



# Penwith District Council

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Date : 5 March 2008

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## PLANNING COMMITTEE - TUESDAY, 11 MARCH 2008

Please find attached a report entitled "Redevelopment of the Former Hawkins Motors Site, Hayle Terrace, Hayle" which was marked 'to follow' on the agenda you recently received.



for Head of Corporate Services

To:

Chairman : Councillor Semmens A C  
Vice-Chairman : Councillor Maddern W G

### Councillors

Bailey Miss A I	Harding R	Ruhrmund J
Cook D J	Mates P E	Thomas S E
Dixon J H	Pascoe A L	Tonkin G E T
Eddy R H	Payne M J	Watson Mrs Y
Goninan C J	Penhaligon Mrs E M	

All other Councillors  
Corporate Management Team  
The Press

**If you consider yourself to be a person with a disability  
and need further information about the suitability of the venue,  
please phone the number given above.**



**Substitutes:**

Bennett J	Pilcher M E
Fonk M L C	Schofield E M
Harry D	Smith H H
Lello R H	Symons Mrs J
Lewarne R	Tanner Mrs J
Mann R A	Thomas D G
Mitchell A P	Thomas J M
Nicholas S	Tovey R J

**2025 Vision Outcomes:**

Outcome 1	<b>Jobs</b> A prosperous area with job opportunities for all
Outcome 2	<b>Housing</b> An area that has sufficient quality housing for community needs
Outcome 3	<b>Safe, Strong Communities</b> An area that supports safe, empowered and thriving communities
Outcome 4	<b>Health</b> A place where people are healthy and active
Outcome 5	<b>Learning</b> An area that provides learning opportunities for all
Outcome 6	<b>Environment</b> A community that values and protects its distinctive landscape and environment
Outcome 7	<b>Culture and Heritage</b> A community that protects, enhances and celebrates its culture and heritage
Outcome 8	<b>Resources</b> A community that makes best use of its resources
Internal objective	To shape and manage the organisation <b>Internal theme 1</b> – to have invested in our workforce <b>Internal theme 2</b> – to have achieved excellence in service delivery <b>Internal theme 3</b> – meeting future challenges.

PENWITH DISTRICT COUNCILPLANNING AND DEVELOPMENT COMMITTEE - 11TH MARCH 2008PART I – REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT AND IMPROVEMENT**1. REDEVELOPMENT OF THE FORMER HAWKINS MOTORS SITE, HAYLE TERRACE, HAYLE.**MAIN IMPLICATIONS:

Vision Outcomes – greatest impact	: Outcome 2.
Vision Outcomes – other impacts	: Outcomes 6, 8.
Pounds	: N/A
Performance	: N/A
Project Number	: N/A
Partnerships	: N/A
Equality	: N/A
Legal	: Town and Country Planning Act and Local Plan.
Risk rating	: N/A

**2. EXECUTIVE SUMMARY**

- 2.1 In order to expedite the development of the former Hawkins site on Hayle Terrace the Council organised two workshops, the first in November 2007 and the second in February 2008, which brought together a number of interested parties and specialists to investigate the options for redeveloping the site. Prior to the initial workshop taking place, a site visit to Shaldon (Teignmouth) and Gun Wharf (Plymouth) was arranged to view recent and award winning housing developments that have similar constraints and opportunities as the former Hawkins site. The workshops allowed the key issues to be addressed in discussions involving the Town Council (at the first workshop) and the site owners and agent (at the second workshop) and significant contributions have been made to determining the future of the site.
- 2.2 Following the conclusion of the workshops, the stage has been reached where a degree of consensus has permitted the drawing up of a draft Development Brief for consultation; this document is attached as an appendix. The developer has also been able to produce an indicative layout for the site which is also appended and they have opened discussions regarding the mix of open market and affordable housing.
- 2.3 The purpose of the draft Development Brief is to inform a short consultation period during which members of the public, interested parties and statutory consultees are given the opportunity to comment on the latest proposals. **Members are requested to consider whether their support can be given to the draft Development Brief being released for consultation.**

### 3. ASSESSMENT

3.1 The draft Development Brief contains an assessment of the key issues and sets out the options identified by the workshops as being viable. Of critical importance is the existence of a Section 106 Agreement (S106a) requiring the provision of minimum of 26 affordable housing units on the site. Since the completion of the S106a the site has been included within the World Heritage Site designation and the requirements for assessing flood risk have been made more stringent through Planning Policy Statement 25 (Development and Flood Risk) introduced in December 2006.

3.2 Members should note the position of Hayle Town Council who resolved, as recently as 7 February, the following;

*"It was noted that a second design workshop is scheduled for 28 February 2008 at which it is intended to determine a design for the site. However, it was also identified that the deadline for the completion of the process was set for the beginning of January 2008 and that progress to date has been disappointing. It was resolved to write to Penwith District Council pointing out that the Council sees no value in supporting the design brief process further as the deadline for the completion of the process has been passed. In addition the Town Council has previously decided that the form of development it sees as most appropriate for the site is five market value houses on the footprint of the existing buildings, with the remainder being utilised as open space and that the Section 106 Agreement should be amended to reflect this approach to its redevelopment."*

3.3 The changing circumstances outlined in paragraph 3.1 point to the original S106a agreed in 2002 being potentially undeliverable in the context of the additional constraints on the site. The costs of constructing 26 affordable units of a design and materials which protect the character of the Conservation Area and World Heritage status is less viable, while the scale and massing of a 26 unit development has the potential to harm the historic character of the area as well as conflicting with local aspirations for public open space. The production of a development brief, at this time, would allow a reassessment of the best options for the site.

3.4 This consultation document does not aim to constrain debate but to draw out the issues and to identify the best options for the site. From this it is intended that a development brief will emerge that is adoptable and will give certainty to the developer.

3.5 The preferred option proposal put forward by the developer is based upon the discussions held at the second workshop on 28 February. The indicative layout would comprise of 6 houses and two blocks of 4 apartments. Parking would be a mixture of on-street and within a courtyard. The design would respect the local vernacular with contemporary elements. Public open space is provided and this would be transferred to either Hayle Town Council or Penwith District Council (or the new unitary depending on timescale).

- 3.6 In terms of viability, any developer proposals would be subject to viability testing by the Council. Where the developer proposes less than the 26 affordable units required by the S106a, then justification needs to be made in terms of equivalent gains for the wider community.
- 3.7 Members are asked to consider whether they are able to endorse the draft Development Brief for the purpose of public consultation. The outcome of the consultation and further negotiations with the developer will be reported back to the Planning Committee.

#### 4. **RECOMMENDATION**

- \*\*\* It is therefore **RECOMMENDED** that the Committee endorses the draft Development Brief as the basis for a three week period of public consultation.

*Background papers:* Application 05/P/0062 and the Development Brief Workshop Final Report (28 January 2008).

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## DRAFT DEVELOPMENT BRIEF – HAWKINS MOTORS

### **Background**

Members will appreciate that the (old) Hawkins Motors site in Hayle has been a long running case, which dates back to May 2002 when planning permission was granted for the relocation of the business to Marsh Lane Industrial Park. This permission was the subject of a Section 106 agreement which in effect sought for the old site to be developed with not less than 26 affordable units.

Planning applications have been submitted proposing housing on the site, some have been withdrawn and there is currently a proposal outstanding for the construction of 14 terraced 3 bedroom houses and 8 one bedroom flats (7 units to be affordable) and associated works. None of the submitted applications have been considered by the Planning Committee.

It is considered that there are a number of important material issues which have arisen since the Section 106 agreement was first entered into, namely the designation of the site as part of the Hayle Conservation Area, World Heritage Site designation and issues regarding flood risk. In addition, members will be aware that a referendum was held at the request of Hayle Town Council concerning the future of the Hawkins site with regard to its use as open space.

Thus, the applicants have expressed the view that the 'goal posts' have been moved and that they consider that they have faced the problem of trying to meet what appears to be conflicting views between the referendum, District Council, and the Town Council. Following meetings with Hayle Town Council it was agreed that a development brief should be prepared and workshops were held to progress this. The results of the first workshops were then provided to Hawkins Motors and their agent when it was agreed that a further session should be held to consider the brief in relation to issues of viability. A copy of the outcome of the first workshop has previously been supplied to members. Unfortunately Hayle Town Council formally resolved not to attend the latest and arguably most productive meeting, which has led to this paper.

Very simply the various parties involved appear to have the following aspirations for the site:

- **Penwith District Council** – Provide much needed affordable housing supported by the imposition of the Section 106 agreement seeking a minimum of 26 affordable units on the site. In the workshop sessions it was also evident that the inclusion of a river side walkway was an important aspiration for both councils involved.
- **Hayle Town Council** - The Town Council have formally resolved that the form of development it sees as most appropriate for the site is five market value houses on the footprint of the existing buildings, with the remainder being utilised as open space.
- **Hawkins** - As owners they feel they have been faced with moving 'goal posts' concerning the development of this site and as a result have incurred considerable costs. Whilst evidently wishing to respect the wishes of the community in terms of the ultimate development, they also have an expectation of the site delivering a minimum financial return, which would not be achieved from affordable housing alone.

## **The Section 106 Agreement**

If the matter is to be progressed the first decision which needs to be confirmed is whether the Council will, in principle, be prepared to relax their stance with regard to the Section 106 agreement, by allowing a different form of development for the site. The following sets out the two positions:

### **A. Case for maintaining the agreement in its current form.**

- As is the case with all affordable housing provision, the element of affordable housing to be provided is by negotiation. The agreement is a negotiated agreement which Hawkins had agreed to sign in the full knowledge of what was required, i.e. the provision of not less than 26 affordable units. It has however been indicated that the applicants felt that their hands were tied and that if they didn't agree they would not get planning permission to relocate their business. As Members will appreciate, if an applicant is not willing to sign a negotiated agreement it would normally follow that refusal would be forthcoming and then the correct test of whether the agreement was unreasonable would be via the appeal process.
- The Council has offered what it regards as a reasonable sum for the site based on developing the site for not less than 26 affordable units. This offer was rejected by the owner on the basis that it was not reasonable.
- Affordable housing remains a priority issue for the Council and indeed the wider community.

### **B. Case for modifying the agreement.**

- The designation of the locality as Conservation Area and World Heritage sites since the Section 106 agreement was signed, places more constraints in terms of design and heritage which could add to the costs of developing the site for affordable housing.
- The flood risk issues continue to become more onerous and the need to provide walls and raise land levels add to costs and limit flexibility of developing the site.
- The Town Council have clearly indicated their desire to avoid affordable housing on the site in favour of a smaller number of open market housing and open space.

## **ASSESSMENT OF KEY ISSUES**

Clearly in determining an alternative brief for the site, which moves away from the requirements of the original Section 106 agreement, the most significant issues for the Council has to be whether the alternative provides at least the equivalent benefits to the locality as the provision of 26 affordable housing units, whilst still complying with planning policy. At the last meeting with the site owners a number of drawings of potential site layout outs were produced for discussion. Resulting from the discussions a further sketch was produced which provided for a combination of open space, open market housing and apartments which could include an element of affordable housing. This sketch is appended.

### **Open Space**

At present the Western end of the site is in effect open in that it has no buildings and was last used for external vehicle sales and parking. By utilising most of this area as open space the current open aspect is largely retained with the benefit of maintaining views across Copper House Pool. It should also be noted that Cllr. Robert Lello, during the initial workshop, pointed out that the site had once accommodated an historic wharf / turning point for ships. Indeed historically the open area of the site does not appear to have been the subject of any building activity. Thus, in terms of conservation/ heritage issues retaining the open nature of part of the site and enhancing its amenity value, and possibly introducing some form of interpretation of the industrial history of the site in relation to Hayle's role in World Heritage terms, can only be regarded as being a positive proposal. Thus, the provision of open space in this context may be seen as a benefit which could in part off set the need to seek a minimum of 26 affordable units.

### **Open Market Housing**

Given the relatively simplistic nature of traditional housing in the locality there is no reason why affordable housing should not achieve the same design standard as open market housing. Indeed, simple two storey terrace form housing would be very much in keeping. Thus, in visual, conservation, and heritage terms there is not a strong case to support open market market housing in favour of affordable housing. The inclusion of the open market housing element would potentially serve to form a mixed tenure of development whilst also providing the land owner with a greater financial return to assist with off setting against things like the provision of open space.

### **Affordable Housing**

Clearly the provision of 26 affordable units is not insignificant in terms of meeting the need for affordable housing, and as such should not be given up without very clear and defined benefits. If a compromise solution is to be found which goes some way to addressing the aspirations of the land owner and indeed the Town Council, inevitably there has to be some flexibility in terms of affordable housing provision. However, it would appear that there is scope to ensure that an element of affordable housing is provided on the site along with open market housing, however, there may also be scope to consider a lower level of affordable housing provision subject to a commuted sum being paid to provide affordable housing elsewhere in Hayle. Whilst the later option is rarely favoured given the constraints of the site in question it could be the case that the commuted sum option may in fact serve to deliver a greater number of affordable units overall.

## **Design Issues**

Whilst numbers of units are specified in the Section 106 agreement from a design perspective the most important issue is that the scale of buildings are appropriate to the context. In this respect given the need to raise the buildings above ground level to assist with flood mitigation it would be reasonable to conclude that a two storey development is all that the site could reasonably accommodate to reflect the prevailing character.

In terms of density the total site area only extends to 0.19 hectares, which in terms of accommodating 26 units would give rise to a very high density of 137 dwellings per hectare. The Penwith Local Plan policy H-18 seeks to achieve a density of between 30 and 50 dwellings per hectare net, or, more on sites with public transport accessibility. If a meaningful area of the site is to be utilised as public open space this would in effect further increase the density of building. A more moderate ratio (allowing for the fact that the site is well located within the town) of 60-100 dwellings per hectare would provide for 11-19 dwellings. In terms of the character of the area and general issues concerning providing a quality environment there is a case to support a more moderate density of development.

## **PROPOSED DEVELOPMENT & DESIGN PARAMETERS**

Taking into account the issues identified above, the sketch appended illustrates a scheme which seeks to provide for a mixed tenure of development incorporating a meaningful area of open space, together with making provision for the river side walkway. The key development and design parameters arising from this scheme are as follows:

- A significant portion of the western end of the site should be laid out as public open space to include interpretation facilities regarding the historic use of the quay. Any scheme shall then provide for the long term maintenance of the space by transferring the land into public ownership. The space shall provide the ability for the public to view the river and also gain access to the proposed water side walkway.
- In the central area of the site, housing shall be of two storey form of a scale to mirror that in Hayle Terrace opposite the site. In order to make the best use of the site the housing shall be of predominately terrace form. It will be critical that this section of housing is designed so as to respond in a very convincing manner to the character of the locality and in particular the Hayle Conservation Area.
- The eastern section of the site shall take the form of two storey small apartments, again to maximise the use of this brownfield site. Given the modern design of the existing commercial buildings on the site it is considered that there would be scope to provide a modern design solution to this block, which may assist with reducing the visual scale of the overall block and maximise the opportunities for glimpses of the river through the development site. However, again it will be very important that any proposed modern design solution is fully justified in terms of its response to the character and appearance of the conservation area. The provision of smaller units of accommodation as opposed to family units would also have the benefit of potentially reducing demand for car parking and would also provide the opportunity for local residents to down size thus freeing up larger family units for family occupation

- The sketch layout has the potential to achieve in the order of 15 units which should be regarded as the minimum target.

### **AFFORDABLE HOUSING PROVISION**

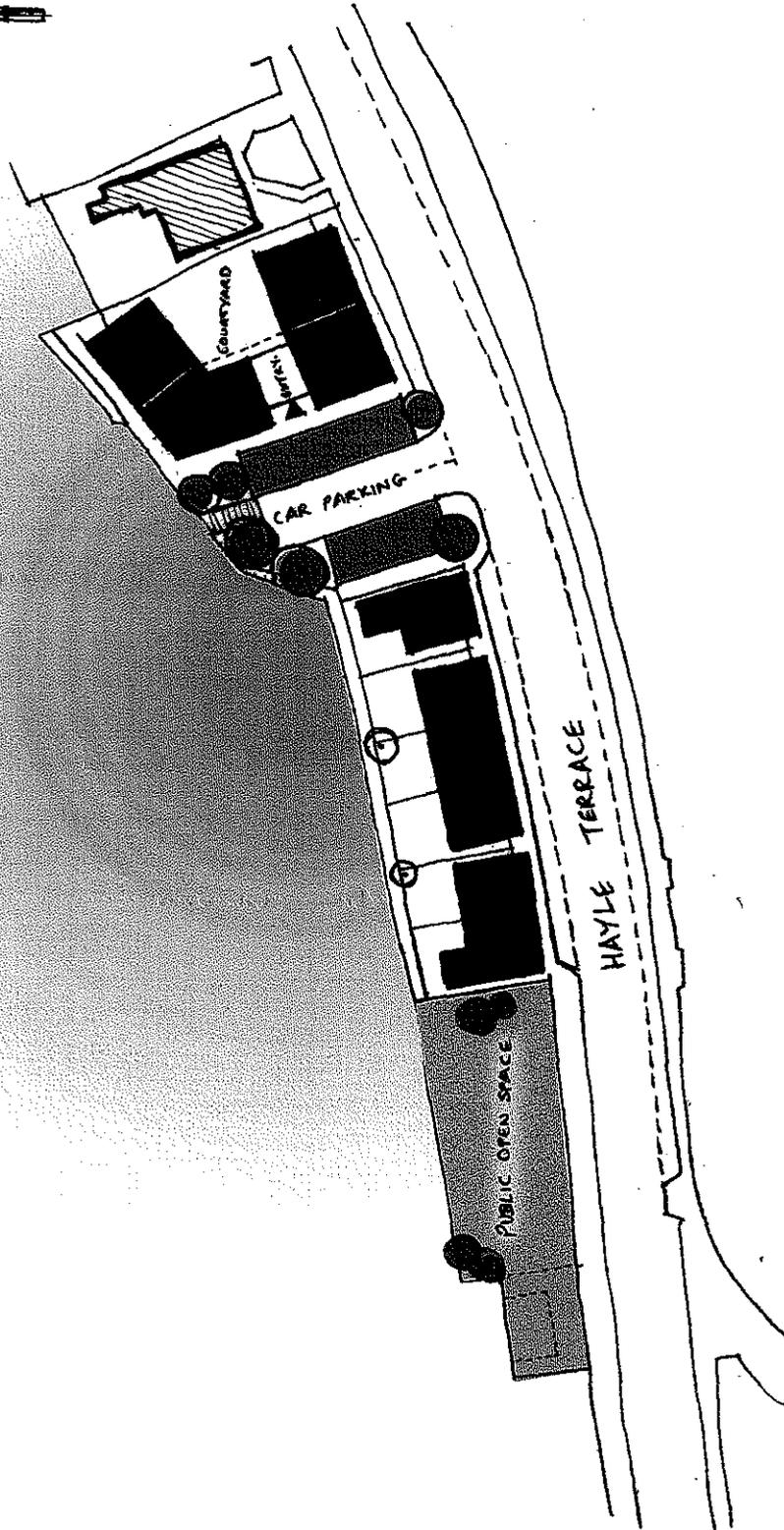
This is one of the most critical issues with regard to this proposal in that it is contended that the imposition of the Section 106 agreement has in effect set the value of the land on the basis of the site being used to provide not less than 26 affordable units. Thus, there is no requirement for the Council to in effect concede to allow a scheme which will provide the owner a greater financial return. The only justification in planning terms for considering the modification of the agreement would be on the basis of at least equivalent gains to the wider community being secured.

Notwithstanding the requirements of the Section 106 agreement, at present planning policy seeks a target of 30% minimum affordable housing in developments of 15 or more units. This provision has recently been achieved on brownfield sites in Hayle at the J.S. Poole site which is to be developed by Wimpey. Thus, if the site were judged in relation to policy with 15 units being proposed 5 affordable units would be the normal target figure. However, account must be given to fact that by accepting 5 units this would still leave a significant gap of some 21 affordable units compared to that which could have been provided by the Section 106 agreement. However, a mixed tenure scheme combining affordable and open market housing is often desirable.

Alternatively a significant commuted sum could be provided by the developer for off-site affordable housing. Securing this will allow an improved delivery of affordable housing elsewhere which in effect achieves a better affordable housing outcome, than seeking a higher percentage on site.

### **OPEN SPACE**

The site includes issues regarding flood risk, potential contamination, and listed structures in poor condition, all of which will have a significant bearing on the effective value of the open space. Thus, it is considered that given that such issues will also need to be addressed as part of the housing development and the open space should be provided in a condition where such issues have been resolved so as to ensure that which ever public body takes on the site it is not faced with an immediate liability. Any scheme therefore should include a specification detailing how the area will be treated prior to being handed over.



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The General Contractor is to check all dimensions on site and report any variations to the Architect. All details shown on this drawing are to be taken as the basis for construction. No responsibility can be accepted for abnormal conditions unless reported to the Architect, so that design amendments may be considered.

NOTES / REVISIONS

REV	DATE	NOTES	BY

ORIGINAL DRAWING SIZE: A3

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**KLINGVING & MORTON LTD**  
 Job Description / Location

**TRAMPED RESIDENTIAL SCHEME**

Drawing Title  
**SUBSTRA SCHEME  
 OPTION D**

DATE <b>JUNE '09</b>	SCALE <b>1:500</b>	DRAWN BY <b>TH</b>	CHECKED
JOB NO. <b>1102</b>	DRAWING NO. <b>SL-OPD</b>	DATE	REVISION

01 SUBSTRA SCHEME - OPTION D  
 SL-OPD SCALE 1:500