**

*EDG2114 (SN06) St Austell & Mevagissey TRO 2022  
Gerrans Close & Boldventure Road, St Austell*

A view was expressed that the restrictions could be extended by one property up each side of Gerrans Close and around the corner into Boscoppa Road.

*EDG2114 (SN07) St Austell & Mevagissey TRO 2022  
Trenowah Road, St Austell – Restrictions on waiting*

A view was expressed that the proposal for yellow lines on the north side of Trenowah Road will cause problems for the residents who do not have a garage to park their cars and the Accountants who rely on the availability of on-street parking for their clients and users and staff of the pharmacy and surgery.

**It was RESOLVED to agree to the restrictions proposed for the southern side of Trenowah Road but not the north side**

*EDG2114 (SN08) St Austell & Mevagissey TRO 2022  
Daniels Lane & Whieldon Road St Austell*

No views expressed.

It was **RESOLVED** that the Deputy Town Clerk should respond to the St Austell and Mevagissey Traffic Regulation Order 2022 consultation as outlined above.

#### **P/22/108) Premises Licence Applications**

None.

#### **P/22/109) Planning Decisions**

The Deputy Town Clerk advised that two five day protocols had been received.

*PA22/08667 – 24 Bethel Road, St Austell  
Town Council - Objection*

The Chair and Vice Chair considered the Planning Officer's wish to approve the application and agreed to "agree to disagree" and not pursue the matter to committee.

*PA20/08357 – 6 Tremena Road, St Austell, Cornwall, PL25 5QG  
Town Council – No Objection*

The Chair and Vice considered the Planning Officer's wish to refuse the application and agreed to support his refusal and not pursue the matter further.

It was **RESOLVED** to note the planning decisions.

#### **P/22/110) Cornwall Council – Urgent Delegated Planning Decisions**

*PA22/10165 – Land to the Rear of Masonic Club, South Street, St Austell  
Town Council - Objection*

The Chair advised that following a five day protocol from the Planning Officer who wished to approve the application, he had agreed with the Vice-Chair that although they still have concerns about the application, they would “agree to disagree” on this occasion and not pursue the matter to Committee.

#### **P/22/111) St Austell Town Centre Revitalisation Partnership**

The Deputy Town Clerk advised that the Town Council and Town Centre Revitalisation Partnership approved the town centre masterplan on the 19<sup>th</sup> December 2022 and 20<sup>th</sup> December 2022 respectively and that the approved plan had been submitted to Cornwall Council within the contractual timescales agreed.

The Deputy Clerk advised that three Good Growth Funding bids have been submitted to Cornwall Council and that if a positive response is received, the Clerk will approach the Town Council to discuss match funding. The potential for a second round of Town Vitality Funding for St Austell is being discussed with Cornwall Council and the projects that might qualify for Levelling Up Funding – Round 3. The partnership has expressed a desire to keep the partnership going to help drive the revitalisation projects forward and Mr McCardle is currently working one day a week to help progress projects and Mei Loci continue to be engaged to assist with technical details.

#### **P/22/112) Cornwall Council Highways Schemes**

The Chair expressed an urgent need for the Cornwall Councillors to discuss the Highways Schemes in their divisions at a future Town Council meeting.

#### **P/22/113) Dates of Meetings**

It was noted that the dates of the next meetings of the Planning and Regeneration Committee are Monday 6<sup>th</sup> February 2023 and Monday 6<sup>th</sup> March 2023.

The meeting closed at 8.38pm.

**ST AUSTELL TOWN COUNCIL**  
**PLANNING AND REGENERATION COMMITTEE**  
**6<sup>th</sup> FEBRUARY 2023**  
**LOCAL PLANNING AUTHORITY DECISIONS**

**1. PURPOSE OF REPORT**

To note decisions of the Local Planning Authority notified since the last meeting.

**2. LEGAL AND RISK MANAGEMENT ISSUES**

None directly.

**3. EQUALITIES ISSUES**

The Council endeavours to highlight to Cornwall Council any equalities issues arising from consideration of the planning applications.

**4. RESOURCE ISSUES**

None outside of existing budgets.

**5. ENVIRONMENTAL CONSIDERATIONS**

The Town Council considers environmental issues when considering planning applications but is constrained by local and national planning policy.

**6. RECOMMENDATIONS**

It is recommended that Councillors note the decisions made.

---

**Decisions Made**

Councillors are asked to note the receipt of the following decisions by the Planning Authority (the decision notices which explain the full reasons and conditions are available for inspection in the same way as planning applications):

DAVID POOLEY - TOWN CLERK

**PA22/09663**

**APPROVED**

**Applicant:** Ian Munn

**Location:** Aspire Gymnastics Academy Bucklers Lane St Austell Cornwall PL25 3JL

**Proposal:** Change of use from Class D2 to Class B8 with Click & Collect facility, and minor internal alterations

**Town Council Response: No Objection.**

**PA22/10165**

**Granted (CAADs, PIPs and LUs only)**

**Applicant:** Masonic Building Trust

**Location:** Land To The Rear Of Masonic Club South Street St Austell Cornwall PL25 5BH

**Proposal:** Permission in principle for up to four dwellings

**Town Council Response: Objection.**

**PA22/10069**

**APPROVED**

**Applicant:** Mrs Jane White

**Location:** 30 Carnjewey Way St Austell Cornwall PL25 4FU

**Proposal:** Single-storey rear extension.

**Town Council Response: No Objection.**

**PA22/10678**

**APPROVED**

**Applicant:** James Smithson

**Location:** Land East Of 2 Brockstone Road Brockstone Road St Austell Cornwall PL25 3DW

**Proposal:** Additional 2 semi-detached dwellings to previously approved residential development at 4 Brockstone Road.

**Town Council Response: Support.**

**PA22/07106**

**APPROVED**

**Applicant:** Mr Ken Sony

**Location:** Land North Of 59 Victoria Road Victoria Road St Austell Cornwall PL25 4QF

**Proposal:** To put 1 bed owners accommodation on garden plot.

**Town Council Response: Objection.**

**PA22/10534**

**WITHDRAWN**

**Applicant:** Astor Communities

**Location:** Land Adjacent To John Keay House Lewis Way St Austell  
Cornwall PL25 4JY

**Proposal:** Application for modification of a planning obligation  
attached to planning permission C2/05/00336 dated 04.01.07.

**Town Council Response: Objection.**





## Briefing note

# Proposed changes to the National Planning Policy Framework

January 2023

## Introduction

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on a proposed approach to updating the planning system and the National Planning Policy Framework (NPPF). The consultation started on 22<sup>nd</sup> December 2022 and runs to 3<sup>rd</sup> March 2023. The Government will feedback on the response to consultation later in Spring.

A suggested response to the contents of the consultation from Cornwall Council will be circulated separately for comments.

The proposals include an [interim update to the NPPF](#), which is covered in this note, but also set out a [Prospectus for wider changes](#) linked to the Levelling Up and Regeneration Bill that sets out amongst other matters:

- Future changes to plan-making (detail to be published later in 2023),
- The likely scope of New National Development Management Policies (detailed proposals to be set out separately in a future consultation),
- Proposals for:
  - building beautiful and refusing ugliness
  - securing the infrastructure needed to support development
  - more democratic engagement with communities on local plans
  - Better environmental outcomes, including climate change mitigation and adaptation, nature recovery and climate change adaptation
  - Empowering communities to shape their neighbourhoods through increased weight to neighbourhood and introducing Neighbourhood Priorities Statements and street votes

These proposed wider reforms provide the context for the draft NPPF revisions, but for clarity are covered in a separate briefing note.

The proposed changes to the NPPF set out in the consultation are in advance of a ‘fuller’ review of the framework, that will follow implementation of the Government’s proposals for wider change to the planning system and progression of the Levelling-up and Regeneration Bill. There will be further consultation on those broader changes at some point during 2023.

### **Summary of key changes:**

The specific changes which are proposed to the NPPF (and are considered applicable to Cornwall<sup>1</sup>) are summarised below:

#### **Housing**

- New detail on how local plan housing figures should be derived, that the standard methodology for calculating the housing requirement is a starting point and the situations where a reduced figure might be acceptable, including how past ‘over-delivery’ and local circumstances can be taken into account;
- Changes to the annual housing delivery test and five-year housing land supply requirement, including taking into account past ‘under or over-delivery’;
- The presumption in favour of sustainable development will not be applied where permissions have been granted in excess of 115% of the housing requirement over the required period (for context: Cornwall’s total is currently 125% for 2022/23);
- Increasing protection for Neighbourhood Plans up to 5 years old by removing current associated housing land supply and delivery tests where a local plan is out of date;
- In determining housing need, an increased focus on planning for older peoples’ housing including retirement housing, housing with care and care homes; and
- Additional support for community-led housing groups.

#### **Plan making**

- Reducing the evidence burden on creating new local plans by removing the ‘justified’ test (i.e. considering reasonable alternatives and proportionate evidence) from the tests of soundness.

#### **Beauty**

- Further emphasis on promoting more beautiful homes and supporting infrastructure, including through gentle density;
- Promoting Design Codes as the primary tool for assessing and improving the design of development; and
- Ensuring that planning conditions are visually clear over the design quality and materials to allow easier enforcement.

---

<sup>1</sup> Cornwall does not have any Green Belt Designation or have an uplifted housing requirement for the top 20 most populated cities and urban centres. Proposals for these have been omitted from this briefing.

## **Environment (including renewables)**

- Clarification and new support for repowering of wind turbines;
- Setting out additional routes for allocating areas for new wind turbines (including through Supplementary Planning Documents and Neighbourhood Plans);
- Ensuring that development resulting in significant loss of agricultural land consider the availability of agricultural land for food growing alongside other policies in the NPPF;
- Providing significant weight to energy efficiency improvements to existing buildings.

## **What are the implications for Cornwall?**

The remainder of this note sets out the potential implications for Cornwall of key changes in each relevant chapter of the NPPF.

### **Chapters 1 and 3: Introduction and Plan-making**

These chapters emphasise the priority given to preparing and maintaining an up-to-date plan to support delivering sufficient homes.

Changes are also proposed in chapter 3 to streamline and simplify the examination process for local plans, removing the need for a plan to be 'justified' and provide proportionate evidence in order to be found sound (subject to transitional arrangements) and amendments to the 'positively prepared' test to insert that a plan needs to only meet its objectively assessed needs "so far as possible".

In the case of Cornwall, any future Local Plan is very likely to be prepared under a new Local plans system, so the implications here are more about maintaining a sufficient supply of housing against our existing Local Plan.

### **Chapter 2: Achieving sustainable development**

There is greater emphasis proposed on the provision of homes and supporting infrastructure within this chapter. A significant change for Cornwall is the change proposed to allow past 'over supply' to be deducted from the housing requirement figure when assessing housing need for a future Local Plan.

This chapter also proposes to boost the status of neighbourhood plans that make housing allocations or housing policies by increasing their protection against development that conflicts with their policies where they remain less than 5 years old. In practice this means that Neighbourhood Plans will not be considered out of date for five years (by removing the housing land supply and delivery tests that were previously applied to NDPs) even if the Cornwall Local plan were to be deemed out of date during that time.

### **Chapter 5: Delivering a sufficient supply of homes**

This chapter sets out proposed changes to the five-year land supply tests. Because the Cornwall Local Plan is now in excess of 5 years old, an annual housing supply test will

continue to be applied, but the various buffers applied to supply to recognise any previous under-supply of housing or market fluctuations will be removed, further increasing housing supply that may be taken into account.

The Housing Delivery Test will be changed and its consequences revised. Where the test indicates that delivery has fallen below 95% of the LPAs housing requirement over the previous three years an action plan is required to assess the causes of under-delivery and actions to increase delivery in future years; where delivery falls below 75% of the LPAs housing requirement over the previous three years the presumption in favour of sustainable development would apply along with an action plan unless the authority is able to demonstrate that permissions have been granted in excess of 115% of its housing requirement over the Housing Delivery Test monitoring period. Cornwall currently comfortably exceeds this test with a score of 125% over the latest calculation period.

There is further support for community-led housing proposals in rural areas and there is a definition of 'community-led' included in Annex 2. This would further support the approach of the Climate Emergency Development Plan Document.

## **Chapters 8 and 11: Promoting healthy and safe communities and making effective use of land**

Minor changes are proposed to chapters 8 and 11 reinforcing the Government's commitment to creating beautiful buildings and places and support for mansard roof extensions. These are likely to have no particular impact on Cornwall.

## **Chapter 12: Achieving well design and beautiful places**

The title of this chapter has been amended to include reference to beautiful places, along with additional text to support the preparation of local design codes. Further changes are proposed to ensure that relevant planning conditions refer to accurate plans and drawings to provide visual clarity about the design of the development, the approved use of materials to make enforcement easier.

## **Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

This chapter retains the requirement for wind energy developments to be identified in an area identified as suitable for wind energy development in either the development plan or a supplementary planning document (with policy support in a plan) as well as the requirement for community support. It provides specific support for repowering and life extension of existing renewables sites where impacts are or can be made acceptable (from the baseline existing on site).

There is additional text proposed in this chapter relating to energy efficiency improvements, with significant weight given to energy efficiency improvements in existing buildings.

The revised provisions support the Climate Emergency Development Plan Document that already identifies broad areas for wind energy and provides specific policy on renewables and retrofitting.

## **Chapter 15: Conserving and enhancing the natural environment**

This chapter proposes to provide greater weight to the significant use of agricultural land for food production when considering the suitability of sites for development. This appears to mean that poorer areas should be used in preference to higher quality where it outweighs significant benefits under other policies of the NPPF.

## **Chapters 5, 6, 7, 8, 10, 13, 16 and 17**

There are no specific changes proposed to chapters 5, 6, 7, 9, 10, 16 and 17. Chapter 13 relates to Green Belt which is not present in Cornwall.

## **Annex 1: Implementation**

The proposed transitional arrangements relating to housing needs calculations and tests of soundness would not apply to Cornwall as it is not currently developing a new Local Plan.

## **Creating a response to the proposed changes**

The Planning Policy Team will be producing a draft formal response to the consultation and this will be shared closer to the deadline for responses.

Prepared by:  
Planning Policy  
Planning and Housing  
16 January 2023



## Briefing note

# Planning Prospectus

January 2023

## Introduction

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on a proposed approach to updating the planning system and the National Planning Policy Framework (NPPF). The consultation started on 22<sup>nd</sup> December 2022 and runs to 3<sup>rd</sup> March 2023. The Government will feedback on the response to consultation later in Spring.

A suggested response to the contents of the consultation from Cornwall Council will be circulated separately for comments.

The proposals include a [Prospectus](#) for wider changes to the planning system linked to the Levelling Up and Regeneration Bill that sets out amongst other matters:

- Future changes to plan-making (detail to be published later in 2023),
- The likely scope of New National Development Management Policies (detailed proposals to be set out separately in a future consultation),
- Policy areas that will form the basis of future changes to the National Planning Policy Framework (beyond those currently being consulted as part of an [interim update to the NPPF](#) (these are covered in a separate briefing note and not set out in this note).

The changes follow on from debate around the content Levelling Up and Regeneration Bill (LURB). These are particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity. The broad proposals signals areas that are likely to be considered in the context of a wider review of the National Planning Policy Framework following Royal Assent of the Bill.

## Summary of key proposals:

The specific proposals which are set out in the prospectus consultation (and are considered applicable to Cornwall) are summarised below:



## Policy Objectives

The consultation sets out that the proposals for change are built around the following objectives for change:

- **Building beautiful and refusing ugliness** – good design and placemaking promoted through a statutory requirement for each authority to have a design code for its area.
- **Securing the infrastructure needed to support development** – the introduction of an Infrastructure Levy and a requirement for each authority to create an Infrastructure Delivery Strategy (to be consulted on separately).
- **More democratic engagement with communities on local plans and decision making** – Local Plans will have a two-year timetable for production and increased community engagement requirements. National planning policies will increase the speed of plan-making. Expectations will be set out for increased engagement in the planning decisions.
- **Better environmental outcomes** - including changes to address climate change mitigation and adaptation, nature recovery and deliver the Environment Act through planning.
- **Empowering communities to shape their neighbourhoods** through increased weight to Neighbourhood Plans and introducing Neighbourhood Priorities Statements and Street Votes
- **Deliver more homes in the right places supported by infrastructure** – considering how national policy can be support smaller developers, self- and custom-build developers and other innovators to enter the market, building a competitive house building market with high standards, strong rules and clear accountability.

Further consultations are promised on the new Infrastructure Levy and changes to the plan preparation process, plan-making principles and the importance of effective community engagement.

## Proposed changes

The proposed changes are summarised below where they are relevant to Cornwall. Many are subject to consultation questions and following consideration of the likely implications for Cornwall from the proposals, further analysis and a recommended response will be prepared and circulated.

### Providing certainty through local and neighbourhood plans

From Spring 2023 changes will be made to the five-year housing land supply rules in areas with up-to-date plans and where communities have made neighbourhood plans. This means that in those areas authorities will no longer be expected to demonstrate a five



year supply of housing land. Areas with plans over 5 years old will continue to be expected to demonstrate a supply of land, but buffers for previous under-delivery will be removed and historic over-supply against target will be taken into account in calculating the five year supply.

Protections for Neighbourhood Plans will be increased in line with Local Plans, so that demonstration of a housing land supply will not be required before the plan is five years old even if the local authority no longer has a five year land supply.

### **Planning for housing**

Whilst the standard method formula for calculating housing figures will be retained, the data will be reviewed in line with the 2021 census to form the basis of an update to the method formula by 2024. Further to changes proposed to the NPPF for Councils currently developing a local Plan under the current system (which Cornwall is not), guidance will be produced that sets out the ability to reduce the housing requirement where certain local constraints can be evidenced.

The Housing Delivery Test will be reformed to reduce the impact on housing supply for authorities where developers are developing slowly. This would prevent areas with sufficient deliverable housing permissions to meet the test and avoid having their plan deemed out of date and the presumption in favour of sustainable development being triggered. A test will be introduced through changes to determine whether there is a sufficient deliverable housing supply (thought to be around 115% of the total required by the test). At this time Cornwall would appear to continue to meet that test.

### **A planning system for communities**

Proposals are made to rebalance the focus from delivering numbers of homes to meeting the needs for different types of homes identified by communities and increasing diversity of types, including affordable housing and housing for older people.

Changes through revisions to the NPPF will increase focus on delivering social rented housing alongside affordable home ownership by giving it greater weight in decision making.

To address supply issues with older persons housing an additional specific expectation will be added to the NPPF ensuring that the needs of older people are met, and that particular regard is given to retirement housing, housing-with-care and care homes to support our ageing population

It is proposed that the NPPF could be strengthened from a current expectation that plans should provide at least 10% of development on small sites to encourage greater use of

small sites, particularly in urban areas, to speed up the delivery of housing (including affordable housing), give greater confidence and certainty to SME builders and diversify the house building market.

In terms of supporting community-led development the definition of “affordable housing for rent” could be amended to make it easier for community-led developers and almshouses to develop new affordable homes. Proposals are being considered to make it easier for community groups to bring forward exception sites for affordable housing in rural areas.

Housebuilders will be required to formally notify the Council when they commence development and existing powers to serve a completion notice will be streamlined. Data will be collected and published on failure to build out on certain sized sites. Delivery will be a material consideration and proposals with a slow delivery trajectory may be refused. Two possible options are set out to address developer accountability; the first being that irresponsible developer behaviour would be a material consideration in the determination of planning applications; or secondly Local Planning Authorities would be able to decline to determine applications from developers who have behaved irresponsibly in the past. This would require primary legislation in order to be implemented. Separate consultation will be held on financial penalties for slow build out of permissions.

### **Asking for beauty**

An emphasis is placed on beauty, good design and place-making. Many of the changes proposed are through the **proposed update** to the NPPF, such as including reference to the role of beauty and place-making. Local authorities will be required to have at least one design code for their area. Existing permitted development rights with design or external appearance prior approvals will be amended to take into account local design codes.

### **Protecting the environment and tackling climate change**

The Prospectus reiterates the Government’s commitment to improving the environment and tackling climate change through the planning system including through national and local policies and design coding. A full review of the NPPF will be undertaken once the LURB receives Royal Assent to ensure that national planning policies contribute to climate change mitigation and adaptation.

Nature Recovery will be supported through policy including the role of design coding in delivering improvements and identifying limits on artificial grass in non-sports settings. Further guidance will be provided on how Nature Recovery Strategies (Cornwall was one of five pilot areas to create a Strategy) will be taken into account in plan making and planning decisions.

A carbon impact assessment process will be investigated to ensure that a process can be created that is useful to decision making but proportionate. Proposals will be consulted on separately, but alongside Quantifiable Carbon Reductions guidance for Local Transport Plans. Changes to the NPPF in future will include those required to reflect the third National Adaptation Programme, Government's policy response to the latest assessment of UK climate risk and the third Climate Change Risk Assessment.

Future changes to the NPPF will seek to recognise the benefits of protecting and enhancing habitat and nature recovery and promoting layouts and locations that contribute to healthier lifestyles and energy and resource efficiency consumption in a holistic way, for example by reducing the need to travel, promoting active travel i.e. walking, wheeling and cycling as well as addressing climate change impacts such as overheating and water scarcity.

### **Preparing for the new system of plan-making**

The Levelling-up and Regeneration Bill sets out reforms to local plan-making to simplify their content and make them quicker to produce.

From late 2024, authorities with a plan older than 5 years must either be working on a plan under the current system (for submission by 30 June 2025) or straight away begin plan-making under the proposed new system. For Cornwall this is likely to mean that a new Local Plan will need to be commenced in late 2024.

Neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced (in the case of Cornwall's plan, up to 2030).

In the reformed planning system, supplementary planning documents will be replaced by Supplementary Plans that are to be afforded the same weight as a local plan.

### **National Development Management Policies**

The new system will include the introduction of National Development Management Policies, meaning that certain areas will no longer need to be covered by policies at local level. The policies could cover those planning considerations which are regularly applied in decision-making across England, such as, conserving heritage assets or preventing inappropriate development in high flood risk areas. The Government also proposes that the policies could cover current 'gaps' in policy such as carbon reduction in new development.

It is envisaged that the National Development Management Policies would be given the same weight in certain planning decisions as the local plan, neighbourhood plan and other

statutory plan policies. The aim is to save repetition at local level and increase consistency for developers.

The National Development Management Policies would adhere to a number of principles such as covering only matters that have a direct bearing on the determination of planning applications and limited to nationally important issues encountered across England. Thoughts and limited examples are provided around the scope and content of possible National Development Management Policies.

A list indicating the areas of current NPPF policy and possible amendments can be viewed at [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy). The table is indicative, not exhaustive, and the Government is not consulting on specific changes at present.

The Government will undertake a full consultation on a revised NPPF and the proposed National Development Management Policy once the Levelling Up and Regeneration Bill has completed its passage through parliament.

### **Enabling Levelling Up**

The prospectus seeks to understand how the planning framework can help to deliver the ambitions of the levelling up agenda. It notes that well designed and attractive places can contribute to social change including improvements to health and well-being, and to economic growth by improving transport and digital connectivity.

The future review of the NPPF, will be aligned with the economic vision in the Levelling Up White Paper, which will:

- ensure local plans support new business investment and support business growth and expansion
- support the sectors and businesses that drive up productivity
- spread financial capital and investment to places, projects and people that need it most

### **Creating a response to the proposed changes**

The Planning Policy Team will be producing a draft formal response to the consultation, and this will be shared closer to the deadline for responses.

Prepared by:  
Planning Policy  
16 January 2023