

Independent Examiners Report on **the St.Ives Neighbourhood** **Development Plan**

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SECTION 2

Summary

As the Independent Examiner appointed by Cornwall Council to examine the St.Ives Neighbourhood Development Plan, I can summarise my findings as follows:

1. The St.Ives Neighbourhood Development Plan consultation process was thorough, wide reaching and well documented. I am satisfied having regard to the St.Ives Town Council Consultation Statement and my examination of the representations made in connection with this subject that the St.Ives Neighbourhood Development Plan meets the Basic Conditions in connection with the consultation process.
2. I find that the policies contained within the St.Ives Neighbourhood Development Plan subject to modification meet the Basic Conditions.
3. I find that the St.Ives neighbourhood Development Plan subject to modification can proceed to a Referendum.
4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the St.Ives Neighbourhood Development Plan go to Referendum.
5. At the time of my examination the adopted local plan was the Penwith Local Plan 2004 (saved policies).

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the St.Ives Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted St.Ives Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the St.Ives Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The St.Ives Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification. Having read the plan and considered the representations made I did not a Hearing necessary.

2. The Role of Examiner including the examination process and legislative background.

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum
3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the St.Ives Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- The policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:
- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect
- The Plan has been prepared for an area designated under the Localism Act 2011
- And has been developed and submitted for examination by a qualifying body.

I am also to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Following submission of the Examiner's Report Cornwall Council will consider whether it is satisfied with the Examiner's recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum then 28 days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the plan then forms part of the Development Plan.

My recommendations focus on the policies (rather than the supporting text) because the requirements of the Basic Conditions primarily relate to the plan's policies. There are numerous references to the emerging Cornwall Local Plan- these should be removed, as the relevant Development Plan for this process is the Penwith Local Plan 2004 (saved policies). The suggestions I have made for correcting other (non-policy) parts of the plan are for the Town Council and Cornwall Council to consider. The planning authority has powers to make corrections if they are considered appropriate before the plan is finalised.

SECTION 4

The Report

1. Appointment of the Independent examiner

On 28th of July 2015 Cornwall Council appointed me as the Independent Examiner for the St.Ives Neighbourhood Development Plan with the agreement of St.Ives Town Council.

2. Qualifying body

I am satisfied that the St.Ives Town Council is the qualifying body.

3. Neighbourhood Plan Area

The St.Ives Neighbourhood Development Plan Area covers the whole of the St.Ives Parish. The Basic Conditions Statement submitted with the St.Ives Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area.

4. Plan Period

It is intended that the St.Ives Neighbourhood Development Plan will cover the period 2015-2030.

5. Cornwall Council initial assessment of the Plan.

St.Ives Town Council, the qualifying body for preparing the St.Ives Neighbourhood Development Plan, submitted it to Cornwall Council for consideration. Cornwall Council made an initial assessment of the submitted St.Ives Neighbourhood Development Plan and made numerous suggestions on how the plan could be modified. These suggested modifications and how the plan was changed in response is documented in the Consultation Statement. In general Cornwall Council is supportive of the Plan and its policies.

6. The Consultation Process

I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012. The Town Council has submitted a document entitled the St.Ives Plan Consultation Statement. This document describes how and when the various elements of the consultation were undertaken.

I have examined the consultation background document and I am satisfied that the consultations that took place were organised and conducted satisfactorily.

Both examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was detailed, thorough and well documented. The record of responses indicates that the policies in the plan were developed as a response to community concerns and priorities.

The plan was subsequently advertised for the statutory 6-week period. There were a large number of responses received from individuals and statutory consultees. The comments made in these responses are recorded and the corresponding amendments made to the plan are noted in some detail.

A list of statutory consultees is in the Consultation Statement. These seem satisfactory.

I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14. The Town Council and Steering Group have undertaken a thorough consultation process.

I therefore consider that the Plan does meet the Basic Conditions in this respect.

7.Comment on Responses

Cornwall Council placed the St.Ives Neighbourhood Development Plan out for consultation for the required period from 18th of June 2015 to the 30th of July 2015.

There were a considerable number of representations made and I was left in no doubt that the people of St.Ives feel passionately about their community. Whilst many expressed support for the plan there were differing opinions expressed about how best to secure its future prosperity and concerns raised about the impact of some of the more controversial elements of the plan. Whilst I have not made reference to specific representations in my report, I have taken them into consideration in my deliberations.

8. Compliance with the Basic Conditions

The St.Ives Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of St.Ives Town Council in March 2015. The purpose of this statement is for the Town Council to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiner's role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the St.Ives Neighbourhood Development Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

The documents brought to my attention by Cornwall Council for my examination include:

- 4.(a) The St.Ives Neighbourhood Development Plan: This is the main document, which includes projects and policies developed by the community.
- (b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the

preparation of the plan and is supported by an evidence base which arose from the consultation.

(c) The Sustainability Appraisal: This is an appraisal of how well the plan policies contribute to achieving sustainable development objectives and was carried out by AECOM.

(d) The Basic Conditions Statement.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the St.Ives Neighbourhood Development Plan does, subject to modification meet the Basic Conditions.

9. Site Visit and Clarification Meeting.

I carried out an unaccompanied site visit to St. Ives in order to familiarise myself with the area in general and to look at the site allocations contained within the plan.

I carefully considered the contents of the plan, supporting documents and representations made. I decided that it was not necessary to hold a Hearing but that my deliberations would benefit from a clarification meeting. This was held on Tuesday 20th October 2015. Present at that meeting were representatives of Cornwall Council Neighbourhood Planning Team and representatives of the St.Ives Neighbourhood Plan Group. Policies discussed at the meeting included the restriction of the second homes, the provision of affordable housing, site allocations and character areas.

10.Planning Policy

10.1.National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions the Plan must have “regard to national policy and advice”.

In addition the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should "develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan".

The St.Ives Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

The inclusion of a restrictive occupancy condition (policy H2) has given me considerable concern. The intended consequence of this policy is to prevent any new dwelling within the plan area being used as a "second home" or as self-catering holiday accommodation. Reading the responses to this proposed policy it is evident that feelings in the community are running high and comment and concerns have been expressed on a national level. I deal with this policy in detail within the policy section 11.5. I understand and to some extent share the concerns expressed in relation to this policy particularly having regard to the potential for unforeseen consequences as explained in the response from the Cornwall Council Affordable Housing Team. My conclusion after considerable thought and deliberation is that with modification it can meet the Basic Conditions and does "have regard for National Policy and Advice"

I have examined the St.Ives Neighbourhood Development Plan Policies and consider that they do have "regard for National Policy and Advice" and therefore subject to modification the Plan does meet the Basic Conditions in this respect.

10.2.Local Planning Policy- The Development Plan

St.Ives Parish is within the area covered by Cornwall Council. The relevant Development Plan is the Penwith Local Plan 2004 (saved policies).

The preparation of the new Cornwall Local Plan is well advanced and it is

obvious from the contents of the St. Ives NDP that it was anticipated that the Cornwall Local Plan may have been adopted prior to this examination. The Adoption of the plan has been delayed and some elements of the plan, particularly relating to housing provision must now be re considered and go through additional consultation. The result is that the timing for the Adoption of the Cornwall Plan is now uncertain. It will be necessary to ensure that policies in the St. Ives NDP relate to the relevant Development Plan and its strategic policies – the Penwith Local Plan 2004 (saved Policies), not the emerging Cornwall Local Plan and references to that document should be removed if the Plan overall is to meet the requirements of the Basic Conditions. I refer particularly to the statement in the Basic Conditions Statement:

“3.3 Be in General Conformity with Strategic Local Policy

St Ives Area NDP has been prepared in consultation with planning officers from Cornwall Council. This has ensured that the process of developing draft policies has been scrutinised in terms of conformity with the strategic policies of the Proposed Submission Cornwall Local Plan – this includes the saved policies from the Penwith Local Plan 2004.”

Whilst I do not consider that reference to the emerging Cornwall Local Plan prevents the St Ives Neighbourhood Development Plan from meeting the Basic Conditions I do consider that these references should be removed.

I have considered the Strategic policies of the Development Plan and the Policies of the St.Ives Neighbourhood Development Plan and consider that the Plan subject to modification does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Penwith Local Plan 2004 (saved Policies).

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take

cognisance of the EU Strategic Environmental Assessment (SEA) Directive

The view of Cornwall Council was that there was a requirement for a Strategic Environmental Assessment of the St.Ives Neighbourhood Development Plan. As a result of this opinion AECOM were engaged to carry out a Sustainability Appraisal (SA) of the Plan.

11.2 Sustainable development-Sustainability Appraisal (SA)

The St.Ives Neighbourhood Development Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was as follows:

“Potential significant effects

16.1.1 The appraisal has concluded that the Submission version of the St. Ives Area NDP is likely to lead to significant positive effects in terms of the ‘Design’, ‘Population and Communities’, ‘Health’ and the ‘Transport and Accessibility’ sustainability objectives. These benefits largely relate to the carefully targeted spatial approach proposed by the Submission NDP and the focus on improving the quality of life of residents in the St. Ives area.

16.1.2 In terms of potential negative effects, the development of the greenfield sites proposed through the Submission NDP will lead to inevitable losses of land classified as Grade 2 and Grade 3a agricultural land. This is classified as the ‘Best and Most Versatile Agricultural Land’. The Submission NDP has however sought to minimise these losses and has in a number of cases sought to preserve the productivity of some of these areas through promoting the development of new allotments. However residual significant negative effects are likely to remain in relation to the ‘Land and Soil Resources’ sustainability objectives.

16.1.3 There are also likely to be inevitable effects on landscape quality from new areas of development on the edge of St. Ives and Carbis Bay. To help address this, the Submission NDP presents a range of policy interventions which will help limit potential effects and achieve enhancements where

possible. It also directs development away from the AONB and AGLV, and a number of the sites are sufficiently screened or located so as to minimise effects. Similarly the Open Space policies of the NDP also promote the protection and enhancement of key landscape features such as trees, hedges and areas of woodland. This will help limit significant negative effects from new development areas on landscape quality.

16.1.4 Whilst the Submission NDP will help initiate a range of beneficial approaches in relation to 'Climate Change', 'Air', 'Water' and 'Biodiversity' these are not considered as significant positive effects as the delivery of the allocations through the St. Ives Area NDP will inevitably lead to some adverse effects in relation to these sustainability topics. For these topics therefore, the NDP will help limit the potential magnitude of adverse effects linked to the delivery of housing and employment allocations in the St. Ives area.

16.1.5 In relation to the 'Economic Development' sustainability objectives a range of beneficial approaches are put forward by the current version of the plan. However, Policy H2 may have implications in relation to tourism and the visitor economy of the Neighbourhood Area by limiting the availability of holiday lets. It should be noted though that no explicit evidence on the potential effects on the visitor economy has been available to inform the appraisal."

I am satisfied that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the St.Ives Neighbourhood Development Plan addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the St.Ives Neighbourhood Development Plan has done so.

I am therefore satisfied that the St.Ives Neighbourhood Development Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the St.Ives Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the St.Ives Neighbourhood Development Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

VISION

St Ives Area – vibrant, resilient, beautiful

OBJECTIVES

Community

To assist the delivery and forward drive of the objectives through setting up mechanisms to promote community ownership of local decisions, strategies, projects and plans, particularly for young people in the area.

Culture and Heritage

To strengthen and protect the area of St Ives both as home to culturally rich communities and as an internationally renowned living centre for arts and creative industries.

Local Economic Development

To facilitate a resilient economy, with a thriving entrepreneurial culture that actively supports healthy, sustainable living and working communities to reach their full potential; which both respects and enhances the natural and physical environment; and is home to knowledgeable, confident, connected, aspiring and inspirational businesses. Local small enterprises will thrive, offering

a diversity of skilled employment.

Housing

To support the provision of affordable and principal residence housing so that St Ives area continues to be a place where people of all ages can live and work.

Open and Green Spaces

To protect, promote and enhance sensitive landscapes, habitats and open spaces, so that open and green spaces, including beaches, within and between settlements are prioritised over any future development.

Well-being, Sports and Leisure

To provide facilities and amenities to meet the needs of the resident population and the seasonal influx of visitors, so that St Ives is an area where residents and visitors can pursue healthy leisure and cultural activities.

Transport

To enhance opportunities for sustainable modes of transport, including walking and cycling, and lead to a reduction of vehicular traffic and parking within the St Ives Neighbourhood Plan area, providing residents, visitors and those working here with a safe, pleasant and healthy environment.

Built Environment

To understand, enhance and positively manage the built environment of St Ives area, as defined by the Character Areas, to ensure future sustainable and sensitive design.

Comment

I consider that the policies follow from the stated objectives and are consistent with achieving those stated objectives.

12. St.Ives Neighbourhood Development Plan Policies

General Comments

In addition to specific comments and proposed policy modifications

following each policy I have a number of general comments as follows:

1. The Neighbourhood Development Plan Group is to be commended on the thoroughness of their process and the level of commitment evident from the detail included in the plan. My reservation, not criticism is that for those intended to use the plan as a tool in making acceptable development proposals or decisions making, the plan is very long and in some areas very complex. Thinking of the Plan's end-users it could have a stronger impact if some of the background information was moved into separate appendices. In particular, much or all of Chapter 2 could be moved to its own separate appendix.
2. As previously stated there are too many references to the emerging Local Plan. Policies need to be in conformity with the existing adopted Penwith Local Plan 2004 (saved policies) and any reference to the Development Plan should be to this document and its policies.
3. Although there is reference to review and monitoring of the plan in view of the changing status of the Cornwall Local Plan it is important to ensure that the St. Ives Neighbourhood Development Plan is in conformity with the Cornwall Local Plan when it is finally adopted. This could initially be done through an informal review to identify any policy conflicts.
4. There is considerable repetition in the plan in relation to lists of development criteria. I think the overall plan could be simplified and shortened by including an overarching policy covering development principles. There are many precedents for such policies in Local Plans and other

Neighbourhood development plans. A policy could include the requirements for design, sustainability, community consultation etc. It would also be appropriate to ensure that improving biodiversity is included.

5. The use of policies relating to Character Areas is a good approach however this section of the plan is complex and potentially confusing in addition to being overly restrictive in some respects. To be effective policies of this kind need to be readily accessible and understandable. The Character Areas should remain within the plan however much of the information is repeated for each Character Area and the plan would benefit as in 4. above from the introduction of an overarching “Design Code” policy for this section.
6. It should be noted that the requirement for community consultation in the plan cannot exceed the requirements in the Development Plan and/or the NPPF in order to meet the Basic Conditions. I consider that the wording within the policies requiring public consultation may exceed these requirements. This is a requirement that could be included in the “Development Principles” policy
7. I suggest that in some circumstances in the plan the word “supported” should replace “permitted”.
8. I have used the following coloured text in this section of the plan: black for the original policy text, blue for my

comments on the policies and red for my proposed modifications.

CULTURE AND HERITAGE

Local Community and Heritage Assets

Objective: to protect and enhance buildings and spaces of heritage and community value, ensuring that St Ives Area remains a culturally rich place to live and visit.

CH1: Local Community and Heritage Assets

The impact of development on local community and heritage assets must be taken into account in determining applications for planning permission. This refers specifically (but not exclusively) to the key, listed and culturally significant buildings and places identified in Maps 1,2 and 3 and listed in Appendix 1. Development proposals involving the retention of key, listed and culturally significant buildings (either in public or private use) and their re-use as community facilities or for small-scale economic purposes will be supported.

Proposals for re-development of key, listed and culturally significant buildings and places must give due regard to their community and heritage significance and will only be supported where reasonable and sustained attempts have been made to secure their continued community and/or economic use.

Comment and proposed modification

This policy and the accompanying maps need to be revised to address the issue of the categories of listed buildings. Accompanying maps need to be simplified to address the correct categories.

I suggest that for clarity the phrase “culturally significant buildings” is replaced by ”unlisted heritage assets”.

In addition the policy is not clear how “reasonable and sustained attempts have been made to secure their continued community and/or

economic use” will be measured. It would be better to introduce some certainty into the policy, I suggest in my modification a viability test.

CH1: Heritage Assets

Proposals for development, which would have an impact on heritage assets (both listed and unlisted) must be accompanied by an assessment of the significance of the asset and the impact of the proposal upon its significance. In considering the acceptability of such proposals “ special regard” will be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This refers specifically (but not exclusively) to the buildings identified in Maps 1, 2 and 3 and listed in Appendix 1. Development proposals involving the retention of key Listed and unlisted heritage assets (either in public or private use) and their re-use as community facilities or for small-scale economic purposes will be supported.

Proposals for the re-development of key, Listed and unlisted heritage assets will only be supported where reasonable and sustained attempts have been made to secure their continued community and/or economic use as demonstrated through the submission of an assessment of the viability of the existing use.

LOCAL ECONOMIC DEVELOPMENT

New economic proposals Objectives:

1. a) To provide support for small business that will contribute to a resilient local economy;
2. b) To provide dispersed small business and industrial sites throughout the plan area, using brownfield and infill where possible;

3. c) To encourage integrated economic design, to facilitate cross-pollination between different kinds of business, e.g. agricultural, retail, manufacturing.

LED1 New Economic Proposals

Proposals for employment, industrial and business work-space development will be supported in St Ives Area NDP area as identified on the Land Allocations Map (Map 7) as part of mixed- use developments, providing the following criteria are met:

- a) **The size, scale and use of industrial and business units are sensitive to their surroundings (particularly in proximity to residential areas);**
- b) **There is no adverse visual impact on the area's landscape;**
- c) **The design of the development is in line with the character area in which it is located, as defined in policies BE1 – 17.**

Comment

I refer to my general comments relating to how the plan could be simplified by having an overarching “Development Principles” policy this would avoid the need for repetition within a number of policies. Points a) to c) would be best dealt with within such a policy. With regards to (b) it would be beneficial for the “Development Principles” policy to include a mechanism to measure the Landscape impact of a proposal. This could be achieved by the requirement for a Landscape and Visual Impact Assessment (LVIA) to accompany applications in designated landscape areas.

Retail and Employment Proposals within St Ives Town Centre

Objective: to ensure a locally distinctive and well-maintained shopping centre in order to encourage and improve its economic well-being; to create a thriving town centre in St Ives, encouraging a diverse range of retail shops and businesses that meet the needs of residents and visitors.

LED2 General Retail and Town Centre

Proposals for retail development as identified in classes A1 and A2, and for industrial and business uses defined in classes B1, C1, C2, D1, and D2 of the Town and Country Planning (use classes) Order 1987 (as amended) will be supported within the town centre area as identified in Map 4.

Comment

I have no comment on this policy.

LED 3 Catering and Food Outlets

Proposals for catering and food outlets as identified in classes A3, A4 and A5 of the Town and Country Planning (use classes) Order 1987 (as amended) will be supported within the town centre area as identified in Map 4 provided that they would:

- a) Take into account scale, the need to improve the balance of retail provision in the town centre and to contribute to diversity of businesses already operating;**
- b) Not lead to the loss of retail units as identified in classes A1 and A2 of the Town and Country Planning (use classes) Order 1987 (as amended);**
- c) Meet the needs of residents and visitors.**

Where proposals for restaurants are acceptable in principle, the sale of take-away food will be excluded through the use of conditions or planning obligations.

Comment and proposed modification

I consider that the current wording of the policy makes the aim of the policy unclear.

LED 3 Catering and Food Outlets

In order to support the balance of retail provision within the town centre

proposals for catering and food outlets as identified in classes A3, A4 and A5 of the Town and Country Planning (use classes) Order 1987 (as amended) will only be supported within the town centre area as identified in Map 4 where:

a) They take into account scale, the need to improve the balance of retail provision in the town centre and to contribute to diversity of businesses already operating;

b) There will be no loss of retail units as identified in classes A1 and A2 of the Town and Country Planning (use classes) Order 1987 (as amended);

c) They meet the needs of residents and visitors.

Where proposals for restaurants are acceptable in principle, the sale of take-away food will be excluded through the use of conditions or planning obligations.

Proposals for Redevelopment and Change of Use in St Ives Town Centre and Penbeagle Industrial Estate Objective: to protect the vitality of St Ives town centre as a retail and employment area and Penbeagle Industrial Estate as a business, industry and employment area.

LED4 Redevelopment and Change of Use

Proposals for redevelopment and change of use will be supported, subject to the following conditions:

a) Proposals for redevelopment or change of use of land or buildings in St Ives town centre, as identified on Map 4, from retail as identified in use classes A1, A3, A4 and A5 of the Town and Country Planning (use classes) Order 1987 (as amended) to other business uses as identified in classes A2, B1, B2, B8 and C1 will only be permitted if the existing site is no longer economically viable and the site has been marketed for freehold or leasehold at a reasonable price for at least a year without restriction;

b) Proposals for the redevelopment or change of use of land or buildings on Penbeagle Industrial Estate in employment or service trade use as identified in classes A1, A2, A3, A4, A5, B1, B2 and B8 of the Town and Country Planning (use classes) Order 1987 (as amended) to non-employment uses will not be permitted.

Comment

Whilst I understand the aim of this policy it is necessary to acknowledge that the Government does allow the change of use from some Use Classes to others without the need to obtain planning permission and that these permitted changes are subject to change from time to time.

Retail and Employment Proposals within Carbis Bay and Lelant

Objective: To enhance the vitality of Carbis Bay and Lelant as local retail and service centres for their populations.

LED 5 Retail and Employment Proposals in Carbis Bay and Lelant

Proposals for retail, employment, business work-space and light industrial development will be supported within the settlements of Carbis Bay and Lelant as identified on Maps 6(a) and 6(b). Preference will be given to proposals for brown field sites.

Comment

I have no comment on this policy

Agriculture and Fishing

Objective: to support agricultural and fishing industries within the NDP area, so as to enhance economic diversity, productive capacity and rural employment.

LED 6 Agricultural Development Proposals

Proposals for development essential to agriculture or a farm diversification project will be supported provided that:

a) It is sited, where practicable, in or adjacent to an existing complex

(the immediate boundary of the existing buildings) and, where practicable, utilises existing buildings;

b) It is capable of being effectively screened by land form, trees and planting;

c) Where the proposals will generate a significant demand for travel the development can be served by public transport, walking and cycling;

d) It will make a continuing contribution to the economic viability of an existing farm unit.

Planning permission will only be granted where operation of the development as part of the farm business is secured through the use of conditions or a planning obligation.

Comment

As with Policy LED4 it should be noted that the Government grants a series of Permitted Development Rights for agricultural holdings.

LED 7 Fishing Development Proposals

Proposals for development directly related to the fishing industry in the NDP area will be supported, providing they are in line with the appropriate Character Area policy for their location (see BE1 – 17).

Comment

I have no comment on this policy.

Catered Holiday Accommodation Objective: to ensure that development related to the tourism industry has economic, social and environmental benefits for the surrounding area.

LED 8 Catered Holiday Accommodation: New, Extensions and Conversions

Proposals for new hotels, hostels and Bed and Breakfasts and extensions to existing accommodation will be supported in or on the

edge of settlements, providing the following criteria are met:

- a) Extensions would not have an adverse effect on the scale, character or appearance of the original building, or its surroundings;
- b) New developments, extensions or conversions would not have an adverse visual impact on the open countryside and coastline, from both seaward and landward aspects.

Comment

It is important that the intent of the policy is clear and I suggest that parts a) and b) would be better located within an overarching development principles policy.

LED 9 Camping and Caravan Sites

Development of new sites or the extension or intensification of existing sites for caravans and tents, including static or other year round stationed units, will be supported only where there would be no harm to the character of the countryside and the site is capable of being effectively screened by landform, trees or planting.

The layout of such units will be required to avoid a rigid pattern, which would not be in keeping with the surroundings. Ancillary facilities to serve the visitors staying on the site must be on or immediately adjacent to the site in existing buildings or new buildings which are of a form, bulk and general design in keeping with their surroundings.

On touring sites a seasonal period of use will be imposed unless there would be no harm to the character or amenity of the countryside. Where the approach roads cannot accommodate safely the full range of touring units, the type of unit will be limited.

Comment

I have no comment on this policy.

Affordable Housing Objectives:

HOUSING

a) To make a significant contribution towards meeting the local demand for affordable housing;

b) To encourage the creation of mixed developments which are balanced in terms of housing type and tenure, and socially inclusive.

H1 Affordable Housing

Proposals for housing and mixed use developments, other than replacement dwellings, that result in a net increase of 10 or more units, as allocated on Map 7 will be subject to the following criteria:

a) The proposals meet the target of 50% affordable housing set out in Cornwall Council's Affordable Housing Supplementary Planning Document (SPD);

b) Affordable housing should be provided on the same site as any open market housing which is necessary to provide cross subsidy (except where clause d applies);

c) The dwellings will be occupied by people with a local connection in housing need in accordance with the definition in Cornwall Council's Affordable Housing SPD;

d) Where it can be proven that the provision of affordable housing on the proposed site is not viable, developers contributions for affordable housing should be committed to specific schemes within the NDP area on sites as indicated on Map 7.

Comment and proposed modification

This policy will need to be revised so that it reflects the requirements of the NPPF and the strategic housing policies of the Penwith Local Plan 2004 (saved policies). The reference to the emerging local plan and the affordable housing SPD will have to be removed, as these do not form

part of the relevant Development Plan.

H1 Affordable Housing

Proposals for housing and mixed-use developments, other than replacement dwellings, that result in a net increase of 2 or more units or sites of greater than 0.2ha, will be subject to the following criteria:

- a) The proposals meet the target of 40% affordable housing evidenced as viable in the Cornwall Strategic Viability Assessment.**
- b) Affordable housing should be provided on the same site as any open market housing which is necessary to provide cross subsidy (except where clause (d) applies);**
- c) The dwellings will be occupied by people with a local connection in housing need in accordance with the Cornwall Council's standard definitions and housing policy;**
- d) Where the Local Planning Authority consider that the provision of affordable housing on the proposed site is not viable, deliverable or practical consideration may be given to accepting a financial contribution in lieu of on site provision. Any off site contributions will be broadly equivalent in value to the cost of on site provision. Developer's contributions for affordable housing should be committed to specific schemes within the NDP area and secured through a planning obligation.**

Any new housing proposal should demonstrate how the following:

- A tenure target of 70% affordable rented homes and 30% intermediate housing for rent or sale will be sought.**
- The type and size mix of affordable dwellings must reflect identified local needs as evidenced through the Cornwall housing register or any specific local surveys.**
- Affordable homes should not be readily differentiated from the open market homes by their design, quality, location and**

distribution within a site.

- **An affordable housing contribution will be sought from proposals to remove holiday occupancy restrictions on 2 or more existing dwellings.**

A 40% provision is expected to be viable in all but exceptional circumstances. Where less than 40% is proposed, the Local Planning Authority will require suitable viability evidence on an open book basis which will be assessed in accordance with the requirements of the NPPF.

Full-time Principal Residence Housing Objective:

To safeguard the sustainability of the settlements in the St Ives NDP area, whose communities are being eroded through the amount of properties, which are not occupied on a permanent basis.

H2 Full Time Principal Residence Requirement

New Open Market Housing without a restriction to ensure its occupation as a Full Time Principal Residence (occupied for at least 270 days per year) will not be permitted. Sufficient guarantee must be provided of such occupancy through the imposition of a planning condition. New second homes and holiday lets will not be permitted at any time.

Comment and proposed modification

I have given very serious consideration as to whether or not I can find that this policy meets the Basic Conditions. I compared this policy to other similar ones, which have been accepted by other Neighbourhood Plan examiners and although this has been helpful they have been different in context and wording.

My concerns relate how the policy can meet the Basic Conditions particularly having regard to the NPPF – “delivering a wide choice of quality homes” and “delivering sustainable development “ along with how the policy meets the requirements of European legislation.

I have considered carefully the representations received in relation to this policy, including the potential for unforeseen consequences on the local housing market and the future delivery of affordable housing, as highlighted in the Cornwall Council Affordable Housing response to the policy.

After much deliberation and on balance I have concluded that due to the adverse impact on the local community/economy of the uncontrolled growth of second homes the restriction of further second homes does in fact contribute to delivering sustainable development. In terms of “delivering a wide choice of quality homes”, I consider that the restriction could in fact be considered as facilitating the delivery of the types of homes identified as being needed within the community.

I understand the aim behind including “holiday lets” within this policy as it relates to the letting of second homes but I have concerns that the inclusion of it in this way will result in confusion with proposals for new self catering accommodation, run as a business that is at the core of supporting tourism and would in my opinion be in conflict with the NPPF. I consider that careful rewording of the policy will remove this issue.

In addition to my “in principle” concerns I also have concerns about the precise wording of the policy and in its current form I am not convinced it will deliver the desired outcome.

H2 Full Time Principal Residence Requirement

Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing will only be supported where there is a restriction to ensure its occupation as a Principal Residence. Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes will not be supported at any time. Principal residences are defined as those occupied as the

residents' sole or main residence, where the resident spends the majority of their time when not working away from home or living abroad.

The condition or obligation on new open market homes will require that they are occupied by the owner or their tenants as their primary (principal) residence. Owners of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and be willing to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence including (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools, etc.).

Phasing of Housing Development Objectives:

- 1. a) To ensure that this allocation is not committed early in this period, resulting in an unsustainable demand for the development of further green field sites for additional market housing;**
- 2. b) To ensure that the community should not be required to absorb the additional population arising from the allocated development sites over a short time period.**

H3 Phasing of Housing Development

In each 5-year period, land released for housing development in sites allocated on Map 7 will be phased as follows:

- a) In years 1-5, planning permissions will be granted for approximately 100 dwellings;**
- b) In years 6-10 planning permissions will be granted for approximately 100 dwellings;**
- c) In years 11-15 planning permissions will be granted for approximately 100 dwellings.**

In each phase approximately 50% will be affordable housing and approximately 50% will be open market principal residence housing.

Comment and proposed modification

Cornwall Council has advised that that they don't think that it is possible to limit the delivery of residential permissions as proposed in this policy and I am minded to agree. They suggest an addition to the Site Allocation policies requiring a Master Plan including phasing information, which could deliver an element of the policy intention – ensuring that, when sites/parts of sites come forwards, the infrastructure and local facilities are strengthened accordingly.

I agree with the representation of Cornwall Council and recommend the deletion of this policy.

Development of Additional Sites Following the Commitment of all Allocated Sites Objectives:

- a) To ensure the proper management of any significant development following the commitment of all allocated sites;
- b) To ensure that any such development makes the maximum possible contribution to reducing the existing shortage of affordable housing.

H4 Development of Un-Allocated Sites and Additional Sites Following the Commitment of all Allocated Sites

The development of un-allocated sites may be considered only if:

- a) They are for 50 dwellings or less;
- b) The site forms a logical extension to the existing built up area and is not an isolated development in the countryside;
- c) High levels of sustainability are integrated into the development – e.g. renewable energy sources etc.;

- d) Housing density is in the order of 35 dwellings per hectare;**
- e) They provide 100% affordable housing (as defined by Cornwall Council's Affordable Housing Supplementary Planning Document). Where viability is an issue, s106 contributions for the St Ives Area should be used for the affordable housing component on site;**
- f) A full-scale community consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.**

Once the minimum target number of dwellings for the NDP area has been reached – 1000 under the Cornwall Local Plan – this policy will supersede policies AS1, AS2, AS3, AS4, AS5 and AS6 (sites as shown on Map 7), which have not yet received planning approval at that stage.

Comment and proposed modification

As stated previously this policy would benefit from reference to an overarching development principles policy. As I have stated earlier the level of community consultation required in the Plan cannot exceed that set out in the NPPF and this would also be better addressed in a “Development Principles” policy.

This policy will need to be revised so that it reflects the requirements of the NPPF and the strategic housing policies of the Penwith Local Plan 2004 (saved policies). The reference to the affordable housing SPD will have to be removed, as this does not form part of the relevant Development Plan.

Open Space Provision

Objective: To ensure that new development makes a contribution towards social cohesion, exercise and fitness opportunities for residents, additional open space for recreation, amenity and food growing purposes should be provided. It should be ensured that play spaces are safe in terms of location, access and supervision.

H5 Open Space Provision

New large developments (11 dwellings and above) will provide on-site open space for play (equipped or unequipped), recreation or food growing purposes.

New smaller developments will provide a contribution towards the provision of open space for play (equipped or unequipped), recreation or food growing purposes onsite, or within the NDP area if onsite is not appropriate, in line with Cornwall Council's open space provision standards.

COMMENT

I have no comment on this policy.

Subdivision of Dwellings

Objective: to ensure that subdivision of existing dwellings creates accommodation of a satisfactory standard.

H6 Subdivision of Dwellings

The subdivision of dwellings into smaller self-contained units or the change of use of premises to houses in multiple occupation will be supported provided that the proposal does not have an adverse impact on the character of the building or its surroundings and the new dwellings achieve an acceptable standard with regard to floor area and facilities.

Comment and proposed modification

As stated above there is no definition of “ acceptable standard” within the plan and the regulation of the standard of new accommodation is covered by the relevant Building Regulations. I therefore suggest that the term “residential amenity” is used within the policy, as this is a well-established planning term.

H6 Subdivision of Dwellings

The subdivision of dwellings into self-contained units or the change of use of premises to houses in multiple occupation will be supported provided that the proposal does not have an adverse impact on the

character of the building or its surroundings and that there is no unacceptable impact on residential amenity.

Residential Care and Nursing Homes

Objective: to enable an adequate supply of residential care to meet the needs of an ageing population.

H7 Residential Care and Nursing Homes

Proposals for residential care and nursing homes will be permitted provided that:

- a) The accommodation includes an area of private open space for residents' exclusive use;**
- b) The site forms a logical extension to the existing built up area and is not an isolated new development in the countryside;**
- c) High levels of sustainability are integrated into the development – e.g. renewable energy sources etc.;**
- d) A full-scale community consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans;**
- e) Any part of the development that is to provide C3 dwellings for over-55s is required to buy in a 'care package' from the Care Provider through a planning obligation.**

Comment and proposed modification

I refer to my general comments relating to how the plan could be simplified by having an overarching "Development Principles" policy this would avoid the need for repetition within a number of policies.

Points c) and d) would be best dealt with within such a policy.

As I have stated earlier the level of community consultation required in the Plan cannot exceed that set out in the NPPF and this would also be better addressed in a "Development Principles" policy.

Point e is confusing and not considered appropriate.

H7 Residential Care and Nursing Homes

Proposals for residential care and nursing homes will be supported provided that the accommodation includes an area of communal open space for residents' exclusive use.

LAND ALLOCATIONS

Housing and Mixed-Use Development Sites Objectives:

- a) To allocate sites of appropriate size and location to fulfil the strategic housing target set for St Ives and Carbis Bay in the emerging Cornwall Local Plan 2010 - 2030;**
- b) To meet local housing need by providing affordable and principal residence housing;**
- c) to facilitate economic and business development in the NDP area in line with policy LED1.**

General Comment on site allocations policies:

- 1. As I have recommended deletion of policy H3 it would be advisable to include a requirement for the submission of a Master Plan identifying phasing for Allocated Sites. The policies will have to be revised to remove reference to H3.**
- 2. The site allocations policies would be improved by the use of a 'Development Principles' policy to remove unnecessary repetition.**

AM1 Allocated Mixed-use Development Site - St Ives Rugby Club Site

Mixed-use proposals on part of this site (Fig 1 and shown as AM1 on Map 7) that secure the continued vitality and viability of sports provision will be supported providing the following criteria are met:

- a) Employment and business work-space units are provided in line with the needs of St Ives;
- b) Allotments are provided;
- c) Car parking is provided;
- d) Housing provision is in line with policies H1, H2 and H3;
- e) Housing density is in the order of 35 dwellings per hectare;
- f) Built Environment Character Area S12, Policy BE10 is fulfilled;
- g) Improved sports and amenity use is demonstrated in the proposal;
- h) Proposals are of a scale, form and character appropriate to the residential nature of part of the surrounding area and the site's visibility from surrounding open countryside;
- i) Proposals adopt high standards of sustainable and innovative design appropriate to the area's proximity to the AONB;
- j) The site is effectively screened by landform, trees and planting appropriate to the area's proximity to the AONB;
- k) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.

COMMENT

[See general comments on site allocations.](#)

AM2 Allocated Mixed-Use Development Site – Land off Laity Lane, Carbis Bay.

Proposals for mixed use development will be supported for this site, shown as AM2 on Map 7, providing the following criteria are met:

- a) Industrial and business uses as identified in classes B1, B2 or B8 of

the Town and Country Planning (use classes) Order 1987 (as amended) are provided in line with the needs of the neighbourhood plan area and as an extension to the existing business area;

b) Housing provision is in line with policies H1, H2 and H3;

c) Housing density is in the order of 35 dwellings per hectare;

d) Built Environment: Character Area C3, Policy BE12 is fulfilled;

e) Proposals are of a scale, form and character appropriate to the residential nature of part of the surrounding area;

f) Highway access to the site is improved to the satisfaction of the Highway Authority;

g) Proposals adopt high standards of sustainable and innovative design appropriate to the area's proximity to open countryside;

h) Proposals include public open space to meet the needs of both the new housing and the existing adjacent residential area;

i) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.

COMMENT

See general comments on site allocations. In addition consideration should be given to the removal of Use Class B2 as this use class includes uses not considered compatible with residential development.

AM3 Allocated Mixed-Use Development Site - Porthrepta Car Park Site

Proposals for mixed-use development of a section of Porthrepta Car Park, Carbis Bay, as identified in Figure 3 and shown as AM3 on Map 7 will be supported for this site providing the following criteria are met:

a) Employment and business work-space units are provided in line with the needs of Carbis Bay;

- b) At least 50% of the site is retained as a public car park;**
- c) Housing provision is in line with policies H1, H2 and H3;**
- d) Built Environment: Character Area C3, Policy BE12 is fulfilled;**
- e) Proposals are of a scale, form and character appropriate to the residential nature of surrounding area;**
- f) Proposals adopt high standards of sustainable and innovative design;**
- g) Highway access to the site is improved to the satisfaction of the Highway Authority;**
- h) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.**

COMMENT

[See general comments on site allocation policies.](#)

AM4 Allocated Mixed-Use Development Site – Land South West of Gonwin Manor, Carbis Bay.

Proposals for housing development will be supported for this site, shown as AM4 on Map 7, provided the following criteria are met:

- a) Light industrial and business uses as identified in classes B1, B2 or B8 of the Town and Country Planning (use classes) Order 1987 (as amended) are provided, appropriate to the area's proximity to housing and in line with the needs of Carbis Bay and Lelant;**
- b) Housing provision is in line with policies H1, H2 and H3;**
- c) Housing density is in the order of 35 dwellings per hectare;**
- d) Built Environment: Character Area C5, Policy BE12 is fulfilled;**
- e) Highway access to the site is improved to the satisfaction of the Highway Authority;**

f) Proposals adopt high standards of sustainable and innovative design appropriate to the area's proximity to the SSSI;

g) The site is effectively screened by landform, trees and planting appropriate to the area's proximity to the SSSI;

h) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.

COMMENT

See general comments on site allocations. In addition consideration should be given to the removal of Use Class B2 as this use class includes uses not considered compatible with residential development.

AS1 Allocated Development Site – Land off Trenwith Lane, St Ives.

Proposals for housing development will be supported for this site, shown as AS1 on Map 7, providing the following criteria are met:

a) Housing provision is in line with policies H1, H2 and H3;

b) Housing density is in the order of 35 dwellings per hectare;

c) Built Environment: Character Area S12, Policy BE10 is fulfilled;

d) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.

COMMENT

See general comments on site allocation policies.

AS2 Allocated Development Site – Land off the Belyars, St Ives.

Proposals for housing development will be supported for this site, shown as AS2 on Map 7, providing the following criteria are met:

a) Housing provision is in line with policies H1, H2 and H3;

- b) Housing density is in the order of 35 dwellings per hectare;**
- c) Built Environment: Character Area S13, Policy BE11 is fulfilled;**
- d) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.**

COMMENT

See general comments on site allocation policies.

AS3 Allocated Development Site – Land South West of Fuggoe Croft, Carbis Bay.

Proposals for housing development will be supported for this site, shown as AS3 on Map 7, providing the following criteria are met:

- a) Housing provision is in line with policies H1, H2 and H3;**
- b) Housing density is in the order of 35 dwellings per hectare;**
- c) Built Environment: Character Area C3, Policy BE12 is fulfilled;**
- d) Proposals are of a scale, form and character appropriate to the site's visibility from Knill's Monument;**
- e) Proposals adopt high standards of sustainable and innovative design appropriate to the area's proximity to the Steeple Woodland Nature Reserve;**
- f) The site is effectively screened by landform, trees and planting appropriate to the area's proximity to the Steeple Nature Reserve;**
- g) The open space adjoining the north of the site, marked on Map7, is retained as an open space;**
- h) Highway access to the site is improved to the satisfaction of the Highway Authority;**
- i) Consultation is carried out in the surrounding neighbourhood on the**

exact nature of the proposed plans.

COMMENT

[See general comments on site allocation policies.](#)

AS4 Allocated Development Site – Land West of Carninney Lane, Carbis Bay.

Proposals for housing development will be supported for this site, shown as AS4 on Map 7, providing the following criteria are met:

- a) Housing provision is in line with policies H1, H2 and H3;
- b) Housing density is in the order of 35 dwellings per hectare;
- c) Built Environment: Character Area C3, Policy BE12 is fulfilled;
- d) Highway access to the site is improved to the satisfaction of the Highway Authority;
- e) Proposals include public open space to meet the needs of both new housing and the existing adjacent residential area;
- f) The southward side of the site is effectively screened and demarcated, through the addition of trees and/or a Cornish hedge and the ancient lane along this boundary is protected;
- g) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.

COMMENT

[See general comments on site allocation policies.](#)

AS5 Allocated Development Site – Land South of Carninney Lane, Carbis Bay.

Proposals for housing development will be supported for this site, shown as AS5 on Map 7, providing the following criteria are met:

- a) Housing provision is in line with policies H1, H2 and H3;**
- b) Housing density is in the order of 35 dwellings per hectare;**
- c) Built Environment: Character Area C3, Policy BE12 is fulfilled;**
- d) Highway access to the site is improved to the satisfaction of the Highway Authority;**

Authority;

- e) The southwest side of the site is effectively screened and demarcated, through the addition of trees and/or a Cornish hedge;**
- f) Consultation is carried out in the surrounding neighbourhood on the exact nature of the proposed plans.**

COMMENT

[See general comments on site allocation policies.](#)

AS6 Allocated Development Site – Land South of Poltreen Close, Carbis Bay.

Proposals for mixed use development will be supported for this site, shown as AS6 on Map 7, providing the following criteria are met:

- a) Housing provision is in line with policies H1, H2 and H3;**
- b) Housing density is in the order of 35 dwellings per hectare;**
- c) Built Environment: Character Area C3, Policy BE12 is fulfilled;**
- d) Highway access to the site is improved to the satisfaction of the Highway Authority;**
- e) Consultation is carried out in the surrounding neighbourhood on the**

exact nature of the plans.

COMMENT

[See general comments on site allocation policies.](#)

OPEN SPACES

Landscape Areas and Open Spaces Objective:

To safeguard the environmental resources of the coast and countryside in the St Ives NDP area, so that their special character and quality may be available for the enjoyment, appreciation and recreational use of the resident community and visitors for this, and the future, generation.

OS1 Landscape Areas and Open Spaces

Development will not be permitted in designated landscape areas and in other open spaces of local significance, identified on Map 8, unless:

a) It fully conforms to the objective to conserve and enhance areas with a national and County designation and their surroundings. These are:

- Area of Outstanding Natural Beauty, Area of Great Landscape Value,
- Site of Special Scientific Interest, World Heritage Site;
- Local Nature Reserve;
- County Wildlife Site;

b) It does not significantly harm the landscape character, amenity, historic, nature conservation, archaeological or geological values of the coast, shoreline, beaches, adjacent coastal waters, and countryside;

c) There would be no adverse environmental impact in terms of the number of trips generated or over-reliance on cars;

d) The site is capable of being effectively integrated into the surrounding landscape through landform and appropriate planting.

COMMENT

I have no comment on this policy.

Flora and Fauna Objectives:

- 1. a) To protect those aspects of the natural environment that provide habitats for local flora and fauna;**
- 2. b) To maintain and improve the current diversity of flora and fauna within the St Ives, Carbis Bay and Lelant areas;**
- 3. c) To ensure that the value of the natural environment is given due weight when applications for development are considered.**

OS2 Flora and Fauna

Development proposals, which have no adverse effect on the integrity or continuity of landscape features and habitats of local and national importance for wild flora and fauna, may be permitted. Proposals, which incorporate conservation and/or appropriate habitat enhancement to improve biodiversity may be supported.

COMMENT

I have no comment on this policy.

Trees, Woodland, Hedgerows and Cornish Hedges Objective:

To safeguard trees, woodland, hedgerows and Cornish hedges, which make a significant contribution to the environmental quality and character of an area.

OS3 Trees, Woodland, Hedgerows and Cornish Hedges

Development must retain and incorporate trees, woodland, hedgerows and Cornish hedges, which make a significant contribution to the character of the landscape, settlements, nature conservation, local amenity or environmental character of their surroundings.

COMMENT

I have no comment on this policy.

Disturbance and Pollution Objective:

To protect development sites and the areas around them from pollution, therefore considering health and wellbeing of permanent & temporary inhabitants, as well as adhering to the NPPF's desire to achieve sustainable development whilst protecting the natural and built environment without compromising the needs of future generations.

OS4 Disturbance and Pollution

Development, which is likely to generate disturbance by noise, light, fumes or dust will not be permitted unless they are compatible with surrounding uses.

Comment

I have no comment on this policy.

Settlements and Edge of Settlements

Objective: Ensure that development does not have significant adverse effect on the landscape setting of the settlements in the St Ives Area, and does not result in the merging of settlements.

OS5 Settlements and Edge of Settlements

Proposals for development within or on the edge of settlements should:

- a) Respect the amenity, recreational and wider environmental value of existing open spaces;**
- b) Not diminish the open areas of countryside between the settlements of St Ives, Halsetown, Carbis Bay and Lelant.**

COMMENT

This policy fails to explain the justification for or define the areas to be

protected it also seems to be attempting to deal with two distinctly different issues which may be better dealt with as two separate policies or separate headings within the existing policy, one dealing with the edge of settlements development and one dealing with development within the settlements. The policy would be improved by explaining why the separation of settlements is important and reference the areas involved on a map.

Open Areas within and on the edge of Settlements Objectives:

1. a) To retain and improve open areas within settlements that have amenity, environmental or other value. This includes green fingers, corridors or wedges, which enable the countryside to penetrate into a built-up area and help maintain a semi-rural character and appearance. The interface between the urban and rural landscape requires sensitive treatment;
2. b) To retain the connectivity between open areas as part of the green infrastructure of the area.

OS6 Open Areas within and on the edge of Settlements

Development, which would result in the loss of any open areas in the town or villages, which contribute to the character, local amenity or environmental quality of their surroundings, will not be permitted. This refers specifically (but not exclusively) to the following areas, as shown on Map 8:

1. Beach Road, St Ives
2. The Island, St Ives
3. Trenwith, St Ives
4. Tregenna, St Ives
5. Treloyhan, St Ives

6. Land above Porthminster Beach, St Ives
7. Carbis Valley, Carbis Bay
8. Bedford Road gardens, St Ives
9. Steeple Fields, St Ives/Carbis Bay
10. Laity Lane (between junctions of Laity and Trencrom Lanes up to Laity farm)
11. The Burrows, St Ives
12. Anne's Wood, Lelant
13. Woodland Plantation opposite Lelant Station
14. Woodland Plantation, Green Lane, Lelant

COMMENT

In order for a policy of this type to meet the Basic Conditions it is necessary for the areas defined as open spaces must be based on good evidence of their importance and value to the community and must not be “extensive tracts of land” (NPPF). Explanation of the criteria for their selection would be helpful. I am of the opinion that the phrase “(but not exclusively)” will need to be omitted- any areas to be protected need to be identified now, prior to the Neighbourhood Development Plan proceeding to a referendum. If there is a desire to include other areas at a later date this will need to be the subject of a revision of the plan.

Rights of Way Objective:

Rights of way are particularly important in facilitating access to the countryside and often provide essential links between towns and villages and the open areas and green spaces around them.

OS7: Rights of Way

Development, which would directly or indirectly affect existing rights of way as shown on Map 9 must not result in their use being less safe, convenient or attractive. Proposals for the improvement of existing rights of way are acceptable.

COMMENT

I have no comment on this policy.

Agricultural Land Objective:

To protect good agricultural land as a non-renewable resource, which may be needed for future food production, instead giving preference to brownfield sites and more efficient use of existing vacant properties.

OS8: Agricultural Land

Development which would result in the irreversible loss of agricultural land graded 2, 3 and 3a in the Department for Environment, Food and Rural Affairs classification, as shown on Map 8, will not be permitted unless there is no practicable alternative and the importance of the development outweighs the need to protect the best and most versatile land.

COMMENT

I have no comment on this policy.

Panoramas and Vistas Objective:

The many vistas and panoramas of the St Ives area reflect its unique and historical landscape character. The close relationship of the town with its natural setting both seaward and landward, framed by a green setting of woodland, fields and moorland, gives it a special and distinctive character.

OS9: Panoramas and Vistas

Development should not compromise views within St Ives, or views to and from the town, that contribute to its special character and quality of coast, countryside and townscape panoramas and vistas

COMMENT AND SUGGESTED MODIFICATION

This policy would be improved by describing the views, setting criteria for selection, explaining their importance and by identifying the views on a map.

Policy OS9 Panoramas, Vistas and Views.

Due to the topography and historic development of St.Ives there are important panoramas, vistas and views within St Ives, or views to and from the town, that contribute to its special character and quality of coast, countryside and townscape. Development should not compromise the panoramas, vistas and views shown on map? and described in Appendix?

WELL-BEING, SPORTS AND LEISURE

Community Facilities and Public Spaces Objective:

Protection of the limited amount of open and community amenity spaces that exist in the St Ives area, and the promotion of activities that bring people together for sporting, recreational and leisure purposes.

CF1 Community Facilities and Public Spaces

Development that results in the loss of community facilities and public spaces currently used for sports or recreation (including areas where ownership is currently not defined) – as shown on Map 10 and listed in Appendix 3, or that results in any harm to their character, setting, accessibility, appearance, general quality and amenity value will only be permitted on the following grounds:

a) They are replaced by community facilities and/or public spaces of equal or higher quality, economic viability and value to the community;

b) The new facilities can be provided on the same site or another equally (or more) suitable and accessible site within the St Ives Area NDP area;

c) Proposals can be proved acceptable to the users of the community facility and/or public space and their immediate surrounding areas through public consultation.

COMMENT

I have no comment on this policy.

New Public Spaces and Community Facilities Objective:

To allow for future provision of amenities and facilities, including open amenity spaces for the well being of local communities.

CF2 New Public Spaces and Community Facilities

The provision of new or improved recreational and sports facilities will be permitted in or on the edge of towns and villages provided that:

a) The proposal is in keeping with the character and amenity of its surroundings;

b) The scale of the facility is related to the needs of the area;

c) There is safe and convenient access for potential users;

d) The proposal adopts high levels of sustainability in design.

COMMENT

I have no comment on this policy.

Informal Recreational Activities in the Countryside Objective:

To facilitate, where appropriate, the use of the countryside for informal recreational activities and enjoyment.

CF3 Informal Recreational Facilities in the Countryside

Proposals, which involve the use of land in the countryside to facilitate and enhance informal recreational activities and access, related to the enjoyment and interpretation of the countryside will be permitted where they would:

- a) Have no significant adverse impact on the character of the landscape;**
- b) Not have an adverse effect on other land uses in the vicinity;**
- c) Be capable of being integrated into the surrounding landscape, through landform and appropriate planting;**
- d) Promote the use of public rights of way as shown on Map 9.**

Ancillary facilities must, where practicable, be accommodated in existing buildings, which are of a form, bulk and general design in keeping with their surroundings. Where a new building is a functional requirement of the proposal it must be in or adjacent to a settlement or an existing complex. The lighting of outdoor facilities in open countryside will not be permitted where it would result in light pollution or adversely affect the character of the area.

Proposals for stable accommodation will be permitted provided that they are located in or adjacent to an existing complex or they utilise existing buildings, which are of a form, bulk and general design in keeping with their surroundings.

COMMENT

I have no comment on this policy.

TRANSPORT

Sustainable Transport Objective:

To address the issue of increasing traffic volumes and congestion by improving the opportunity for more sustainable and eco-friendly means

of travelling around (e.g. walking, cycling and using public transport) thereby discouraging the use of private cars.

T1 Sustainable Transport

Priority will be given to developments that:

- a) Incorporate a mix of uses so that the need to travel will be minimised;
- b) Contribute to the provision of safe, accessible and attractive cycle and pedestrian routes within the site and through to local amenities, and provide links to current or proposed pedestrian routes and cycle networks, or access to public transport facilities;
- c) Do not adversely affect proposed or existing footpaths or cycle networks, as shown on Map 9.

COMMENT

I have no comment on this policy.

Parking Objective:

To alleviate reliance on street parking on narrow lanes, highly trafficked roads and streets, and resist the loss of existing off-street parking capacity in the area.

T2 Parking Provision for New Housing and other Developments

Proposals for housing development will be required to provide a minimum of one off-street parking space for units with 1-2 bedrooms and a minimum of two off-street parking spaces for units with 3 or more bedrooms.

Proposals for housing developments of four or more dwelling units will also be required to provide one further off-street visitor parking space per four dwelling units.

The provision of electric vehicle charging outlets will be considered

favourably.

All plans must be in accord with the recommendations in the current Cornwall Design Guide relating to ‘Street & Home – Car Parking’.

Proposals accompanied by a parking provision of fewer parking spaces per unit than the above will only be permitted if:

- a) Alternative and reasonably accessible car parking arrangements can be demonstrated and which themselves do not add to on-street parking, and are acceptable to the Police Architectural Liaison Officer; or**
- b) Otherwise acceptable and well-designed new build or conversion schemes in conservation areas would be incapable of meeting the parking provision; or**
- c) Adequate parking is available through a residents’ parking scheme.**

All other forms of development will be expected to provide a level of off-street parking, which adequately serves the use, proposed and takes into account a robust travel plan.

COMMENT

I have no comment on this policy.

T3 Avoiding Loss of Parking

Development proposals that would result in the loss of off-street car parking will not be permitted unless:

- a) In relation to existing public car parks an equivalent or better capacity is provided in the vicinity; or**
- b) In relation to existing public car parks, the car park is demonstrably underused throughout the year; or**
- c) In relation to private car parks or similar off-street parking areas an equivalent or better capacity is provided elsewhere or the need for the private parking capacity can be shown to be reduced as a result of the**

implementation of the development proposal.

COMMENT

I have no comment on this policy.

BUILT ENVIRONMENT – CHARACTER AREAS

1. General Comments on Character Area Policies:

The use of policies relating to Character Areas is a good approach however this section of the plan is complex and potentially confusing in addition to in some respects being overly restrictive and not reflecting existing Permitted Development rights for owners/users of existing buildings. To be effective policies of this kind need to be readily accessible and understandable. Much of the information is repeated for each Character Area and would benefit from the introduction of an overarching “Design Code” policy for this section of the plan.

2. The NPPF whilst requiring good high quality design which respects its context it does not support overly restrictive design criteria and the policies need to be reviewed to ensure that they are not in conflict with the NPPF.

Character Areas S1, S2, S3, S7 and S8: St Ives Historic Core Objectives:

1. a) To recognise and respect the essential elements of the unique character of each historic core and preserve and protect its architectural history and integrity;
2. b) To ensure all new developments and renovations are fully informed by the distinctive elements and setting of the Character Areas and their specific site and immediate surroundings; and to promote architectural excellence and building quality;
3. c) To retain shop fronts which contribute to the historic character of the area.

BE1 Preservation and Conservation of Historic Core Areas

Developments, including infill sites of up to 0.3 hectares, within character areas S1, S2, S3, S7 and S8, shown on Maps 11 and 12 must:

- a) Preserve and enhance the distinctive streetscapes (cobble paving, cast-iron railings, granite gullies etc. as typical of each area);**
- b) Preserve areas where the distinctive character relies on a grouping of a series of buildings that makes a streetscape;**
- c) Respect the different character areas within each settlement and acknowledge and reinforce the urban hierarchy and diversity they represent.**

The use of balconies, except on the seaward facing elevations of seafront properties, or building elements inconsistent with the character of the area will not be permitted.

The use of plastic cladding as a substitute for timber cladding will not be permitted.

COMMENT

[See general comments on Character Areas above.](#)

BE2 New developments and Renovations within the Historic Core Areas

New developments and renovations within Character Areas S1, S2, S3, S7 and S8 as shown on Maps 11 and 12 must:

- a) Respect the volume, height, street-lines and rooflines (including chimneys) of the adjoining streetscapes;**
- b) Use traditional materials such as granite and slate along with other materials in a similar palette;**
- c) Not use plastic cladding as a substitute for timber cladding on publicly visible elevations;**
- d) Preference the use of metal guttering and drainpipes;**

e) Preference the use of lime pointing and rendering.

COMMENT

[See general comments on Character Areas above.](#)

BE3 Retail and Shop Environment within St Ives Area

Within the Character Areas S1, S2, S3, S7 and S8 as shown on Maps 11 and 12, proposals for new shop fronts will be permitted provided that:

- a) They relate to the scale and proportions of the building and frontage in which they are to be situated and those in the immediate area;
- b) Traditional stall risers and pilasters are retained or replaced in granite or other sympathetic material;
- c) The design is in conformity with the St Ives Shop front Design Guide.

Within the commercial area of St Ives (Character Areas S1, S2 and S3), the conversion of vacant or underused space above commercial premises will be supported.

COMMENT

[See general comments on Character Areas above.](#)

Character Areas S4 and S8: Down-a-long and Porthmeor East

Objectives:

1. a) To protect the area's historic character, historic buildings and its architectural detailing;
2. b) To protect and (where possible) extend areas of traditional granite surfacing;
3. c) To limit the highly visible impact of the mass-produced 'wheely bins' (for refuse) to progressively reduce the high levels of traffic that directly interfere with the enjoyment and amenity of this core historic area;

4. d) To improve pedestrian use and orientation through improved and appropriate signage within the compact network of roads and pathways.

BE4 Down-a-long and Porthmeor East

Proposals for the development, renovation and repair, affecting Character areas S4 and S8 as shown on Maps 11 and 12 will not be permitted unless the following historic and architectural features are satisfied:

- a) **Respect the proportion, volume, height, density, roof and building lines of the existing streetscapes;**
- b) **Retain or incorporate distinctive local materials - Cornish granite, natural slate, lime mortar, brick and stone chimneys on all visible elevations;**
- c) **Retain or preserve decorative plasterwork;**
- d) **Retain or incorporate traditional granite surfacing;**
- e) **Retain, maintain and enhance important street-scape features; such as sliding sash windows, four panel front doors, cast iron guttering and downpipes. Modern alternatives will only be considered insofar as they closely emulate the style and materials of the character area.**

The use of balconies, except on the seaward facing elevations of seafront properties, or building elements inconsistent with the character of the area will not be permitted.

The use of plastic cladding as a substitute for timber cladding will not be permitted.

COMMENT

[See general comments on Character Areas above.](#)

Character Areas S5 and S11: The Terraces and Later Terraces

Objectives:

Maintain the character of the area, and give due consideration to:

- 1. a) Its steep terrain that provides extensive views over the town and sea;**
- 2. b) Its high visibility means that changes will often have town wide implications;**
- 3. c) The protection of gardens which are integral to the character of the area;**
- 4. d) Its overall architectural character and essential elements of the buildings in the area;**
- 5. e) Areas where distinctive character relies on a grouping of buildings that makes up the streetscape – i.e. The Terraces;**
- 6. f) The improvement to the key approach routes and pedestrian links that run through the area;**
- 7. g) The maintenance of the trees, green space and landscaped areas that are important components of the area.**

BE5 The Terraces and Later Terraces

The design and layout of development, including infill sites of up to 0.3 hectares, in Character Areas S5 and S11 as shown on Maps 11 and 12 should:

- a) Respect the building and roofline of existing streetscapes;**
- b) Incorporate local materials of granite, natural slate, lime mortar and brick chimneys;**
- c) Retain and incorporate railings, gates and front gardens.**

COMMENT

[See general comments on Character Areas above.](#)

BE6 Coastal Suburb and Railway Resort

Character Area S6: Coastal Suburb and Railway Resort Objectives:

- a) To ensure that any future developments are in sympathy with the character of the area, are of superior design and quality materials are used;**
- b) To counter the tendency to increased density by the sub-division of plots;**
- c) To protect trees in the public open spaces and in private gardens;**
- d) To ensure that any developments do not impact adversely on the skyline or affect the relative proportions of buildings when seen in town-wide views;**
- e) To improve the arrival experience of people to St Ives by rail and bus;**
- f) To enhance the Malakoff as a public open space.**

BE6 Coastal Suburb and Railway Resort

Proposals affecting the exterior appearance of buildings of historical and/or architectural significance within Character Area S6 as shown on shown on Maps 11 and 12 will not be permitted except where such a change would provide an overriding benefit to the community. The design and layout of all new development, including infill sites of up to 0.3 hectares, within Character Area S6 should:

- a) Respect the building line of existing streetscapes;**
- b) Respect the skyline and maintain the rhythm of town-wide views;**
- c) Respect the open and wooded aspects of the area;**
- d) Retain the generous relationship between plot size and building size;**
- e) Retain and incorporate local materials of granite, natural slate, lime mortar and brick chimneys;**

f) Retain and incorporate sliding sash windows, panelled front doors, cast iron guttering and downpipes;

g) Retain and incorporate railings.

COMMENT

See general comments on Character Areas above.

BE7 The Island

Within Character Area S7 as shown on Maps 11 and 12;

a) No development on the island will be permitted other than the preservation, renovation and essential enhancement of existing buildings; the provision of coastal weather and maritime resources; and the overall protection as an important green space of within the town;

b) New development on the beach will not be permitted unless it is limited to the enhancement or improvement of existing beach related services – cafes, food kiosks, toilets, beach huts, beach-related retail and beach-related support facilities and preserves the form of the existing buildings. Development, which extends the frontage onto the beach, will not be permitted;

c) No change of use will be permitted to the remaining workshop spaces edging the car park site known as ‘the old workshop’ and wastrel studios.

The use of balconies, except on the seaward facing elevations of seafront properties, or building elements inconsistent with the character of the area will not be permitted.

The use of plastic cladding as a substitute for timber cladding will not be permitted.

COMMENT

[See general comments on Character Areas above.](#)

Character Area S9: Porthmeor Central Objectives:

1. a) Restrict development on the beach to beach-related services;
2. b) Conserve and protect the remaining stone built traditional buildings;
3. c) Recognize the prominence of this Character Area in views from the surrounding landscape and it's prominence for the visitor experience and therefore:
 - i. Improve the appearance of the car parks;
 - ii. Ensure that any development on Clodgy View is of the highest quality;
- d) Manage the loss of front gardens to parking usage.

COMMENT

[See general comments on Character Areas above. In 1\(a\) the word "restrict" should be replaced by "control".](#)

BE8 Porthmeor Central

Within Character Area S9 as shown on Maps 11 and 12;

a) New development on the back of the beach will not be permitted unless it is limited to the enhancement or improvement of existing beach related services – cafes, food kiosks, toilets, beach huts, beach-related retail and beach-related support facilities.

Development, which extends the frontage onto the beach, will not be permitted;

b) Existing stone built traditional buildings should be retained in any new development, including infill sites of up to 0.3 hectares;

c) Proposals involving off-street parking should maintain or improve

existing highway boundary treatments, including infill sites of up to 0.3 hectares.

The design and layout of development, including infill sites of up to 0.3 hectares, within this Character Area should:

1. Respect the building line of existing streetscapes;
2. Incorporate local materials of granite, small module natural slate and brick chimneys wherever possible;
3. Retain and incorporate railings and gates to front gardens wherever possible;
4. Retain and incorporate existing trees, shrubs and Cornish walling.

Where infill development extends to the party boundary there should be no side windows, in order not to restrict the possibility of the adjacent site also being developed up to the boundary to form a linked terrace.

COMMENT

[See general comments on Character Areas above.](#)

Character Area S10: Porthmeor West Objectives:

1. a) Restrict development on the back of the beach to beach-related services;
2. b) Recognise the prominence of this character area in views from the surrounding landscape;
3. c) Improve the integration of the area in to the landscape;
4. d) Ensure that any development on Beach Road is of the highest quality;
5. e) Manage the loss of front gardens to parking usage.

COMMENT

[In 1\(a\) the word “restrict” should be replaced by “control”.](#)

BE9 Porthmeor West

Within Character Area S10 as shown on Maps 11 and 12;

a) New development on the back of the beach will not be permitted unless it is limited to the enhancement or improvement of existing beach related services – cafes, food kiosks, toilets, beach huts, beach-related retail and beach-related support facilities. Development, which extends the frontage onto the beach, will not be permitted;

b) Proposals involving off-street parking, including infill sites of up to 0.3 hectares should maintain or improve existing highway boundary treatments.

The design and layout of development, including infill sites of up to 0.3 hectares within this Character Area should:

- 1. Respect the building line of existing streetscapes;**
- 2. Incorporate local materials of stone walling, small module natural slate and brick chimneys wherever possible;**
- 3. Retain and incorporate railings and gates to front gardens wherever possible;**
- 4. Retain and incorporate existing trees, shrubs and Cornish walling.**

COMMENT

[See general comments on Character Areas above.](#)

Character Area S12: St Ives West Objectives:

- 1. a) Improve the integration of the area into the landscape when viewed from western town approaches;**
- 2. b) Conserve and protect the remaining stone built traditional buildings;**

3. c) Improve the environment of the industrial estates and older areas of social housing;
4. d) Improve the appearance of the upper and mid-Stennack as a major entry point into the town;
5. e) Celebrate, repair and maintain the surviving historic buildings along the Stennack valley floor and elsewhere;
6. f) Prevent development along Burthallan Lane extending further into the countryside in order to prevent further visual impact on long views from the east of the coastal moorlands;
7. g) Manage the loss of front gardens to parking usage;
8. h) New development should enhance the quality of the character area rather than detracting further from it.

BE10 St Ives West

Within Character Area S12 as shown on Maps 11 and 12 new development, including infill sites of up to 0.3 hectares, should:

- a) Incorporate semi-mature street tree planting and hedges to boundaries with open countryside and shelter-belt tree planting to maximise its integration into the landscape;
- b) Retain existing stone built traditional buildings either by re-use or incorporation;
- c) Where proposals involve off-street parking, maintain or improve existing highway boundary treatments;
- d) Respect the building line of existing streetscapes;
- e) Incorporate local materials of granite walling, small module natural slate and brick chimneys wherever possible;
- f) Where in the vicinity of existing stonewalled buildings, incorporate granite elements to reinforce the local character;
- g) Retain and incorporate railings, gates and front gardens wherever

possible;

h) Retain and incorporate existing trees, shrubs and Cornish walling;

i) Refer to NDP policies OS1, OS2, OS3, OS4, OS5 and OS8 regarding the guidance of further development on Burthallan Lane.

COMMENT

[See general comments on Character Areas above.](#)

Character Area S13: The Belyars Objectives:

1. Ensure that any future developments are in sympathy with the character of the area, are of superior design and quality materials are used so that they enhance the quality of the character area rather than detract from it;
2. The impact of surface water run-off from extensive paved areas and hence lessen the risk of flooding of properties at lower levels;
3. The tendency to detract from the rural transition character of the area;
4. Mature trees.

BE11 The Belyars

The design and layout of all new development within Character Area S13 as shown on Maps 11 and 12 should:

- a) Retain a generous relation between plot size and building size;
- b) Retain and incorporate local materials of granite, natural slate, lime mortar and brick chimneys into buildings;
- c) Retain and incorporate Cornish hedges, granite walls and mature trees;
- d) Respect the open and wooded aspects of the area;
- e) Incorporate sustainable drainage systems sufficient to take the

maximum volume of water emanating from the property;

f) Any development on the rural fringes should incorporate semi-mature street tree planting and hedges to boundaries with open countryside and shelter-belt tree planting to maximize its integration into the landscape;

g) Proposals involving the demolition of the remaining traditional character buildings in the area should not normally be supported.

COMMENT

See general comments on Character Areas above. In g) “should not” should be replaced with “will not”.

Carbis Bay: Character Areas C1 – C7 Objectives:

1. a) Improve the appearance of areas along St Ives Road as a major entry point into the town (landscaping, street furniture, lighting);
2. b) Conserve and protect the few surviving traditional granite cottages and terraces;
3. c) Ensure public spaces (parks and children’s playground areas) are retained for public use;
4. d) Create a ‘town centre’ to encourage new businesses that will improve local amenities for residents.

BE12 Carbis Bay

The design and layout of all new development within Character Areas C1 – C6 as shown on Maps 11 and 13:

- a) Must have a proportionate plot size in relation to the building and its surrounds;
- b) Will not be permitted on Carbis Bay Beach unless it is limited to the enhancement or improvement of existing beach related services – cafes, food kiosks, toilets, beach huts, beach-related retail and beach-related

support facilities. Development, which extends the frontage onto the beach, will not be permitted;

c) On the outer fringes of the built up area should incorporate semi mature street planting and hedges to boundaries with open countryside;

d) Where new housing development is adjacent to existing areas of predominantly single storey dwellings, a maximum elevational height of one and a half stories will normally be accepted. However, in larger new developments, one and a half storey dwellings may form a transition to buildings of 2 or more stories, and consistent with the character area.

Within character area C2 no development will be permitted other than improvement and renovation of existing buildings and within the context of permitted development.

Within character area C6 the sub-division of large gardens, especially those bordering Cliff Walk and Hawkes Point will not be permitted.

COMMENT

[See general comments on Character Areas above.](#)

Character Areas L1 and L2: Lelant Historic Core and Historic Clusters in outlying areas Objectives:

1. a) Recognise and respect the essential elements of the unique character of each historic core and preserve and protect its architectural history and integrity;
2. b) To ensure all new developments and renovations are fully informed by the distinctive elements of the Character Areas and their specific site and immediate surroundings;
3. c) Promotion of architectural excellence and building quality.

BE13 Historic Core Areas of Lelant

New development and renovations within historic core areas L1 and L2

as shown on Maps 11 and 14 should:

- a) Respect the volume, height, street-lines and roof-lines of the adjoining streetscapes;
- b) Use traditional materials such as granite and slate along with other materials in a similar palette;
- c) Replicate the window and entrance door style historically typical of the Character Area.

The use of plastic entrance doors and double glazed fake leaded lights in windows is not supported.

The use of plastic cladding is not permitted.

The use of metal guttering and drainpipes is supported. The use of lime pointing and rendering is supported.

COMMENT

See general comments on Character Areas above. I consider the use of “replicate” in (c) is too restrictive and should be replaced with “reflect”

Character Areas L3-L8: Post-1920 Lelant Character Areas

Objectives:

- a) Ensure that any future developments are in sympathy with the character of the area, are of superior design and quality materials are used so that they enhance the quality of the character area rather than detract from it;
- b) Reduce the impact of surface water run-off from extensive paved areas and hence lessen the risk of flooding of properties at lower levels;
- c) Counter the tendency to detract from the rural transition character of the area;

- d) Protect mature trees;**
- e) Improve the integration of the area into the landscape;**
- f) Conserve and protect the remaining stone built traditional buildings;**
- g) Ensure new development should enhance the quality of the character area.**

BE14 Post-1920 Lelant Character Areas

The design and layout of all new development within Character Areas L3-L8 as shown on Maps 11 and 14 should:

- a) Retain a generous relation between plot size and building size;**
- b) Respect the open and wooded aspects of the area;**
- c) Incorporate sustainable drainage systems sufficient to take the maximum volume of water emanating from the property;**
- d) Proposals involving the demolition of the remaining traditional buildings in the area should not normally be accepted;**
- e) Where proposals involve off-street parking, maintain or improve existing highway boundary treatments;**
- f) Respect the building line of existing streetscapes;**
- g) Incorporate the use of local materials, such as granite walling, small module natural slate, and brick or stone chimneys, consistent with the character area;**
- h) Where in the vicinity of existing stonewalled buildings, incorporate granite elements to reinforce the local character;**
- i) Retain and incorporate Cornish hedges, granite walls and mature trees;**
- j) Incorporate semi-mature street tree planting and hedges to**

boundaries with open countryside and shelter-belt tree planting to maximize its integration into the landscape.

COMMENT

[See general comments on Character Areas above.](#)

Character Areas H1 – H3: Halsetown Conservation Area and Village Extensions Objectives:

1. a) To be consistent with the Localism provision of the Cornwall Local Plan 2010-2030, and satisfy the requirement under Policy PP2 to ensure development respects the character, needs and role of the village as a settlement, and retain the principal of Policy H7 in the Penwith Local Plan;
2. b) To preserve the unique nature of the planned, grid layout of the Conservation area;
3. c) To encourage a thoughtful and sensitive evolution of the village facilities and services;
4. d) To maintain the visual impact of the village at the entrance to St Ives by limiting new development adjacent to the Conservation area;
5. e) To restrict further development of land along adjoining roads to St Ives, Penzance, Lelant, Carbis Bay and Towednack and Balnoon.

COMMENT

[This policy should be modified to remove reference to the Cornwall Local Plan.](#)

BE15 Halsetown Conservation Area and Village Extensions

Within Character Area H1, H2 and H4 as shown on Maps 11 and 15;

- a) Housing development, other than the conversion of suitable existing buildings, will not be permitted;

b) All other development must retain the distinctive character of the village and be consistent with the principle of low density, low impact, self-sufficient development and/or provide additional amenities to the Halsetown community.

Within Character Area H3 as shown on Maps 11 and 15;

a) Housing development will not be permitted unless it complies, and is consistent with, the low-density rural form of Halsetown;

b) Development will not be permitted if it impacts unduly on the landscape and infrastructure;

c) All developments proposed should retain the traditional 1 1/2 storey architectural form with facades maintaining the use of construction methods and materials consistent with the character area;

d) Infill development of open spaces (including gardens) will not be permitted.

COMMENT

[See general comments on Character Areas above.](#)

Character areas: St Ives, Carbis Bay and Lelant Rural Surrounds

Objectives:

- 1. a) To maintain the visual integrity of the rural hinterland within the St Ives area;**
- 2. b) To ensure the spatial relationship – size, height, density of new building developments remain compatible with the existing form of the built environment;**
- 3. c) To ensure any new development, replacement or re-purposed buildings within the rural surrounds complements and reinforces the existing architecture and its recognisably rural Cornish character with its use of Cornish granite, slate and paint finishes;**

4. d) That design and building quality is the focus of all new development and where the use of new materials and methods of construction are proposed that it contributes positively to the distinctive character of the area.

BE16 St Ives, Carbis Bay and Lelant Rural Surrounds

Proposals for development within this Character Area, as shown on Map 11 will only be permitted provided that:

- a) It preserves existing Cornish hedges, stone walls and mature trees;
- b) Existing buildings are repaired, renovated and re-used or demonstrates that they are irrevocable beyond repair or reuse before replacing;
- c) It respects existing pathways and approaches, significant views and settlement borders;
- d) It maintains exiting spatial relationships, building heights and densities, roof and building lines adjacent to the character area;
- e) Where existing buildings contribute to distinctive character of an area that any proposed building elevations are sympathetically related. Designs with an unbalanced window to wall ratios will be discouraged;
- f) Where car parking is proposed the surface finishes are restricted to the approach and parking area only and soft landscaping forms a major part of the proposal.

COMMENT

[See general comments on Character Areas above.](#)

Development on Existing Private Gardens Objective:

To ensure that due consideration is given to the protection of gardens which are integral to the character of the area; to ensure that

development does not result in the loss of, or significant harm to, the ecological or landscape value of private residential gardens in the NDP area.

BE17 Development in Existing Private Gardens

Infill development in private gardens will be permitted only where all of the following apply:

- a) There is no loss to the character, local amenity or environmental quality of the surroundings;
- b) The site is served by a suitable existing highway on one or more boundaries;
- c) The resultant plots include sufficient usable amenity space for both the new and existing dwellings. For houses, a target size of 70 square metres for rear gardens should be achieved where possible, with an absolute minimum size of 40 square metres being acceptable only for 1 or 2 bedroom dwellings. For communal amenity spaces for apartments, the requirement is between 10 – 30 square metres per unit, dependent on apartment size;
- d) Proper respect is given to the relationship between the building size and plot size, which should be in keeping with the character area;
- e) The proportions of the new buildings are in keeping with the character of the area;
- f) Significant features, trees, granite walls, etc. are preserved and reconstructed/replaced where unavoidably affected by development.

COMMENT

This policy is complex and very restrictive and could benefit from simplification. As previously stated a number of the elements in this policy would be more appropriately located within a “Development principles “ policy.

SECTION 5

Conclusion and Recommendations

1. I find that the St.Ives Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.
2. The Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The St.Ives Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. I find that the Sustainability Appraisal, which also covers the Strategic Environmental Assessment requirement, and the amended Habitats Regulations Assessment screening, meets the EU Obligation.
5. The policies and plans in the St.Ives Neighbourhood Development Plan would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Penwith Local Plan 2004 (saved policies), the Development Plan.
6. A number of the plan policies as currently worded would not in my opinion meet the Basic Conditions however subject to the proposed modifications I recommend that the St.Ives Neighbourhood Development Plan can proceed to a Referendum.

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2nd December 2015

